

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 14, 2022

11 2:09 p.m.

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14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BAILEY: The  
3 Senate 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 BAILEY: 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 BAILEY: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,  
16 March 13, 2022, the Senate met pursuant to  
17 adjournment. The Journal of Saturday, March 12,  
18 2022, was read and approved. On motion, Senate  
19 adjourned.

20 ACTING PRESIDENT BAILEY: 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: Good afternoon.

7 Mr. President, on behalf of Senator  
8 Skoufis, I wish to call up Senate Print 1735,  
9 recalled from the Assembly, which is now at the  
10 desk.

11 ACTING PRESIDENT BAILEY: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 460, Senate Print 1735, by Senator Skoufis, an  
15 act to amend the General Business Law.

16 SENATOR GIANARIS: Move to  
17 reconsider the vote by which the bill was passed.

18 ACTING PRESIDENT BAILEY: Call the  
19 roll on reconsideration.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT BAILEY: The bill  
23 is restored to its place on the Third Reading  
24 Calendar.

25 SENATOR GIANARIS: I offer the

1 following amendments.

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

5 SENATOR GIANARIS: Mr. President,  
6 there's a privileged resolution at the desk,  
7 Senate Resolution 2081, by Leader  
8 Stewart-Cousins. Please take that resolution up  
9 and read its title only.

10 ACTING PRESIDENT BAILEY: The  
11 Secretary will read.

12 THE SECRETARY: Senate Resolution  
13 2081, by Senator Stewart-Cousins, in response to  
14 the 2022-2023 Executive Budget submission  
15 (Legislative Bills S8000-A, S8001, S8002,  
16 S8003-A, S8004-A, S8005-A, S8006-A, S8007-A,  
17 S8008-A, S8009-A) to be adopted as legislation  
18 expressing the position of the New York State  
19 Senate relating to the 2022-2023 New York State  
20 Budget.

21 ACTING PRESIDENT BAILEY: Senator  
22 Gianaris.

23 SENATOR GIANARIS: Mr. President, I  
24 expect there's going to be extensive debate on  
25 this resolution. For that debate, our Finance

1 chair, Senator Krueger, will be responding for  
2 the Majority.

3 And we are ready at this time to  
4 begin the debate.

5 ACTING PRESIDENT BAILEY: Thank  
6 you, Senator Gianaris.

7 Senator O'Mara.

8 SENATOR O'MARA: Thank you,  
9 Mr. President. Thank you, Senator Gianaris.  
10 Senator Krueger, look forward to some  
11 explanations of the Senate one-house budget that  
12 we have before us today.

13 I guess on the resolution for a  
14 moment, please, Mr. President.

15 ACTING PRESIDENT BAILEY: Senator  
16 O'Mara on the resolution.

17 SENATOR O'MARA: It won't be long.

18 So we have received this Senate  
19 one-house budget resolution about 7 p.m. last  
20 night. It's 2 p.m. the next day now. So, you  
21 know, it's 19 hours for our staff and ourselves  
22 to digest what is being proposed as a nearly  
23 \$230 billion budget.

24 Increasing spending overall by about  
25 8 percent, increasing the state funds portion of

1     that spending by over 11 percent year to year, on  
2     top of what was in excess of a 10 percent  
3     increase in this current year's budget year to  
4     year. That's an over 20 percent increase in just  
5     state funding over the years, and about a  
6     22 percent increase in overall funding, including  
7     the federal money that's come in for us.

8                 This spending, in my opinion and I  
9     think from our side of the aisle, is  
10    unsustainable, it's unwarranted, and it really  
11    doesn't -- the resolution proposed, and we'll get  
12    into some of the subject matter here, doesn't  
13    respond enough to the issues of the day of  
14    everyday New Yorkers, of the overall  
15    affordability of living in New York State by  
16    New Yorkers.

17                It does nothing to end the exodus of  
18    New Yorkers from New York State as the majorities  
19    in both houses, for years now, have worked to  
20    massively increase state spending, and further  
21    stifling economic activity in New York State when  
22    we should be looking to do everything we can to  
23    foster a better business climate in New York  
24    State so that businesses can provide the  
25    opportunities to New Yorkers that we all need to

1 meet our everyday costs of living, which continue  
2 to escalate disproportionately in New York State.

3           You know, aside from what is now an  
4 8 percent inflation rate nationally, we're adding  
5 to that in New York State by going with an  
6 11-plus percent increase of spending in New York  
7 State. I will note I believe -- and we'll ask  
8 some questions on this in a moment -- that there  
9 are not tax increases in this proposal and that  
10 the Majority is pursuing the reduction of the  
11 middle-class income tax rate that had been put  
12 off for a few years. And that's important, I  
13 think, to go towards the affordability of  
14 New York State.

15           Beyond that, there isn't much here,  
16 frankly, for everyday New Yorkers to meet their  
17 budgets and their households, to provide for  
18 their families, and to have the economic  
19 opportunities of a job in New York State and the  
20 dignity and self-respect to go to work and earn a  
21 living to provide for themselves, as opposed to  
22 sitting back and waiting for further and further  
23 handouts from state government and federal  
24 government.

25           So with that, Mr. President, if

1 Senator Krueger could yield for a few questions,  
2 starting out, at least, on the financial plan.

3 ACTING PRESIDENT BAILEY:

4 Certainly. Senator Krueger, do you yield for a  
5 few questions?

6 SENATOR KRUEGER: Yes, I will,  
7 Mr. President.

8 ACTING PRESIDENT BAILEY: Senator  
9 Krueger yields.

10 SENATOR O'MARA: Now, Senator  
11 Krueger, can you explain to us how this level of  
12 increased spending of over 10 percent last year,  
13 over 11 percent this year, is sustainable to  
14 New Yorkers and to New York State government,  
15 using up surplus funds we have now, using up  
16 federal assistance that's come for COVID? When  
17 that money's gone, how is this increased spending  
18 going to be sustained?

19 SENATOR KRUEGER: Thank you.

20 Thank you, Mr. President. I'd like  
21 to thank the sponsor -- excuse me, my colleague  
22 for the question. And I think I need to put it  
23 in the context of what we're doing with the  
24 one-house, as he raised some issues about the  
25 context that he perhaps was misinformed about our



1 one-house.

2           The things he was laying out,  
3 Mr. President, that he hopes for all New Yorkers  
4 are exactly the things we are trying to do in  
5 this one-house budget. We have heard the working  
6 people -- the people of New York State who have  
7 come off of two years of COVID, the people of  
8 New York who have come off of years and years of  
9 underinvestment in the programs and services they  
10 need -- crying out for help. And we are  
11 attempting to respond to them in this budget.

12           So we are investing in childcare so  
13 that mothers and fathers can go to work and be  
14 assured that their young children are taken care  
15 of, are helped with education and protected so  
16 that they can go and earn more money for  
17 themselves.

18           We are investing in desperately  
19 needed home care services at the other end of  
20 life -- as you're older, as you're disabled,  
21 you're in a situation where you can't even get  
22 home care services so that a family member may  
23 have to give up a job in order to stay home with  
24 you, and you may not get the care you need at all  
25 and may be trapped alone. Meanwhile, the wage

1 rates for home care workers and other low-income  
2 workers in the healthcare professions -- they're  
3 crying out for more people to come into these  
4 fields. We need people to work in these fields,  
5 but we need to be able to pay them a wage that  
6 even provides them enough money to pay for a car  
7 to drive to their job in upstate New York. And  
8 right now the wages are so low they can't even  
9 afford to take the jobs.

10 We hear the people of New York  
11 talking about needing to make sure that our  
12 public college system is invested in at the level  
13 that assures our young people are getting the  
14 education they need to compete in a 21st-century  
15 labor market. Do you know that New York's young  
16 people are going to other states' public  
17 university systems because they can't get what  
18 they need in our CUNY and SUNY systems, because  
19 we have failed to underwrite them at the level  
20 they need to be underwritten to ensure  
21 New Yorkers can graduate, get jobs here, stay  
22 here and raise their own families here? That's  
23 what we hear people crying out for.

24 So we are putting significant new  
25 investments in the infrastructure for care for

1 people, for jobs for people, and of course for  
2 the fundamentals of infrastructure in the very  
3 traditional sense of making sure that we have  
4 roads and bridges and buildings that are going to  
5 hold up and ensure that we can get to and from  
6 the jobs, get to and from the cities and towns,  
7 invest in our public transportation system,  
8 invest in all the things that the research shows  
9 drive people and businesses to New York and keeps  
10 them here.

11 So I'm very, very proud of the  
12 investments we are attempting to make through our  
13 one-house budget bill. And yes, to answer  
14 Senator O'Mara's question, we are spending a bit  
15 more money than the Governor originally laid out.  
16 And we are changing how she would be using some  
17 of the funds because we believe there are better  
18 uses. But we do believe this is sustainable,  
19 particularly because investing in job creation,  
20 investing in our small businesses, investing in  
21 our higher education, investing in our childcare  
22 means there's more opportunities for more people  
23 to go back into the labor market or join the  
24 labor market and, of course, become taxpayers  
25 into the state's revenues into the future.

1                   So he's correct that we are  
2           increasing the operating spending by about  
3           \$9 billion in the Executive Budget over what the  
4           Governor recommended. But in fact we all agreed,  
5           including my colleague Senator O'Mara, that there  
6           was an additional \$1.2 billion in revenue  
7           consensus offsets, and that we are including that  
8           and spending that.

9                   We all know that the Governor held  
10          \$2 billion for a pandemic assistance account.  
11          We're programming that into issues that we think  
12          are the critical things to spend money on this  
13          year.

14                  We are fast-tracking casinos a year  
15          early so that we anticipate \$3 billion in casino  
16          licenses. We are decreasing the rate at which  
17          the Governor proposed debt prepayment. We're not  
18          not paying our debts; I assure you we are. But  
19          the Governor proposed a fairly dramatic speedup,  
20          spinup, of prepaying debt, and so we reduce that  
21          from \$3 billion to 1.5 billion, and that gives us  
22          another billion and a half dollars.

23                  And yes, the Governor also had a  
24          robust proposal to increase the amount of our  
25          reserves in a Rainy Day Fund, which she proposed

1 at approximately 3.2 billion and we're reducing  
2 to 1.8 billion -- am I getting that right?

3 Excuse me. She proposed a  
4 \$5 billion Rainy Day Fund contribution, and we  
5 are reducing that by 1.8 billion, leaving  
6 3.2 billion to go into the reserve fund this  
7 year.

8 We're also hoping that our federal  
9 government will continue to follow through on a  
10 number of the commitments that they have verbally  
11 made but not completed the legislative  
12 assignments on. So we also want to make sure, in  
13 an era where there are New Yorkers at risk of  
14 eviction and homelessness, that there are  
15 landlords who can't be paid because there isn't  
16 the money in their tenants' pockets to pay  
17 them -- we are hoping very much that the federal  
18 government will make good on a commitment to  
19 increase the amount of money they are sending us  
20 to help landlords who are owed money and tenants  
21 who owe money. And everybody wants them to be  
22 paid, we just need the money to do so.

23 So I think that's the general  
24 outline of the answers to your questions,  
25 Senator O'Mara.

1                   SENATOR O'MARA:    Thank you,  
2   Senator.

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

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

7                   SENATOR KRUEGER:    Happily.

8                   ACTING PRESIDENT BAILEY:    The  
9   Senator yields.

10                  SENATOR O'MARA:    Just to clarify  
11   some of these numbers that we've opened up with  
12   on the overall.

13                  Last year's budget increased  
14   spending year to year by over \$11 billion, and  
15   that was the significantly largest increase in  
16   the prior decade of state spending.  Would you  
17   agree with that, Senator Krueger?

18                  SENATOR KRUEGER:    I believe that  
19   numerically that's correct.  And that was heavily  
20   due to a massive surge of federal revenue just at  
21   the last few days before we completed last year's  
22   budget.

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

1                   ACTING PRESIDENT BAILEY:    Do you  
2   yield, Senator Krueger?

3                   SENATOR KRUEGER:    Yes.

4                   ACTING PRESIDENT BAILEY:    Senator  
5   Krueger yields.

6                   SENATOR O'MARA:    Well, I would  
7   submit that the lion's share of that increased  
8   spending last year was due to the insatiable  
9   desires of these majorities to continue to spend.  
10   And last year you had Governor Cuomo over a  
11   barrel with the investigations that were going  
12   on, and took full advantage of that situation to  
13   increase spending by 11 billion.

14                   This year, in addition to that new  
15   spending of 11 billion last year, we're looking  
16   at -- while Governor Hochul only increased the  
17   budget by 3.2 percent in her proposal, with a  
18   spending increase of \$3.7 billion, you raised  
19   that by 9.1 billion, so it's \$12.8 billion  
20   increased spending from year to year.  Is that  
21   correct?

22                   SENATOR KRUEGER:    Yes, that sounds  
23   about right.

24                   SENATOR O'MARA:    How much --

25                   ACTING PRESIDENT BAILEY:    Senator

1 O'Mara, are you asking the sponsor to yield?

2 SENATOR O'MARA: Yes, through you,  
3 Mr. President, if the sponsor would yield for a  
4 question.

5 ACTING PRESIDENT BAILEY: Does the  
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR O'MARA: How much of the  
11 federal pandemic relief -- which was I think  
12 about \$12.7 billion -- how much of that is being  
13 utilized to balance this budget?

14 SENATOR KRUEGER: \$2.4 billion.

15 SENATOR O'MARA: And then how much  
16 of that has been spent already? How much of that  
17 \$12.7 billion has been spent already?

18 ACTING PRESIDENT BAILEY: Senator  
19 O'Mara, are you asking Senator Krueger to yield?

20 SENATOR O'MARA: Yes, I am, sorry.

21 ACTING PRESIDENT BAILEY: Do you  
22 yield, Senator Krueger?

23 SENATOR KRUEGER: Thank you. I  
24 believe about 4.5 billion has been spent already.

25 SENATOR O'MARA: Through you,



1 Mr. President, if Senator Krueger will continue  
2 to yield.

3 ACTING PRESIDENT BAILEY: Does the  
4 sponsor yield?

5 SENATOR KRUEGER: Of course.

6 ACTING PRESIDENT BAILEY: The  
7 sponsor yields.

8 SENATOR O'MARA: Of the -- I  
9 forget, so I'll just ask this question,  
10 Senator Krueger. Of the budget surplus funds  
11 that we have -- I forget the exact amount off the  
12 top of my head right now; you mentioned it  
13 before -- how much of those surplus funds are we  
14 spending in this year's budget?

15 SENATOR KRUEGER: We're continuing  
16 to make deposits into the reserve fund. So we're  
17 doing 3.2 billion into the reserve fund.

18 So the Governor's Executive Budget  
19 would have put 5 billion in, and we are putting  
20 3.2 billion in.

21 SENATOR O'MARA: So we're  
22 putting -- through you, Mr. President, if the  
23 Senator would yield.

24 ACTING PRESIDENT BAILEY: Does the  
25 sponsor yield?

1                   SENATOR KRUEGER:    I do.

2                   ACTING PRESIDENT BAILEY:    The  
3                   sponsor yields.

4                   SENATOR O'MARA:    Through my numbers  
5                   that I have in my head -- and they're rough, they  
6                   may not be exact, so correct me if I'm wrong --  
7                   that we have somewhere in the range of surplus  
8                   revenues in our budget of \$10 billion, and we're  
9                   only putting 3.2 of that into reserves for future  
10                  years? So we're spending close to \$7 billion of  
11                  that in this year's budget?

12                  SENATOR KRUEGER:    Give us a minute.  
13                  (Pause.)

14                  Through you, Mr. President, if I  
15                  could ask Senator O'Mara to clarify where he  
16                  thinks the 10 billion surplus is. (Pause.)

17                  I'm sorry, Mr. President, I was  
18                  asking if you could ask Senator O'Mara to clarify  
19                  where he thinks the 10 billion surplus is.

20                  ACTING PRESIDENT BAILEY:  
21                  Certainly.

22                  Senator O'Mara, can you clarify the  
23                  question, please?

24                  SENATOR O'MARA:    Through you,  
25                  Mr. President, that \$10 billion figure is a

1 combination of federal pandemic funds that have  
2 come in and increased revenues throughout the  
3 fiscal year above what was budgeted?

4 SENATOR KRUEGER: I apologize, can  
5 I please ask him to rephrase the question again  
6 for us, the original question.

7 SENATOR O'MARA: Yes, through you,  
8 Mr. President.

9 Senator Krueger, year to year, from  
10 last year to this year -- in this year's current  
11 budget, what is the anticipated revenue surplus?

12 SENATOR KRUEGER: Over what we  
13 projected? So when we end this year, how much  
14 additional revenue will we expect to still have  
15 over what we had earlier anticipated, is that  
16 what the question is?

17 SENATOR O'MARA: Yes.

18 SENATOR KRUEGER: Through you,  
19 Mr. President. While you can always label things  
20 differently, we believe that the -- that the  
21 Governor originally said there was 5 billion that  
22 she would put into reserves, and now we're  
23 reducing that to 3.2 billion to go to reserves.  
24 So that would be the surplus.

25 SENATOR O'MARA: Through you,

1 Mr. President, if the Senator would yield.

2 ACTING PRESIDENT BAILEY: Does the  
3 sponsor yield?

4 SENATOR KRUEGER: Yes, I will.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR O'MARA: Senator, the  
8 figures I have are that revenues exceeded  
9 expectations by about \$4.5 billion in the last --  
10 the prior fiscal year, and they're on track about  
11 the same. So roughly \$9 billion over last year  
12 and this current year?

13 SENATOR KRUEGER: So if we're  
14 counting last year plus the future year -- so the  
15 year we're ending plus the future year, and  
16 that's approximately 9 billion, close to  
17 10 billion above what was originally projected,  
18 right, from different revenues -- we are spending  
19 some in the coming year in our proposal and we  
20 are still having 3.2 billion to go into reserves.  
21 Plus the five from this year.

22 SENATOR O'MARA: Can you clarify  
23 that? Where does that five fit in there?

24 SENATOR KRUEGER: Okay. Yes. So  
25 there was a projected 10 billion over the two

1 years. The Governor is putting 5 billion away  
2 from this year that we are ending, the '21-'22  
3 year, and then she was also planning to put  
4 5 billion in the '22-'23 year, but we are only  
5 leaving her 3.2 billion for an additional  
6 reserve.

7 SENATOR O'MARA: Through you,  
8 Mr. President, if the Senator would yield.

9 ACTING PRESIDENT BAILEY: Does the  
10 sponsor yield?

11 SENATOR KRUEGER: Of course.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR O'MARA: Of that then  
15 \$2 billion that you're taking away from reserves  
16 that Governor Hochul had put in, what is that  
17 going towards?

18 SENATOR KRUEGER: That is part of  
19 the \$9 billion of increased spending that our  
20 one-house budget lays out in totality.

21 So it's not that the 2 billion is  
22 specifically for Item A versus Item B; it is  
23 money that we are defining as available for  
24 increased expenditures that are quite broad and  
25 quite transformative across any number of

1 important issues.

2 SENATOR O'MARA: Thank you,  
3 Senator.

4 Mr. President, through you, would  
5 the sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR KRUEGER: Yes, I will.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

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

13 Out of those surplus funds that  
14 are -- that you're allowing in the Governor's  
15 Executive Budget to go towards reserves, can you  
16 outline where those monies are going to be put  
17 into reserves, and for what purposes? And is  
18 this one-house changing the funds from what the  
19 Governor had proposed?

20 SENATOR KRUEGER: So the Governor  
21 proposed 5 billion going into reserves in the  
22 coming year. In our analysis, she's only left  
23 with 3.2 billion to go into reserves. The  
24 reserves are not defined as for specific items.

25 (Pause.) I love the questions,

1       thank you. I'm learning more every day.

2               So there are statutory reserves and  
3       non-statutory reserves. So there's 920,000 of  
4       statutory reserves -- 920 million. What's  
5       920,000? It's petty cash -- 920 million in  
6       statutory reserves, and we aren't touching that.  
7       That will continue to go so. And then the  
8       remaining reserves will go into the general  
9       reserves. The economic uncertainties reserve.

10              SENATOR O'MARA: Through you,  
11       Mr. President, can you -- can the sponsor answer  
12       another question.

13              ACTING PRESIDENT BAILEY: Will the  
14       sponsor yield?

15              SENATOR KRUEGER: I'll do my  
16       damndest to try, yes, sir, Mr. President.

17              (Laughter.)

18              ACTING PRESIDENT BAILEY: The  
19       sponsor will do her damnedest.

20              (Laughter.)

21              ACTING PRESIDENT BAILEY: The  
22       sponsor yields.

23              SENATOR O'MARA: Of that fund, what  
24       is the outline for uses of that money in that  
25       fund?

1                   SENATOR KRUEGER:    For which one,  
2   the statutory reserve or the economic --

3                   SENATOR O'MARA:    Economic  
4   uncertainties fund.

5                   SENATOR KRUEGER:   Not defined.  You  
6   know, you hit another bad period, tax revenues go  
7   down, another pandemic hits, the federal  
8   government changes hands and stops sending to the  
9   states, et cetera, et cetera.

10                  SENATOR O'MARA:    Through you,  
11   Mr. President, if the sponsor will yield.

12                  ACTING PRESIDENT BAILEY:   Will the  
13   sponsor yield?

14                  SENATOR KRUEGER:    Yes, I will.

15                  ACTING PRESIDENT BAILEY:   The  
16   sponsor yields.

17                  SENATOR O'MARA:    Of the money going  
18   into reserves, how much of that is going to pay  
19   down the debt that the state owes to the federal  
20   government for the Unemployment Insurance Fund  
21   that the state borrowed and it now has a balance  
22   of about \$9 billion still owed to the federal  
23   government?

24                  SENATOR KRUEGER:    So neither the  
25   Governor's proposal for the reserves nor our



1     proposal for the reserves specifies that any of  
2     it goes back to the federal government for the  
3     UIB borrowing. But there is 600 million within  
4     our budget proposal to help repay the interest --  
5     is it the interest or the actual underlying -- so  
6     the 600 million goes to helping with the  
7     underlying debt.

8                     And just to remind everyone, when we  
9     borrow from the federal government to pay out  
10    UIB, as we did during the pandemic because we had  
11    so many unemployed people, technically UIB is not  
12    an on-budget or General Fund expenditure, it is a  
13    separate program paid for by businesses.

14                    So yes, this has to be paid back,  
15    hopefully at the lowest or zero interest  
16    possible. Hopefully the federal government may  
17    decide to allow us to discount some of what we  
18    owe them. But it's actually not a budget item  
19    per se, it's a separate item.

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

22                    ACTING PRESIDENT BAILEY: Does the  
23    sponsor yield?

24                    SENATOR KRUEGER: Yes.

25                    ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR O'MARA: Senator Krueger,  
3 we have seen quite a few other states in the  
4 nation that racked up pretty incredible  
5 unemployment debt to the federal government  
6 during the pandemic that have utilized their  
7 pandemic relief to help pay down that debt so  
8 that ultimately businesses and employers don't  
9 have to pay that back over a series of years for  
10 that debt.

11 Why are we in New York choosing a  
12 different course of action? And why is it  
13 appropriate to -- over the period of this  
14 lingering debt, for however long it lasts -- why  
15 should we be requiring employers to shoulder that  
16 burden from the pandemic which will further  
17 tighten their businesses and their ability to  
18 hire people to work?

19 SENATOR KRUEGER: We actually, in a  
20 separate section of our one-house, are moving to  
21 delay some of what they would otherwise owe.  
22 That's 600 million.

23 And you ask an excellent public  
24 policy question about why do different states  
25 make different decisions with their money. So

1 one of the answers -- I'd have to go back to  
2 earlier decisions in the state -- we actually  
3 don't, per business, collect as much from  
4 businesses for unemployment costs as many states.  
5 We're behind on having increased our scale of  
6 what we collect.

7               So it left us with less money than  
8 some other states, but it's still the fundamental  
9 question of who is obligated to pay for  
10 unemployment benefits. And the design and model  
11 has been that businesses are responsible for  
12 paying for unemployment benefits. The workers  
13 pay into it when they're employed, and the state  
14 holds the funds and distributes them.

15              But I don't think that this state  
16 has had a public policy debate about changing the  
17 rules of the road so that unemployment benefits  
18 are not an obligation of business but rather an  
19 obligation of the General Fund or the taxpayer.

20              What I am very proud of is that we  
21 are investing a large amount of money within our  
22 one-house budget in helping the smallest  
23 businesses with their debts and to help them stay  
24 open, or even to reopen when they've been forced  
25 to close, to get workers back to work so that

1       they're building up the tax revenue and actually  
2       paying into the unemployment fund, which will  
3       help it bounce back more quickly.

4                   SENATOR O'MARA:     Through you,  
5       Mr. President, if the Senator would yield.

6                   ACTING PRESIDENT BAILEY:     Does the  
7       sponsor yield?

8                   SENATOR KRUEGER:     Yes.

9                   ACTING PRESIDENT BAILEY:     The  
10      sponsor yields.

11                   SENATOR O'MARA:     I'm not suggesting  
12      that we change the method of how unemployment is  
13      paid for in New York State on -- in a regular  
14      environment. We've come through a two-year  
15      pandemic that had significant unanticipated  
16      layoffs, causing people to go into the  
17      unemployment fund, that were no fault of that  
18      business. It's no fault of the business either  
19      cutting back or laying off employees, it has to  
20      do with the pandemic that built up this  
21      \$9 billion fund.

22                   And the Majority in this house  
23      thinks it's reasonable to use only \$600 million  
24      of in excess of \$10 billion available and  
25      \$12.7 billion in pandemic aid, most of which has

1 not been spent. Why that greater effort is not  
2 being made in these exigent circumstances of the  
3 unemployment insurance -- not changing the way we  
4 account for unemployment costs going forward, but  
5 for this period of time of the pandemic that  
6 specifically created this \$9 billion debt, why  
7 are we not making a greater effort towards paying  
8 that down?

9 SENATOR KRUEGER: I don't think  
10 there's \$12 billion left of federal pandemic aid.  
11 I don't know where that number came from. But --  
12 one second.

13 But I do think it's still partly an  
14 ideological disagreement, Tom -- Senator O'Mara,  
15 sorry. That we're trying to make sure that the  
16 money that we have available to spend is invested  
17 in creating jobs for New Yorkers who need to go  
18 to work, who need to make sure that their  
19 children are cared for so that they can go to  
20 work, as opposed to making the decision to help  
21 businesses repay something they owe under the law  
22 while we are trying to smooth out and decrease  
23 the rate at which they have to pay it back.

24 But if you look at the history of  
25 unemployment benefits, you have your good times

1 and then you have your times of recession. And  
2 during times of recession, you end up spending  
3 down a lot more unemployment and you, thank  
4 goodness, can turn to the federal government for  
5 loans to make sure that those benefits are paid.  
6 And then, over time, businesses repay the fund  
7 and everybody moves forward.

8 So the UIB, since it was created,  
9 has actually proved to be a model that does over  
10 time adjust for the good times and the bad  
11 times -- or I suppose, biblically, the fat cow  
12 times and the thin cow times. And I have  
13 confidence that we will do the same again.

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

17 ACTING PRESIDENT BAILEY: Does the  
18 sponsor continue to yield?

19 SENATOR KRUEGER: I do.

20 ACTING PRESIDENT BAILEY: Senator  
21 Krueger yields.

22 SENATOR O'MARA: Senator, can you  
23 point to any other period of time in our UIB  
24 program where we have had anywhere close to this  
25 number of job losses due to not just a pandemic,

1 but to anything that was other than unrelated to  
2 a specific business?

3           You know, where in our history --  
4 this seems to be unprecedented, to me, the job  
5 losses and the debt that we owe the federal  
6 government, that is unrelated to economic -- just  
7 economic normal conditions. So, you know, how --  
8 why is this not being treated differently?

9           SENATOR KRUEGER: I think we would  
10 both need to go back and look up the history of  
11 UIB and where the unemployment rate has been at  
12 different times in our history to know the  
13 answer. I certainly don't know that off the top  
14 of my head.

15           I mean, the recent reference is the  
16 2008-'10 economic collapse of much of the world  
17 economy. And I think we ended up owing 5 billion  
18 back to the federal government at that time,  
19 which we were able to pay back under our normal  
20 rules of the road.

21           I'm going to guess that the one  
22 previous to that -- it's almost every ten years  
23 that you end up with some kind of recession  
24 period. But I don't have that data memorized.  
25 Perhaps one of the staff can do that homework for

1 us and get back to me during the course of this  
2 debate.

3 But right now I'd have to say for as  
4 long as we've had UIB, we've had a situation  
5 where we had our good times and our bad times  
6 that were caused by all kinds of reasons,  
7 including war, and we've been able to bounce  
8 back.

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

12 ACTING PRESIDENT BAILEY: Does the  
13 sponsor yield?

14 SENATOR KRUEGER: Yes, I will.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR O'MARA: Shifting gears off  
18 of that topic a little bit, even though I would  
19 certainly disagree with you that this pandemic  
20 was not -- it was and is unprecedented in the  
21 history of the UIB and therefore should be  
22 treated differently, rather than just requiring  
23 employers to pass that cost on and therefore  
24 stifle hiring, in my opinion, and the creation of  
25 those job opportunities that New Yorkers



1 desperately need.

2 From -- in this budget resolution  
3 that's before us, what is the increase in  
4 anticipated revenues to New York State from year  
5 to year?

6 SENATOR KRUEGER: So we're showing  
7 an 8 percent increase in annual growth under  
8 taxes and a 3.2 percent All Funds receipts annual  
9 growth rate.

10 SENATOR O'MARA: Through you,  
11 Mr. President, if the Senator would continue to  
12 yield.

13 ACTING PRESIDENT BAILEY: Does the  
14 sponsor continue to yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR O'MARA: What is the dollar  
19 amount of those two figures you gave me from year  
20 to year?

21 SENATOR KRUEGER: Okay. For our  
22 growth in taxes, it's 109 million, 109.257  
23 million. And for our total All Funds receipts,  
24 it's 234 million, 302,000 -- billion, sorry.  
25 Total All Funds -- excuse me. I'm sorry, Tom.

1 Total All Funds receipts will be 234 billion  
2 compared to this year, which was 220 billion. So  
3 a 3.2 percent growth. No? (Pause.)

4 You know what, Tom, I don't want to  
5 be on the record reading you the wrong numbers.  
6 So something was slightly off.

7 SENATOR O'MARA: I appreciate  
8 clarifying these numbers --

9 SENATOR KRUEGER: Thank you. So  
10 I'll stick with --

11 (Overtalk.)

12 CHAIRWOMAN KRUEGER: All right, I'll  
13 stick with the tax revenue.

14 But the total All Funds receipts  
15 this year: 227 billion, 138 million. Next year,  
16 our projected, 234 billion, 302 million. We like  
17 those numbers better.

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

21 ACTING PRESIDENT BAILEY: Does the  
22 sponsor yield?

23 SENATOR KRUEGER: Yes, sir.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR O'MARA:    So from my I guess  
2   evaluation of those numbers -- I think I'm  
3   reading from the same page as you now, from the  
4   financial plan -- there's about an \$8 billion  
5   estimated or anticipated increase in taxes in  
6   New York State and an increase of about  
7   \$7 billion in All Funds revenues.

8                   Those are significant -- that is  
9   significantly less, I would say, than the  
10   proposed spending increases in this Senate  
11   one-house proposal.

12                  Once the surplus monies are expended  
13   throughout this year, the coming year and the  
14   year after that, how does the Senate Majority  
15   intend to continue to sustain that level of  
16   spending without the shortfall between revenue  
17   increases in spending and therefore, then,  
18   without the federal aid that will probably be  
19   gone within two years?

20                  SENATOR KRUEGER:   So for this year  
21   taxes -- projected taxes are still higher than  
22   what we're expecting to spend, so we're fine for  
23   this year.

24                  We try to do outyear projections; we  
25   always end up changing them.   But the expectation

1 is that we will continue to see some tax growth  
2 the year afterwards, an outyear. That is an  
3 outyear where the Governor is now also proposing  
4 putting another 5 billion into reserve funds.

5 I'm not exactly sure how much we  
6 expect to put in the outyear, but that's always  
7 another question for us.

8 But we actually do feel that at the  
9 rate of tax growth and the rate of the money that  
10 we are expecting to spend if we had our one-year  
11 budget -- one-house budget, that we actually  
12 would still be fine for this year and at least  
13 the year after.

14 And again, things change rapidly in  
15 government. So I should point out what you  
16 already know, what we all know: This is an  
17 aspirational budget where we hope we can  
18 accomplish as much of this as possible. We need  
19 to go into negotiations with our colleagues and  
20 with the Governor, and we will see where the  
21 final numbers end up. But we're feeling pretty  
22 comfortable about our ability to meet our  
23 responsibilities to the people of New York and  
24 meet our aspirational targets.

25 SENATOR O'MARA: Through you,

1 Mr. President, if the Senator would yield.

2 ACTING PRESIDENT BAILEY: Does the  
3 sponsor yield?

4 SENATOR KRUEGER: Yes, I do.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR O'MARA: I would agree,  
8 Senator Krueger, that these are certainly  
9 aspirational numbers.

10 I believe they're unrealistic and  
11 unsustainable over the years, particularly with  
12 the uncertainty we have going forward with our  
13 economy with 8 percent inflation and many  
14 economic pundits talking about recession now.  
15 That will certainly impact the revenues and  
16 receipts of the state going forward.

17 What do we have in this one-house  
18 aspiration to provide for this risk of a  
19 recession and a drop in revenues for all of these  
20 recurring billions of dollars in expenses that  
21 are built into this?

22 SENATOR KRUEGER: As I mentioned  
23 several times, we are putting money into a  
24 reserve fund that has already grown by 5 billion  
25 this year and would grow by another 3.2 billion

1 in the coming year.

2 We live in a tricky age, I agree  
3 with Senator O'Mara. I remember standing here  
4 two years ago when we were dealing with a budget  
5 and literally the words "COVID" and "pandemic"  
6 had just first been uttered. And everyone  
7 realized that suddenly everything might be  
8 changing, and we had no idea what the impact  
9 would be on our budget.

10 And we -- the Governor then asked us  
11 to give him extraordinary powers both over  
12 emergency situations and to the ability to borrow  
13 money. I think we gave him 11 billion  
14 supplemental emergency borrowing power at the  
15 time. Approximately. And then a year later, we  
16 were still literally moving into the final weeks  
17 of negotiating a budget, still in panic about  
18 what would we do if the federal government didn't  
19 come through with the committed but  
20 not-yet-delivered funds. And then suddenly they  
21 came through with about \$13 billion, and  
22 overnight we were shifting our math and our  
23 realities.

24 And then over last year, where -- a  
25 few weeks before the budget was passed we had no

1 idea whether we would have enough money to get  
2 through the year or not, and we were talking  
3 about all kinds of emergency responses, none of  
4 which were pretty. And then the money came and  
5 then we started taking a look -- and our tax  
6 revenues were skyrocketing, and we couldn't even  
7 figure out why. So that even during a time of  
8 extraordinary difficulty in our economy for large  
9 numbers of businesses and people, some people and  
10 businesses did extraordinarily well and have  
11 triggered larger tax revenues than we imagined.

12 So based on the last couple of  
13 years' experience, I feel that none of us have a  
14 great crystal ball about what happens two years  
15 out from now.

16 What I do know is New York State is  
17 very good at making adjustments when it has to,  
18 even very large adjustments. And so I think as a  
19 state, as a government, we want to fight for the  
20 best that we can do. We want to both use hope  
21 and intelligence to invest in the kinds of  
22 programs and services that will strengthen our  
23 families, strengthen our businesses, make us more  
24 competitive in the world we live in -- and hope  
25 it all goes the right direction.

1                   And no, sometimes it's not going to  
2 go that way and we're going to need to pivot  
3 fast. But if the last couple of years in  
4 New York State has taught us nothing else, it's  
5 taught us both our endurance and our ability to  
6 pivot fast.

7                   SENATOR O'MARA: Thank you,  
8 Senator Krueger.

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

11                  ACTING PRESIDENT BAILEY: Does the  
12 sponsor continue to yield?

13                  SENATOR KRUEGER: Yes.

14                  ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16                  SENATOR O'MARA: Just wrapping up  
17 here. One more specific thing I wanted to get  
18 into before I hand it over to my colleagues to  
19 continue in various subject matter areas.

20                  An area that has been highlighted  
21 both nationally, regionally, and in New York  
22 State has to do with manufacturing and, you know,  
23 the impacts of the pandemic on the global supply  
24 chain, our inability to provide -- to manufacture  
25 and provide the products that we need right here



1     within our state but particularly within our  
2     nation as a whole, not being overly dependent in  
3     these times.

4                 What in this one-house proposal is  
5     there to benefit manufacturers of New York State  
6     and to foster further manufacturing activity in  
7     New York State? I would note that I think about  
8     six or seven years ago we eliminated the  
9     corporate franchise tax for manufacturers in  
10    New York State. I was a strong proponent of  
11    that. And that fell short because it only ended  
12    up applying to subchapter C corporations and not  
13    so-called pass-through entities such as  
14    partnerships, LLCs, subchapter S corporations  
15    that were left out, and they make up about  
16    75 percent of all manufacturers in New York  
17    State.

18                I don't see any proposal in this  
19    one-house resolution that focuses either on that,  
20    to eliminate the corporate franchise tax to the  
21    pass-through manufacturing entities, or anything  
22    else in here that's going to help us foster and  
23    bolster our manufacturing in New York State --  
24    which are good jobs, but also a matter of  
25    security interest to provide for our needs when

1 we may not be able to get it from around the  
2 globe.

3 SENATOR KRUEGER: So I agree we  
4 want to do more to help our local manufacturers  
5 and to support manufacturing. Because Senator  
6 O'Mara is absolutely right, the supply chain  
7 realities were laid out and left this country raw  
8 when we couldn't build our own products, when we  
9 couldn't make the things we needed when we  
10 couldn't get them from anywhere else.

11 So this conference, and in our  
12 one-house, we are very focused on making sure we  
13 are investing in small business, because small  
14 businesses actually do create the jobs in our  
15 economy and can move more quickly and respond  
16 more quickly.

17 So we establish -- excuse me -- the  
18 suspension of state taxes -- oh, wait. Excuse  
19 me. (Pause.)

20 We're reducing the gas taxes, so --  
21 which was particularly important for trucking and  
22 manufactured products to reduce the prices. So  
23 we're lowering the gas taxes by an estimated  
24 \$648 million.

25 We are allocating an additional

1     200 million to the Small Business Seed Funding  
2     grant program. Instead of taking money from  
3     existing programs, it expands the lists of  
4     businesses that can apply to this program as well  
5     as allowing those who lost businesses due to the  
6     COVID pandemic to get some assistance which they  
7     can use to restart small business.

8             We expand incentives to install  
9     renewable energy, like thermal and geothermal and  
10    solar products in our homes and our businesses,  
11    providing significant tax credits to cover those  
12    costs.

13            And the truth is the faster we are  
14    moving to a green economy, and the faster we are  
15    moving to things that deal with climate change,  
16    the more new manufacturing opportunities there  
17    are and will be in our state. In fact, Tom  
18    DiNapoli, the State Comptroller, recently put out  
19    a report staying that we had already created one  
20    million new jobs in New York State thanks to our  
21    investment and shift to green environmental  
22    standards and green energy.

23            So the opportunities for job  
24    creation from manufacturing of products you and I  
25    might never have heard of even yet, are enormous

1 in the future. And I think that if you review  
2 our complete one-house budget you will see we are  
3 heavily, heavily committed to investing in  
4 climate change and environmental changes that  
5 will absolutely help our manufacturing and our  
6 small businesses.

7 SENATOR O'MARA: Thank you,  
8 Senator.

9 Mr. President, I guess on the  
10 resolution briefly.

11 ACTING PRESIDENT BAILEY: Senator  
12 O'Mara on the resolution.

13 SENATOR O'MARA: I'd love to spend  
14 the next hour and a half on the Green New Deal,  
15 Senator, but I have colleagues that want to ask  
16 questions. And as that's going to cost  
17 New Yorkers in excess of \$300 billion -- and  
18 those are numbers by the proponents of these  
19 changes.

20 With all due respect, with your  
21 response to my question on what we're doing for  
22 manufacturers specifically -- specifically,  
23 there's nothing in this one-house budget proposal  
24 to specifically help manufacturers in New York  
25 State.

1 I've been a strong proponent of  
2 manufacturing since my time in the Legislature.  
3 I believe it's where our number-one economic  
4 development focus should be, because so many  
5 other industries and jobs grow off of the  
6 manufacturing sector to provide the opportunities  
7 that New Yorkers need so that they can afford the  
8 outrageous costs of living in New York that this  
9 State Legislature continues to foist upon them,  
10 making New York State more and more unaffordable  
11 and adding to the exodus of New Yorkers.

12 And we're doing nothing to foster  
13 that base of manufacturing that should be the  
14 bedrock of our -- of any economy, but  
15 particularly here in New York State, to foster  
16 the spinoff businesses and jobs that come with  
17 that.

18 And with that, I will yield my time  
19 to my colleagues, Mr. President. Thank you.

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

22 Senator Gallivan.

23 SENATOR GALLIVAN: Thank you,  
24 Mr. President. Would the sponsor or appropriate  
25 member of the Majority yield?

1                   ACTING PRESIDENT BAILEY:   Senator  
2   Gianaris.

3                   SENATOR GIANARIS:    Mr. President,  
4   it's my understanding these questions relate to  
5   the health part of the budget, which will be  
6   answered by Senator Rivera.

7                   SENATOR GALLIVAN:    That's exactly  
8   what I was going to ask.   Thank you,  
9   Mr. President.

10                  The first area I would like to ask  
11   about is the Medicaid global cap that we know was  
12   instituted a number of years ago to limit  
13   Medicaid growth to the 10-year rolling average of  
14   the medical component of the CPI, which is  
15   calculated at 3 percent right now.

16                  The Governor in her budget proposed  
17   a different formula for the Medicaid global cap.  
18   The Senate one-house, though, rejects the  
19   extension of the Medicaid global cap -- of the  
20   Governor's proposed extension of the Medicaid  
21   global cap.

22                  Does the Senate one-house put forth  
23   an alternative proposal?

24                  SENATOR RIVERA:    Through you,  
25   Mr. President --

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Gallivan, are you asking the sponsor to yield?

3                   SENATOR GIANARIS:    I thought I  
4   asked that.   And yes, I do, Mr. President.

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

7                   SENATOR RIVERA:    I yield.

8                   ACTING PRESIDENT BAILEY:    Just for  
9   the record, Senator Gallivan, that's all.   Thank  
10   you.

11                   SENATOR RIVERA:    I yield.

12                   And through you, Mr. President.  
13   It's a pleasure to see you, Senator Gallivan.

14                   The quick answer to your question is  
15   we in the Majority believe -- and I have  
16   certainly been saying this over the last couple  
17   of years -- that the creation of the cap was  
18   an -- it was an artificial construct that served  
19   the prior administration more than -- it was more  
20   of a messaging tool than a budgetary one.   And we  
21   want to do away with it.

22                   And so the current proposal that we  
23   have in front of us, the current resolution, gets  
24   rid of the Medicaid cap altogether.

25                   SENATOR GALLIVAN:    Will

1 Senator Rivera -- Mr. President, would the  
2 Senator continue to yield?

3 ACTING PRESIDENT BAILEY: Does the  
4 sponsor yield?

5 SENATOR RIVERA: I do.

6 ACTING PRESIDENT BAILEY: Senator  
7 Rivera yields.

8 SENATOR GALLIVAN: So if I  
9 understand correctly, the current proposal gets  
10 rid of the Governor's proposed cap on Medicaid  
11 spending.

12 Is there an alternate proposal to  
13 ensure that there is some type of check on the  
14 spending in the Medicaid program?

15 SENATOR RIVERA: Through you,  
16 Mr. President, I would say that it -- there never  
17 was such a control. The global cap, as it was  
18 referred to by the prior administration, was not  
19 a real thing. It was referred to as a real  
20 thing; it never really existed in statute. It  
21 existed in the press releases and the press  
22 conferences of the Governor, but it did not  
23 actually -- it served as a tool so that they  
24 could actually put money where they wanted to and  
25 keep money from where they didn't want it.



1                   And Mr. President, I'll actually go  
2     a little further and I will just say a general  
3     comment as far as the budget that we -- well,  
4     I'll just say the one-house resolution that we  
5     have in front of us is in reference to a budget  
6     that was already a pretty good one.

7                   And the reason for that,  
8     Mr. President, was that as opposed to spending,  
9     as my colleagues will certainly continue to say,  
10    I believe that a lot of what's happening here is  
11    an investment. It's an investment in a lot of  
12    areas that have seen disinvestment and austerity  
13    for way too long.

14                  So as it relates to this,  
15    Mr. President, I would say that we are -- we  
16    believe very strongly, and this is why it's in  
17    our one-house budget here, that certainly the  
18    increase in Medicaid that the Governor approved  
19    -- that the Governor proposed in the budget is a  
20    correct amount, at least to start from, but that  
21    a cap is no longer necessary. And so we excised  
22    it completely.

23                  SENATOR GALLIVAN:     Will the Senator  
24    continue to yield.

25                  ACTING PRESIDENT BAILEY:     Senator

1       Rivera, do you yield?

2                   SENATOR RIVERA:     I do.

3                   ACTING PRESIDENT BAILEY:     Senator  
4       Rivera yields.

5                   SENATOR GALLIVAN:     Well, thank you  
6       for the response, Senator Rivera.

7                   So how does the Senate one-house, as  
8       it relates to Medicaid spending, ensure  
9       accountability in the spending to ensure that we  
10      limit fraud and waste and any abuse and that the  
11      spending that we are spending for Medicaid is  
12      indeed appropriate?

13                  SENATOR RIVERA:     Through you,  
14      Mr. President, we have a -- the state, as I'm  
15      sure that you're aware, has an agency, the OMIG,  
16      which actually specifically deals with  
17      investigations of fraud and malfeasance in the  
18      Medicaid program.  And they have been fairly  
19      successful at times to find such things.

20                  So we believe that that is -- that  
21      already exists, and we fund it -- I forget at  
22      what level exactly.  We might have actually  
23      accepted -- we accepted what the Governor  
24      proposed in the one-house -- in her budget  
25      proposal, because we believe it is important to

1 fund OMIG going forward.

2 SENATOR GALLIVAN: If I can move  
3 on, Mr. President, and ask if the Senator would  
4 continue -- would yield to a question about the  
5 Healthcare Transformation Fund.

6 ACTING PRESIDENT BAILEY: Senator  
7 Rivera, do you yield?

8 SENATOR RIVERA: Absolutely.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR GALLIVAN: So the budget --  
12 the Executive Budget transferred a billion  
13 dollars from the General Fund to the Healthcare  
14 Transformation Account, but yet the Governor  
15 provided no details on planned disbursements.  
16 Which would mean that the Executive had  
17 unilateral authority to spend a billion dollars  
18 on unspecified programs.

19 The question is, how does this  
20 one-house budget allocate that billion dollars  
21 from the Healthcare Transformation Fund?

22 SENATOR RIVERA: One second,  
23 Mr. President. (Pause.)

24 Through you, Mr. President, it was  
25 actually excised from the one-house budget

1       proposal.

2                   SENATOR GALLIVAN:     Will the Senator  
3       continue to yield.

4                   ACTING PRESIDENT BAILEY:     Does the  
5       sponsor yield?

6                   SENATOR RIVERA:     Yes,  
7       Mr. President.

8                   ACTING PRESIDENT BAILEY:     The  
9       Senator yields.

10                  SENATOR GALLIVAN:     We know that  
11       many of our hospitals across this state are  
12       distressed. We have a number of different  
13       categories that historically the state has  
14       provided -- provided funding and support to  
15       hospitals.

16                  Does the Senate one-house direct  
17       payments to hospitals struggling with financial  
18       losses that do not currently meet the definition  
19       of "distressed"?

20                  SENATOR RIVERA:     Through you,  
21       Mr. President. The -- one of the issues that has  
22       existed in prior years -- and one of the reasons,  
23       by the way, where I have to turn to this amazing  
24       group of folks who I will identify later, because  
25       they are certainly responsible for what's in

1 here -- is that there's a lot of these funds that  
2 have very similar names, so I always have to  
3 check exactly which ones it is that we're talking  
4 about.

5 In this case what I would say is  
6 that in past years there had been -- the actual  
7 categories are kind of hard to define. We  
8 actually have an issue with defining distressed  
9 hospitals. We in this one-house budget proposal  
10 actually attempt to do that. We attempt to have  
11 clear definitions of what distressed hospitals  
12 are because we recognize -- Mr. President,  
13 through you -- as my colleague says, that there  
14 are hospitals all across the state, not only  
15 downstate but across the entire state, that are  
16 in trouble.

17 And I would reiterate,  
18 Mr. President, that a lot of it has to do with  
19 the fact that over the last decade the past  
20 administration kind of led with austerity and  
21 there was more disinvestment than anything else.

22 And so that -- I would say that  
23 this -- that what we do here is try to send  
24 resources to the hospitals that most need it, and  
25 we'll certainly work along with all of my

1 colleagues to make sure that we can identify  
2 which institutions those are and make sure that  
3 we can support them accordingly.

4 SENATOR GALLIVAN: Will the Senator  
5 continue to yield.

6 ACTING PRESIDENT BAILEY: Senator  
7 Rivera, do you yield? Senator Rivera, do you  
8 yield?

9 SENATOR RIVERA: I indeed will.

10 ACTING PRESIDENT BAILEY: Senator  
11 Rivera yields.

12 SENATOR GALLIVAN: Is the Senator  
13 able to, at this point in time, share with us how  
14 the one-house can or will define "distressed" as  
15 it relates to hospitals?

16 (Pause.)

17 SENATOR RIVERA: Through you,  
18 Mr. President. And this, by the way, is why,  
19 again, you surround yourself with people that are  
20 smarter than you, because they obviously know it  
21 off the top of their head. All good people right  
22 here.

23 But through you, Mr. President, we  
24 actually define it in terms of the population  
25 that is served by that particular hospital, by a

1 certain percentage of Medicaid population. And  
2 the plan to actually -- as far as our budget, as  
3 our one-house proposal states, the way that it  
4 would be actually -- the billion dollars that we  
5 actually allocated in our one-house would be  
6 distributed, disbursed, based on this definition  
7 of distressed hospitals based on Medicaid  
8 population, but based on a plan to be approved by  
9 the Speaker and the Majority Leader of the  
10 Senate.

11 SENATOR GALLIVAN: Will the Senator  
12 continue to yield for a question.

13 ACTING PRESIDENT BAILEY: Senator  
14 Rivera, do you yield?

15 SENATOR RIVERA: I will.

16 ACTING PRESIDENT BAILEY: Senator  
17 Rivera yields.

18 SENATOR GALLIVAN: Along those  
19 lines -- and the Senator alluded to this, the  
20 various definitions that have been created over  
21 time -- we have sole community hospitals and  
22 critical access hospitals. They've also been hit  
23 very hard by the pandemic.

24 How does your budget increase  
25 funding to these hospitals or help these

1 hospitals?

2 (Pause.)

3 SENATOR RIVERA: Through you,  
4 Mr. President, we actually -- as I stated  
5 earlier, the amount that we've allocated in the  
6 one-house budget proposal is a billion for these  
7 types of hospitals. And it would -- depending on  
8 the definition that we currently have in our  
9 proposal, it would actually include all of the --  
10 potentially include the institutions that you  
11 just mentioned.

12 SENATOR GALLIVAN: Will the Senator  
13 continue to yield.

14 ACTING PRESIDENT BAILEY: Does the  
15 Senator yield?

16 SENATOR RIVERA: Yes, sir.

17 ACTING PRESIDENT BAILEY: The  
18 sponsor yields.

19 SENATOR GALLIVAN: So if I  
20 understand correctly, then, we had these  
21 different definitions in the past, and I'm asking  
22 based on the different definitions.

23 So now, as we move forward, a  
24 distressed hospital and a sole community hospital  
25 and a critical access hospital will all be



1 treated the same as far as being provided relief  
2 with the billion dollars allocated towards this?

3 (Pause.)

4 SENATOR RIVERA: Through you,  
5 Mr. President. The answer is that they would not  
6 be treated -- all the institutions will be  
7 treated according to what their needs actually  
8 are. So they will all have access to the fund,  
9 but certainly those institutions that are more in  
10 need are more likely to receive more funding.

11 SENATOR GALLIVAN: Will the Senator  
12 continue to yield.

13 ACTING PRESIDENT BAILEY: Does the  
14 Senator continue to yield?

15 SENATOR RIVERA: Yes,  
16 Mr. President.

17 ACTING PRESIDENT BAILEY: The  
18 Senator yields.

19 SENATOR GALLIVAN: How does this  
20 one-house program that the Senator describes --  
21 how will it actually determine which hospitals  
22 are in which need? What parameters will be used  
23 to determine the need? And then once that's  
24 done, how will the money be allocated?

25 (Pause.)

1                   SENATOR RIVERA:    Through you,  
2   Mr. President.  The way that it will work is that  
3   there will be -- we work along -- meaning we, the  
4   Senate Majority, as well as the Speaker -- would  
5   work along with the Department of Health, based  
6   on the definition, as I've stated earlier, that  
7   relates to the amount -- the percentage of  
8   Medicaid population.

9                   And by the way, I should linger on  
10  this for a second.  It is clear that if  
11  someone -- that there is a Medicaid patient that  
12  goes to a particular healthcare institution, then  
13  that institution will get reimbursed for the  
14  services that are provided, depending on the  
15  payment modality.  But obviously Medicaid rates,  
16  as everybody knows, are exceedingly low.  So any  
17  institution that has a high percentage of  
18  Medicaid population will be an institution that  
19  is in distress.

20                  I certainly can speak for  
21  St. Barnabas Hospital, which is in the middle of  
22  my district.  Over 95 percent of the folks that  
23  go there are Medicaid patients, and therefore  
24  this is an institution that is constantly in  
25  distress.

1                   So as far -- so that is the -- as  
2                   far as the definition. And as far as the  
3                   determination of how it will actually get to who  
4                   it will go to, based on the need, we will work --  
5                   the Democratic Majority and the Speaker's office  
6                   will work along with the Department of Health to  
7                   determine where exactly this money needs to go.  
8                   And we again will -- it will correspond to the  
9                   need that is particular to each institution.

10                   SENATOR GALLIVAN: Will the Senator  
11                   continue to yield, Mr. President.

12                   ACTING PRESIDENT BAILEY: Does the  
13                   Senator continue to yield?

14                   SENATOR RIVERA: Yes,  
15                   Mr. President.

16                   ACTING PRESIDENT BAILEY: The  
17                   Senator yields.

18                   SENATOR GALLIVAN: I have yet one  
19                   more category. Rural hospitals struggle for many  
20                   of the same reasons, but also some additional  
21                   reasons. Where do rural hospitals fit as it  
22                   relates to these other types of hospitals in need  
23                   that we've discussed?

24                   SENATOR RIVERA: Through you,  
25                   Mr. President, it actually -- regardless of where

1 the hospital is, certainly I've -- first of all,  
2 I should tell you I certainly recognize -- I've  
3 had the opportunity to visit a few rural  
4 hospitals across the state. I believe -- maybe  
5 some of them have been in your district. And  
6 certainly I've learned a lot about the way that  
7 these institutions struggle in different ways  
8 than the ones that do in urban settings like the  
9 ones that serve my community.

10 So we will -- we were obviously  
11 saying if there is a high need, that we want to  
12 make sure that we give them resources. And  
13 that's precisely what that 1 billion is there  
14 for, to make sure that it can be directed to  
15 institutions, whether they be rural, urban or  
16 suburban, that have high needs.

17 (Laughter from outside the chamber.)

18 SENATOR RIVERA: Apparently that  
19 person didn't believe me. No, I mean it, bro.

20 (Laughter.)

21 SENATOR GALLIVAN: Will the Senator  
22 continue to yield, Mr. President, for a question?

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

25 SENATOR RIVERA: I do,

1 Mr. President.

2 ACTING PRESIDENT BAILEY: Senator  
3 Rivera yields.

4 SENATOR GALLIVAN: The Senator  
5 mentioned Medicaid reimbursements that we all  
6 know are very low. For hospitals, my belief is  
7 while in the past several years we had talked  
8 about their rate -- reimbursement rate being at  
9 67 cents on the dollar, now the various hospitals  
10 and their organizations represent the fact that  
11 the reimbursement rate is 61 percent {sic} on the  
12 dollar.

13 We know that the Executive's  
14 proposal and the one-house reinstated a  
15 1.5 percent cut from the prior  
16 administration and, if I'm not mistaken, added 1  
17 percent in the way of reimbursements. That moves  
18 it up to 62 percent. And it really raises the  
19 question about, you know, how is this  
20 sustainable, and how are our hospitals going to  
21 be able to survive?

22 The question is does the one-house  
23 address the significant disparity in the funding  
24 as it relates to reimbursement versus cost? And  
25 if not, what can we do as a body, going forward,

1 to help our hospitals so that they're getting  
2 reimbursed for the services that's they're  
3 providing all of our constituents?

4 SENATOR RIVERA: Through you,  
5 Mr. President, this is a key question. And it is  
6 a key question that, as I -- something that I  
7 stated earlier that I'll repeat, and I'll  
8 reiterate as many times as necessary. We have a  
9 lot of catching up to do after 10 years of  
10 austerity across the state, not only as relates  
11 to hospitals in the Medicaid system, but that's  
12 the one that we're talking about today.

13 And what the Governor proposed, and  
14 what the one-house budget proposal does on top of  
15 what the Governor proposed, is a first step in  
16 the direction of actually solving that. One of  
17 the things that we are -- that is currently being  
18 discussed relates to potentially special rates  
19 for particular hospitals that are high needs, to  
20 have enhanced Medicaid rates. There's all sorts  
21 of conversations that are happening right now  
22 about the stability of these institutions in the  
23 long term. And that's something, unfortunately,  
24 we can't fix overnight.

25 So I would say that the fact that we

1     went back, as you mentioned correctly -- that the  
2     Governor's proposal actually brought up the cut  
3     that had happened last year, it brought us back  
4     to zero and then it went up 1 percent -- there  
5     were conversations about whether we should accept  
6     that, whether we should go for more. We agreed  
7     to accept the 1 percent increase.

8             And there's a lot of other stuff  
9     that we did, as I mentioned; some of the capital  
10    funding, some of the distressed hospital money  
11    that we talked about, et cetera. All of these  
12    things are about trying to go back on what has  
13    been at least a decade of disinvestment and  
14    austerity for institutions that serve the most  
15    vulnerable across the state.

16            So this is what we are seeing in  
17    this one-house proposal, and there's a whole host  
18    of other things that I hope that you will ask  
19    about or one of your colleagues will ask about,  
20    that we feel incredibly proud of and we think are  
21    first steps in actually getting us back to  
22    institutions that, again, serve the most  
23    vulnerable, that can actually be stable and don't  
24    have to come back to the state every couple of  
25    years for rescue.

1                   SENATOR GALLIVAN:     Mr. President.

2                   ACTING PRESIDENT BAILEY:     Senator  
3                   Gallivan.

4                   SENATOR GALLIVAN:     I have, I think,  
5                   just one more question.   I'd like to ask many,  
6                   many more questions, but we are limited in time.  
7                   But I do have one more question if the Senator  
8                   would continue -- would yield for it.

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

11                  SENATOR RIVERA:     I think I will  
12                  yield once more, yes, sir.

13                  ACTING PRESIDENT BAILEY:     The  
14                  Senator thinks he will yield.   The sponsor  
15                  yields.

16                  SENATOR GALLIVAN:     So the Senator  
17                  has talked about, among other things -- but we  
18                  focused a lot on these hospitals in need,  
19                  distressed, old definition or new definition,  
20                  community hospitals, rural hospitals, critical  
21                  access hospitals.   And while it likely includes  
22                  more than that, we focused on the billion dollars  
23                  that's set aside, which will be welcomed by these  
24                  hospitals.   I mean, no question about it.

25                  All of us represent constituents



1 across the state that have been affected by this.  
2 And it's very likely that not one of us has a  
3 hospital in our district -- hasn't heard from the  
4 hospitals on the problems that those hospitals  
5 have. And of course those districts -- or those  
6 hospitals are located in most every district  
7 across the state, those that are represented by a  
8 member of the Majority or a member of the  
9 Minority.

10 And we had heard from the Senator  
11 that as we move forward with this billion  
12 dollars, that the plan now is that the Majority  
13 Leader, the Speaker of the Assembly will discuss  
14 this with the Governor and ultimately allocate  
15 that funding.

16 The question I have is given that  
17 members of the Majority -- the Minority, rather,  
18 represent hospitals, and there's a direct effect  
19 on their community, what role will the Minority  
20 play in allocating this spending over the course  
21 of the next fiscal year?

22 SENATOR RIVERA: Through you,  
23 Mr. President, I believe that -- this is  
24 obviously something that I absolutely recognize.  
25 I remember when I became a member of the Majority

1 and the chair of the Health Committee, it was  
2 very clear to me that the job was actually to  
3 govern for the entire state and to -- obviously,  
4 as it relates to the healthcare system, we serve  
5 every New Yorker, regardless of where they live,  
6 what party they're from, ethnicity, you know,  
7 immigration status, et cetera. So we have to try  
8 to make a system that serves all of them.

9 So what I can tell you is that the  
10 definition that we created we believe actually  
11 includes -- it includes category -- it includes a  
12 set of criteria that can be implemented across  
13 the state regardless of where that hospital is.

14 And what you have -- through you,  
15 Mr. President -- that I give a commitment to you  
16 and to my colleagues that certainly not only  
17 myself but most importantly, our Majority Leader,  
18 cares deeply about the entire state. And that  
19 the process, which will be transparent and will  
20 rely on the definitions that we create -- and  
21 ultimately I should say, obviously, this is a  
22 one-house budget proposal. Right? We have not  
23 made it to the final, final budget.

24 But we will fight to include this or  
25 as much of it as possible -- this is the process,

1 right -- in the final budget, because we want to  
2 make sure that we actually create a set of  
3 criteria which can include any hospital or any  
4 entity across the state that has these needs.  
5 And then we are committed to make sure that we  
6 have a transparent process, to make sure that the  
7 resources go to where they are needed.

8                   So I believe that we -- you know, I  
9 believe that through the definition that we have  
10 created and the process that we are putting  
11 forward, that we'll be able to do that, again, in  
12 a transparent manner. We will make sure that any  
13 institution that has the needs across the state,  
14 regardless of where it is, receives the funding.

15                   SENATOR GALLIVAN: I'd like to  
16 thank -- Mr. President, I'd like to thank the  
17 Senator for responding to the questions.

18                   I will -- that's all that I have for  
19 now. I will yield my time to my colleagues and  
20 ultimately speak later in explaining my vote.

21                   Thank you.

22                   ACTING PRESIDENT BAILEY: Thank  
23 you, Senator Gallivan.

24                   Senator Oberacker.

25                   SENATOR OBERACKER: Thank you,

1 Mr. President.

2 I plan on asking just a couple of  
3 quick questions. The first subject would be the  
4 expansion of the Essential Plan that covers the  
5 undocumented populations. This is in --

6 ACTING PRESIDENT BAILEY: Senator  
7 Oberacker, are you asking the sponsor to yield?

8 SENATOR OBERACKER: -- the health  
9 area of the budget. I'm sorry, yes.

10 ACTING PRESIDENT BAILEY: So in the  
11 health area, are you asking the sponsor to yield?

12 SENATOR OBERACKER: I'm asking if  
13 the sponsor would yield.

14 ACTING PRESIDENT BAILEY: Senator  
15 Rivera, do you yield?

16 SENATOR RIVERA: And the sponsor  
17 yields, yes.

18 ACTING PRESIDENT BAILEY: The  
19 sponsor yields.

20 SENATOR OBERACKER: Thank you.  
21 It's still my first time here, so give me a --  
22 yes, so thank you.

23 So with that, the proposal provides  
24 coverage on the Essential Plan for undocumented  
25 individuals, those ineligible for the federal

1 financial participation in the basic health  
2 program on the basis of immigration status. This  
3 is with a household income below 250 percent of  
4 the federal poverty line.

5 The Senate one-house bill expands  
6 the Essential Plan to undocumented immigrants  
7 and, under the current law, permanently residing  
8 under color of law populations. My question, if  
9 the Senator would yield --

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR OBERACKER: Thank you.

13 Question one is if we pass this  
14 proposal, why would the federal government ever  
15 agree to cover the expansion and federal matching  
16 funds for the Essential Plan for -- the Essential  
17 Plan, Child Health Plus and Medicaid if we are  
18 showing that we are willing to cover the  
19 population anyway without their participation?

20 (Pause.)

21 SENATOR RIVERA: Through you,  
22 Mr. President. I'm glad, Mr. President, that  
23 this is something that is being brought up.

24 And first -- and actually, just for  
25 the record, Mr. President, I want to thank

1 Senator Oberacker, who referred to these folks as  
2 undocumented people, undocumented persons. Some  
3 of my colleagues sometimes use other terminology  
4 that is not human. So I'm very glad that you did  
5 that, sir.

6 Now, the answer to the question is  
7 this would be an extension of the Essential Plan  
8 to an undocumented population, right. These are  
9 folks -- this would be only state money, so there  
10 would be no federal match. It is currently --  
11 right, this is not funded at the federal level.  
12 If there are services that are provided to  
13 undocumented people, it is not funded through  
14 federal money.

15 But we believe, Mr. President, that  
16 it is absolutely essential to do. And I'll give  
17 you a couple of reasons. Number one, as I  
18 mentioned earlier, these undocumented people are  
19 still people. The fact is that they will get  
20 sick. The fact is, Mr. President, they are  
21 getting sick. And as opposed to someone else who  
22 might have access to primary care, they have to  
23 wait until they have to go to the emergency room.  
24 And maybe they just ignore that pain that has  
25 been in their stomach for the last four or five

1 days, they'll ignore it. If it goes away, they  
2 won't actually go to the emergency room because  
3 they figure it's -- it's putting myself at risk,  
4 it is potentially incurring costs, et cetera,  
5 et cetera.

6 So the fact is that there's  
7 emergency Medicaid money that is already being  
8 used, state money that is being spent on the care  
9 of these individuals.

10 By extending the Essential Plan to  
11 these folks, we will actually -- they will  
12 actually have primary care, which will allow them  
13 to be able to have the type of coverage,  
14 Mr. President, that many of us take for granted.  
15 And among other things, secure for themselves  
16 primary care, potentially, which means that they  
17 will be able to identify conditions that are  
18 chronic earlier. They will just be healthier.  
19 And this will not only save us money,  
20 Mr. President, but also make lives better for  
21 those individuals, their families and the  
22 communities that they're in.

23 SENATOR OBERACKER: Through you,  
24 Mr. President, would the Senator continue to  
25 yield.

1                   ACTING PRESIDENT BAILEY:    Does the  
2 sponsor yield?

3                   SENATOR RIVERA:    Yes, I will.

4                   ACTING PRESIDENT BAILEY:    The  
5 sponsor yields.

6                   SENATOR OBERACKER:    Thank you.

7                   So what is the plan should the  
8 federal government ever eliminate funding for the  
9 Essential Plan because of this expansion?

10                  SENATOR RIVERA:    Through you,  
11 Mr. President. I would like the Senator to  
12 clarify his question, because I am unaware of a  
13 situation in which the federal government has  
14 decided to -- because I believe, if I understand  
15 correctly, that what he is positing is that if  
16 there is an expansion of something that is  
17 strictly -- for which strictly state funds are  
18 used, that the federal government might see this  
19 as some sort of insult and therefore say, We're  
20 not going to cover the federal share of folks who  
21 are eligible for federal funds.

22                  I don't understand the question,  
23 Mr. President, if he could clarify.

24                  ACTING PRESIDENT BAILEY:    The  
25 Senator, having yielded, is asking you to



1 rephrase your question, Senator Oberacker.

2 SENATOR OBERACKER: Sure. I'd be  
3 more than happy to. Thank you.

4 So as a businessman, the metrics  
5 that I am -- as I understand them, if New York  
6 moves to cover all of the undocumented under the  
7 Essential Plan, the federal government has no  
8 reason to participate, maintain and expand  
9 federal funding for other health insurance  
10 programs because we, as the state, are showing  
11 that we are willing to cover the population  
12 anyway with state-only funding.

13 So the question becomes why would --  
14 what is the -- through you, Mr. President, why  
15 would the federal government then ever continue  
16 if we are showing as a state that we're willing  
17 to fund these individuals?

18 SENATOR RIVERA: Mr. President, I  
19 feel that I'm still a little confused by the  
20 question, but I'll try to answer it.

21 This is a population that the  
22 federal government has already told us they will  
23 not cover. As a matter of fact, another part of  
24 our one-house budget proposal relates to the  
25 expansion of Medicaid for birthing people for up

1 to a year after they have given birth. Which in  
2 our version -- not in the Governor's version, but  
3 in our version -- includes undocumented folks.  
4 And yet again, this is actually something that  
5 we're using state funds for.

6 So I'm not sure that I understand  
7 the question. If the federal government is not  
8 going to give us federal share for a particular  
9 population, they're just not going to give us  
10 federal share for a particular population.

11 SENATOR OBERACKER: I'll move on,  
12 if that's okay. I believe I've got enough -- and  
13 we can speak offline, I think, more appropriately  
14 than here today. So thank you for that answer,  
15 Senator.

16 Through you, Mr. President, would  
17 the Senator continue to yield.

18 ACTING PRESIDENT BAILEY: Does the  
19 sponsor continue to yield?

20 SENATOR RIVERA: Absolutely.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR OBERACKER: Okay. The  
24 sponsor's memo for the original legislation  
25 stated that the budget is neutral. How -- if you

1       can help expand upon that, how is that possible?

2                   SENATOR RIVERA:     Through you,  
3       Mr. President, if the sponsor could produce  
4       this -- I'm sorry, not the sponsor, apologies.  
5       If Senator Oberacker could produce the memo that  
6       he's referring to, because I'm pretty sure that  
7       in none of our -- we know that it is not  
8       budget-neutral. As a matter of fact it is  
9       absolutely budget not neutral, I guess is the way  
10      to say it.

11                   It obviously is an expenditure, but  
12      I will once again say that as opposed to an  
13      expenditure it's actually an investment. As  
14      we're saying, we are expanding the Essential Plan  
15      to a population that currently has no access to  
16      health insurance unless they can pay for it  
17      out-of-pocket. Right? Unless they are wealthy,  
18      in which case they can pay for whatever they  
19      want.

20                   But if we're talking about folks who  
21      are within 250 percent of the federal poverty  
22      level, we are talking about a population that  
23      obviously is in need of some level of care.  
24      Because as I stated earlier, they are people,  
25      they will get sick.

1                   So the memo I am sure would show  
2     that. As a matter of fact -- see, this is again  
3     why you surround yourself with good, smart  
4     people. And down at the bottom, "Fiscal  
5     Implications," you might be referring to it -- if  
6     you're referring to a memo that is not the  
7     current one, which I'm looking at, then if you  
8     would show it. But the memo that is currently  
9     for Bill S1572, "Fiscal Implications: The cost  
10    to the state to accomplish this goal is estimated  
11    to be approximately \$345 million. The state will  
12    be saving close to the same amount in emergency  
13    Medicaid spending. Eligible individuals will be  
14    paying small premium amounts to contribute to  
15    their coverage." Thank you so much.

16                  So in other words, the memo that we  
17    currently have clearly establishes a fiscal -- so  
18    I'm not sure which one -- through you,  
19    Mr. President -- you're referring to .

20                  SENATOR OBERACKER: Thank you for  
21    the clarification on that, Senator. I will take  
22    that with me.

23                  Would the -- through you,  
24    Mr. President, would the Senator continue to  
25    yield.

1                   ACTING PRESIDENT BAILEY:     Senator  
2     Rivera, do you yield?

3                   SENATOR RIVERA:     Indeed.

4                   ACTING PRESIDENT BAILEY:     The  
5     Senator yields.

6                   SENATOR OBERACKER:     So as a  
7     follow-up, are there estimates of how much this  
8     will cost in the future moving forward?

9                   SENATOR RIVERA:     Through you,  
10    Mr. President. The amount that we have in our  
11    one-house budget proposal -- the amount that we  
12    put in in the one-house budget proposal is an  
13    amount of 345 million, which accounts -- which  
14    amounts to what we believe will be about  
15    46 percent of the total number of folks --  
16    46,000, apologies.

17                   There are a total, Mr. President --  
18    right now, according to our analysis or according  
19    to the analysis of folks who are supporting this  
20    piece of legislation, there are a total of  
21    154,000 potential eligible people. In other  
22    words, folks that fit within the criteria, that  
23    don't have a legal immigration status and fit  
24    within the criteria as far as federal poverty  
25    level.

1                   Of those -- as we know, no program  
2                   has 100 percent use. Even if someone is  
3                   eligible, the idea that 100 percent of the folks  
4                   who are eligible for any program -- that has  
5                   never happened.

6                   And according to our best estimates,  
7                   we're saying -- we're thinking that about 46,000  
8                   people of those 154,000 will avail themselves of  
9                   this program, which comes to a cost of  
10                  345 million.

11                  But I'll say again, this is almost  
12                  as much as we will be saving because we are not  
13                  going to be using it on emergency Medicaid  
14                  anymore.

15                  And I would remind everyone that  
16                  providing folks primary care and making sure that  
17                  they use it is actually a great way to save money  
18                  in the long term. Because if somebody has  
19                  primary care -- let's say somebody has diabetes,  
20                  has asthma, has any other types -- has cancer.  
21                  Any of these types of ailments, Mr. President,  
22                  can be identified if someone has access to  
23                  primary care, as opposed to having to rely on  
24                  emergency care.

25                  So that means that not only their

1 lives will be better, but that we will save money  
2 because, as opposed to having somebody having to  
3 deal with, let's say, God forbid, an amputation,  
4 because of diabetes that has not been  
5 diagnosed -- being able to diagnose it, take care  
6 of it on a regular basis means that those  
7 folks -- not only their lives will be better, but  
8 we will save money in the system overall.

9 So even though I couldn't give you,  
10 at this particular moment, outside of the  
11 345 million that has been allocated in our  
12 one-house proposal, I could certainly -- we could  
13 certainly do an outyear type of analysis and  
14 provide it to you, sir.

15 SENATOR OBERACKER: Thank you,  
16 Senator.

17 SENATOR RIVERA: Absolutely.

18 SENATOR OBERACKER: Through you,  
19 Mr. President, would the Senator continue to  
20 yield.

21 ACTING PRESIDENT BAILEY: Does the  
22 sponsor continue to yield?

23 SENATOR RIVERA: Sí.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor continues to yield.

1                   SENATOR OBERACKER:   Changing up a  
2     little bit now to an area that of course is near  
3     and dear to my heart, EMS funding.

4                   So some of the background on Part F  
5     of the HMM bill proposes modernization to  
6     emergency medical services, including training  
7     programs.  However, rural communities, of which I  
8     represent a large portion of, are still suffering  
9     from a shortage of EMS workers.

10                  So through you, Mr. President, does  
11     this budget in any way help increase the number  
12     of rural EMS?

13                  (Pause.)

14                  SENATOR RIVERA:   Through you,  
15     Mr. President, we believe that -- first of all,  
16     I'll refer to my earlier comments as far as  
17     10 years of disinvestment and austerity means  
18     that we can't flip the boat around in just one  
19     year.  We're certainly going to try.

20                  And what we did in our one-house  
21     budget proposal is that as relates to emergency  
22     medical services, not only did we add a million  
23     to what the Governor had allocated for training  
24     purposes, but we also accepted some of the  
25     changes that we believe will indeed not only



1 provide stability but potentially provide us --  
2 give us an opportunity to have more emergency  
3 medical technicians across the state.

4 SENATOR OBERACKER: Thank you,  
5 Senator.

6 Through you, Mr. President, would  
7 the Senator continue to yield.

8 ACTING PRESIDENT BAILEY: Does the  
9 sponsor yield?

10 SENATOR RIVERA: Yes, sir.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR OBERACKER: Thank you.

14 Is there any consideration into  
15 making EMS an essential service? And if so, why  
16 isn't it in the -- proposed in this budget?

17 (Pause.)

18 SENATOR RIVERA: Through you,  
19 Mr. President. One of the things that we are  
20 certainly doing is we are accepting a  
21 redefinition of emergency medical services that  
22 is in Part F -- hold on, Section 7. Again, did  
23 you hear that? Section 7. I'm telling you, man,  
24 it's good to have these folks here -- which has  
25 not been done in over a decade.

1                   And we believe that this actually  
2     will go a long way towards kind of centering this  
3     in the way that it is essential in different  
4     parts of the state, certainly like in rural  
5     communities.

6                   In subdivision 1 of Section 3001 of  
7     the Public Health Law, as mentioned in  
8     Chapter 804 of the Laws of 1992 -- which is what  
9     Section 7 is -- emergency medical service means  
10    care of a person to and from and between a  
11    person's home, scene of injury, et cetera,  
12    et cetera. And it specifically includes  
13    "community paramedicine care."

14                  So we believe that this definition,  
15    which again has not been changed in quite a  
16    while, goes a long way towards doing just what  
17    you feel needs to be done in that regard.

18                  SENATOR OBERACKER:    Thank you.

19                  Through you, Mr. President, would  
20    the Senator continue to yield.

21                  ACTING PRESIDENT BAILEY:   Does the  
22    Senator continue to yield?

23                  SENATOR RIVERA:    I continue to  
24    yield.

25                  ACTING PRESIDENT BAILEY:   The

1 Senator yields.

2 SENATOR OBERACKER: Senator, thank  
3 you so much for that. I am encouraged to hear  
4 you say that. Anything since 1992 I think should  
5 be looked at more readily and under a microscope.  
6 So again, thank you.

7 Through you, Mr. President, does  
8 this budget increase Medicaid rates for EMS  
9 service? And do you believe that the Medicaid  
10 transportation rates for ambulance services are  
11 adequate for upstate New York and rural regions?

12 SENATOR RIVERA: Through you,  
13 Mr. President, the across-the-board -- the uncut,  
14 if -- or the restoration. That is a technical  
15 term. "Uncut" is not a word.

16 The restoration -- the restoration  
17 of these funds is across the board, which  
18 includes everything related to Medicaid,  
19 including transportation. And then we added  
20 1 percent on top of that -- in other words, we  
21 accepted the Governor's proposal to do 1 percent  
22 above that, and that is across the board.

23 SENATOR OBERACKER: Mr. President,  
24 I would like to thank -- I'm finished with my  
25 questions. I would like to thank Senator Rivera

1 for his detailed questions {sic}, and I too will  
2 reserve my speaking on my vote at a later time.

3 I would like to now take my time and  
4 extend that out to our next -- who do we have  
5 coming up here?

6 ACTING PRESIDENT BAILEY: Senator  
7 Gianaris -- thank you. Thank you, Senator  
8 Oberacker.

9 Senator Gianaris.

10 SENATOR GIANARIS: Thank you.  
11 Mr. President, just for planning purposes, we  
12 do -- I want to notify members we do intend to  
13 honor the agreed-upon two-hour limit on the  
14 debate on this resolution.

15 There are eight additional members  
16 who want to debate this bill, and less than a  
17 half-hour till 4:12, which is the two-hour limit.  
18 We've been through three members, so if you  
19 figure out the math you're averaging a half-hour  
20 per member, and you have eight more members,  
21 which is not going to make it.

22 So please act accordingly. We don't  
23 want to cut people off, but if we reach the  
24 limit, we will.

25 ACTING PRESIDENT BAILEY: Thank

1       you, Senator Gianaris.

2                     Senator Palumbo.

3                     SENATOR RIVERA:     Mr. President,  
4       30 seconds --

5                     ACTING PRESIDENT BAILEY:     Senator  
6       Rivera, you can explain your --

7                     SENATOR RIVERA:     Thirty seconds.

8                     Jorge Rivera, Jamie Salm, Donavan  
9       Borington, Carolyn Sheridan, Jonathan Lang,  
10      Chris Higgins, Lekeya Martin, Anissa Martinez,  
11      Alexandrea Nuwer, and Tony Kergaravat. Those are  
12      the folks that are smarter than me that did this.

13                    Thank you, Mr. President.

14                    ACTING PRESIDENT BAILEY:     Thank you  
15      for the recognition of our staff, Senator Rivera.

16                    SENATOR PALUMBO:     (Inaudible) --  
17      Mr. President, application for a credit for  
18      Senator Gianaris and Senator Rivera's time?

19                    (Laughter.)

20                    ACTING PRESIDENT BAILEY:     Senator  
21      Palumbo with a five-second credit.

22                    SENATOR PALUMBO:     Would the sponsor  
23      or a colleague yield for some questions on public  
24      protection, please.

25                    ACTING PRESIDENT BAILEY:     Senator

1 Krueger will be yielding. Senator Krueger, do  
2 you -- Senator Krueger is in the position. Do  
3 you yield, Senator Krueger?

4 SENATOR KRUEGER: I do yield.  
5 Thank you, Mr. President.

6 ACTING PRESIDENT BAILEY: Senator  
7 Krueger yields.

8 SENATOR PALUMBO: Thank you,  
9 Senator Krueger. And I'll move as quickly as I  
10 can.

11 Does this Senate one-house include  
12 any provisions or amendments or changes to the  
13 bail reform statute?

14 SENATOR KRUEGER: No.

15 SENATOR PALUMBO: Will you yield  
16 for another question?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT BAILEY: The  
19 Senator yields.

20 SENATOR PALUMBO: Senator, does  
21 this one-house contain any provisions that would  
22 allow judicial discretion with respect to bail  
23 reform?

24 SENATOR KRUEGER: No. This is a  
25 budget document, so we didn't do policy issues

1 here.

2 SENATOR PALUMBO: Certainly. Would  
3 you yield for another question?

4 ACTING PRESIDENT BAILEY: Does the  
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR PALUMBO: Well, I  
10 appreciate that, Senator Krueger, but I'm now  
11 going to ask you about the policy that's in this  
12 one-house bill, if you don't mind. Okay?  
13 Because we do that quite often here.

14 And with respect to the Clean Slate  
15 section in Public Protection -- I believe it's  
16 Part A and AA -- there were some changes made  
17 where -- and I'll just read the section quickly:  
18 "The Senate modifies the Executive proposal to  
19 seal criminal records three years after the  
20 expiration of the maximum sentence for  
21 misdemeanors and seven years after ... felonies.  
22 The Senate advances language that would  
23 immediately seal records three years after the  
24 release from custody" on misdemeanors and seven  
25 years on felonies.

1                   So the clock now starts, based upon  
2                   this one-house proposal, upon someone's release  
3                   from custody. And maybe an example would help.  
4                   Someone's sentenced to five to 15 years, for  
5                   example, on a manslaughter second degree. The  
6                   clock, under the Governor's proposal, would start  
7                   at 15 when they're released from parole.

8                   This bill -- and please correct me  
9                   if I'm wrong -- this proposal would have the  
10                  clock start at five years in that example. Is  
11                  that accurate?

12                  (Pause.)

13                  SENATOR KRUEGER: I'm going to try  
14                  to get this correct. Under the proposal we have  
15                  in our one-house, the sealing can begin after  
16                  they leave prison, but they are not going to be  
17                  completely sealed until the 15-year mark.

18                  SENATOR PALUMBO: Okay. Would you  
19                  yield for another question?

20                  SENATOR KRUEGER: Yes.

21                  ACTING PRESIDENT BAILEY: Does the  
22                  sponsor yield?

23                  SENATOR KRUEGER: I do.

24                  ACTING PRESIDENT BAILEY: The  
25                  sponsor yields.



1                   SENATOR PALUMBO:    Okay, thank you,  
2   Senator.  And that just -- that clarification was  
3   important, I believe, because in the Executive  
4   Budget, since it didn't start until you're  
5   released from probation or parole, this would  
6   now -- it made that somewhat ambiguous because it  
7   would -- since it starts, it's just tolled until  
8   the end of their release from supervision, is  
9   that accurate?

10                  SENATOR KRUEGER:    Sealing cannot  
11   occur when a person is on probation, parole, or  
12   community supervision.  So it does not get  
13   completed until any and all of those are  
14   completed.

15                  SENATOR PALUMBO:    Got it.  Thank  
16   you for clarifying that.

17                  Would you yield for another  
18   question?

19                  ACTING PRESIDENT BAILEY:   Does the  
20   sponsor yield?

21                  SENATOR KRUEGER:    Certainly.

22                  ACTING PRESIDENT BAILEY:   The  
23   sponsor yields.

24                  SENATOR PALUMBO:    Is this going to  
25   apply retroactively to current convictions?

1                   SENATOR KRUEGER:    Yes.

2                   SENATOR PALUMBO:   Thank you.   Would  
3 you yield for another question?

4                   SENATOR KRUEGER:    Yes.

5                   ACTING PRESIDENT BAILEY:   Does the  
6 sponsor yield?  Does the sponsor yield?

7                   SENATOR KRUEGER:    Yes.

8                   ACTING PRESIDENT BAILEY:   The  
9 sponsor yields.

10                  SENATOR PALUMBO:    Can an individual  
11 take advantage of this sealing provision more  
12 than once on multiple convictions?  So for  
13 example, as we've seen within a lot of the news  
14 stories recently, some people have 20, 30, 40  
15 criminal convictions.  If they're outside of  
16 seven years, are all of those sealed?

17                  SENATOR KRUEGER:    There's no cap on  
18 the number of convictions, so there's no cap on  
19 this.  Although it sounds like we wouldn't get  
20 around to sealing anything until hundreds of  
21 years later, does it?

22                  SENATOR PALUMBO:    Well, would you  
23 yield for another question?

24                  SENATOR KRUEGER:    Yes, of course.

25                  ACTING PRESIDENT BAILEY:   The

1 Senator yields.

2 SENATOR PALUMBO: Thank you,  
3 Senator. So by way of follow-up, is there a  
4 cumulative count that it's seven years for each  
5 charge? Or is it just seven years from the most  
6 recent case?

7 SENATOR KRUEGER: So it's seven  
8 years from the most recent felony conviction. So  
9 a new conviction puts you back in square one.

10 SENATOR PALUMBO: Okay, thank you.  
11 Would you yield for another question?

12 ACTING PRESIDENT BAILEY: Does the  
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR PALUMBO: Okay, thank you,  
18 Senator. So it would be just for newer ones,  
19 more recent ones, but all the old ones would be  
20 wrapped up and sealed, just so I'm clear,  
21 correct?

22 (Pause.)

23 SENATOR KRUEGER: You'd need to  
24 have no felony convictions in seven years. So  
25 it's not like they start the count for sealing

1 one, but then you get another felony but you  
2 still get to get sealing on the earlier. That  
3 doesn't work that way.

4 SENATOR PALUMBO: I understand  
5 that.

6 SENATOR KRUEGER: So -- okay.

7 SENATOR PALUMBO: Thank you,  
8 Senator. And would you yield for another  
9 question, just one more on --

10 ACTING PRESIDENT BAILEY: Does the  
11 sponsor yield?

12 SENATOR KRUEGER: Yes, I do,  
13 Mr. President.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR PALUMBO: Thank you. And I  
17 guess just to clarify, that would be -- it  
18 wouldn't apply to old ones, only new ones is what  
19 I understand it to be, and I think that's what  
20 you just explained.

21 My next question is regarding the  
22 unlawful discriminatory practice section. That  
23 Part AA would make it an unlawful discriminatory  
24 practice for any person, agency, bureau,  
25 corporation or association to inquire about

1     whether any of form of application or otherwise  
2     were to act upon adversely to the individual  
3     involved in a conviction which is sealed.

4             So this prohibits anyone -- and my  
5     question to you is any one agency, does this also  
6     apply to schools, does it apply to law  
7     enforcement? Because I believe the Executive  
8     Budget at least carved out law enforcement.

9             But school districts, I know under  
10    the current law you can ask if someone's been  
11    arrested in very limited circumstances like for  
12    physicians, for lawyers, we're asked, for certain  
13    law enforcement positions.

14            So does this eliminate that  
15    entirely? Can you clarify that for me, please?

16            (Pause.)

17            SENATOR KRUEGER:    If the job you're  
18    applying for -- let's say as a teacher --  
19    requires a background check, the background check  
20    will show the record. But if you're not applying  
21    for a job that does require background checks,  
22    then your record is sealed for those types of  
23    jobs.

24            SENATOR PALUMBO:    Will you yield  
25    for one more question.

1           ACTING PRESIDENT BAILEY:    Senator  
2   Krueger, do you yield for another question?

3           SENATOR KRUEGER:    Absolutely.

4           ACTING PRESIDENT BAILEY:    The  
5   Senator yields.

6           SENATOR PALUMBO:    Senator Krueger,  
7   in that situation, then, if someone's applying to  
8   be a bus driver for a school district and all  
9   their convictions are sealed, are you saying the  
10   school would have access to those? Say, for  
11   example, for DWI convictions?

12          SENATOR KRUEGER:    So a bus driving  
13   job has review through the DMV system, and the  
14   DMV system would continue to show these  
15   convictions.

16          SENATOR PALUMBO:    Okay, do you  
17   yield for one more question? I think --

18               (Overtalk.)

19          SENATOR PALUMBO:    -- I understand  
20   that.

21          SENATOR KRUEGER:    She's very  
22   believable.

23          SENATOR PALUMBO:    Right. Right.

24          ACTING PRESIDENT BAILEY:    Senator  
25   Krueger, do you yield for another question?

1                   SENATOR KRUEGER:    I do.

2                   ACTING PRESIDENT BAILEY:    The  
3   Senator yields.

4                   SENATOR PALUMBO:    So without  
5   belaboring that point, so that if it's not found  
6   through the DMV system, then ultimately that's  
7   something that you would not be entitled to in  
8   the event you're looking for someone as a driver;  
9   correct?

10                  (Pause.)

11                  SENATOR KRUEGER:    School bus  
12   drivers require a fingerprint check as well, so  
13   they would still have access to those records in  
14   addition to what the DMV system collects.

15                  SENATOR PALUMBO:    Good to know.  
16   I'm going to go to another section, if I can ask  
17   you one more question.

18                  ACTING PRESIDENT BAILEY:    Are you  
19   asking the sponsor to yield, Senator Palumbo?

20                  SENATOR PALUMBO:    Yes, I am,  
21   Mr. President.

22                  ACTING PRESIDENT BAILEY:    Will the  
23   sponsor yield?

24                  SENATOR KRUEGER:    Yes.

25                  ACTING PRESIDENT BAILEY:    The

1 sponsor yields.

2 SENATOR PALUMBO: I have here in  
3 the Governor's budget, which I guess was  
4 otherwise adopted, based on the language of the  
5 one-house, "In any civil action an official  
6 record of a conviction that has been sealed,  
7 pursuant to this section, may not be introduced  
8 as evidence of negligence against any person or  
9 entity that provided employment, contract labor  
10 or services, volunteer work," et cetera.

11 With respect to that section, so in  
12 the event someone hires someone who is, for  
13 example, abusive to children or otherwise has  
14 sealed criminal convictions, and then ultimately  
15 they do it again to an employee, in a negligent  
16 hiring case you are not allowed to admit the  
17 evidence of the prior conviction that the  
18 employer disregarded. And for example, say it  
19 even came through -- by way of a newspaper story.  
20 That's inadmissible as a result of this language.

21 Can you clarify that or tell me if  
22 I'm wrong?

23 (Pause.)

24 SENATOR KRUEGER: I'll try to get  
25 this one right. The employer could not be



1 found -- or charged in a civil case because if  
2 they went looking for records that were not  
3 available to them, they did not know anything  
4 about this employee. Hence, they don't have a  
5 liability.

6 But if the employee is brought up in  
7 a civil case, then those records are available to  
8 whoever is bringing the case, and it can be used  
9 against them if they lied about anything, and for  
10 the actions that they took.

11 SENATOR PALUMBO: Thank you,  
12 Senator. We're short on time, so I'm going to  
13 leave some time for my colleagues. I have no  
14 further questions. Thank you for answering.

15 SENATOR KRUEGER: Thank you very  
16 much.

17 ACTING PRESIDENT BAILEY: Senator  
18 Borrello.

19 SENATOR BORRELLO: Mr. President, I  
20 have a question on mental health. Should I --  
21 will the sponsor yield?

22 ACTING PRESIDENT BAILEY: Will the  
23 Senator yield for a question on mental health?

24 SENATOR KRUEGER: I certainly will.

25 ACTING PRESIDENT BAILEY: Senator

1 Krueger yields.

2 SENATOR BORRELLO: Thank you,  
3 Senator Krueger.

4 I stood here a year ago when we were  
5 discussing this chamber watering down --  
6 strengthening Kendra's Law in last year's budget.  
7 And as you may know, Kendra Webdale was a friend  
8 of mine. She grew up in the little town of  
9 Fredonia where I grew up. And it rocked our  
10 community when she was pushed in front of that  
11 subway train.

12 And I said on the floor "I hope this  
13 never happens again." And tragically, we stand  
14 here a year later and we have Michelle Go who  
15 died in the exact manner, with a person who  
16 should not have been out on the streets. And  
17 we've seen an increase in mental health violence  
18 here in New York State in this past year.

19 Very tragically, we're standing here  
20 again.

21 And I'm looking at this one-house  
22 budget, and we were going to renew in the  
23 Governor's budget Kendra's Law for five years,  
24 and the one-house budget, the Senate one-house,  
25 only renews it for one year. The Assembly is

1 keeping it at five years. Why will we only renew  
2 it for one year?

3 SENATOR KRUEGER: Thank you for the  
4 question. I think we're keeping it for one year  
5 because we recognize it's not a perfect law and  
6 that we need to do more things. And so we didn't  
7 want to do a five-year extension and just say  
8 we're done for five years. Because we, like you,  
9 believe we need to be doing more.

10 What we did learn in researching  
11 Kendra's Law is it is very rarely used in a  
12 situation as the example you gave recently from  
13 New York City and some of the many other tragic  
14 violent cases involving mentally ill homeless  
15 people. In fact, Kendra's Law is  
16 disproportionately used by family members who go  
17 to court to get an AOT -- is it AOT? Thank  
18 you -- and not used at all when it comes to the  
19 issues of homeless people without any connections  
20 with their families or with any kinds of  
21 community institutions.

22 So we really do believe that we not  
23 only need to continue the protections that we  
24 already have in Kendra's Law, but that they're  
25 not adequate and we need to figure out some

1 changes in our laws specifically when it comes to  
2 mentally ill people who have -- again, I need to  
3 say for the record, Mr. President, I do not  
4 believe that most mentally ill people are ever  
5 going to be violent. My conference does not  
6 believe that most mentally ill people are ever  
7 going to be violent.

8 We're talking about a subuniverse of  
9 people who, particularly perhaps when they are  
10 not on meds that they need because they have no  
11 services being offered to them or no assistance,  
12 no healthcare -- that these are the population we  
13 need to actually be coming up with better and  
14 more effective models. And those are not putting  
15 them in jail, they are not throwing them in an  
16 emergency room for 24 hours and releasing them.  
17 This is talking about getting them actual  
18 psychiatric services and care with residential  
19 facilities. Because again, we're talking about  
20 disproportionately homeless and mentally ill.

21 So there are all kinds of program  
22 models. We don't believe Kendra's Law addresses  
23 the issues we're seeing in New York City right  
24 now and, I am told, in several other places in  
25 the state. So we don't want anything to sunset,

1 we just want to focus more on it rather than  
2 doing a five-year extension and thinking we took  
3 care of everything, because that would not take  
4 care of everything.

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

7 ACTING PRESIDENT BAILEY: Does the  
8 sponsor yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT BAILEY: Senator  
11 Krueger yields.

12 SENATOR BORRELLO: I appreciate  
13 that answer. Unfortunately, New York State has  
14 summarily shut down institutions that could  
15 actually help people, and now our streets have  
16 become mental institutions.

17 And while it's a small percentage of  
18 people, keep in mind, crime in general is a small  
19 percentage of the population, but it still rocks  
20 our communities. And so I don't know that that's  
21 necessarily the right answer.

22 But you brought up AOTs. You know,  
23 we're trying to do things to strengthen our  
24 ability to ensure that people that have mental  
25 health crises can be held. Yet we are taking out

1 the ability for a physician to actually testify  
2 at an AOT hearing to ensure that those people are  
3 kept. So why would we do that?

4 (Pause.)

5 SENATOR KRUEGER: We aren't  
6 allowing Zoom testimony, is my understanding.

7 SENATOR BORRELLO: Yes, that's  
8 correct. We've allowed it here for the last two  
9 years, but now we can't do it?

10 SENATOR KRUEGER: Well, I think  
11 there's a concern about a -- I'm sorry, through  
12 you, Mr. President, I think there's some concern  
13 about psychiatric evaluation when you've not  
14 actually met or dealt with the person.

15 But I just want to clarify the first  
16 points you made. We are putting in \$220 million  
17 more for psychiatric beds and supportive housing  
18 beds -- 20 million? I'm sorry. Let's try  
19 20 million for 200 psychiatric beds. Which is  
20 not 220 million, which is the number I would  
21 prefer personally.

22 And there's a commitment by the  
23 state to revisit reopening psychiatric beds that  
24 they have closed over the last number of years.

25 You know, I don't think you and I

1 are very apart on this issue at all. In my city  
2 we believe we have 1,000 fewer residential beds  
3 for people with psychiatric illness now than  
4 eight years ago. And that -- so you wonder why  
5 are there so many people on the streets with  
6 nowhere to go, suffering so painfully and putting  
7 others at risk? Because we took away the places  
8 they used to be able to go.

9 So we need to reinvest in  
10 psychiatric beds and to have various options for  
11 people who are in different places and have  
12 different needs.

13 SENATOR BORRELLO: Mr. President,  
14 will the sponsor continue to yield.

15 ACTING PRESIDENT BAILEY: Does the  
16 sponsor yield?

17 SENATOR KRUEGER: Yes, I will.

18 ACTING PRESIDENT BAILEY: The  
19 sponsor yields.

20 SENATOR BORRELLO: Senator Krueger,  
21 you're right, we aren't far apart on this. But,  
22 you know, it's the actions that I'm concerned  
23 about. Twenty million dollars to create  
24 200 beds -- I lost 20 in my community alone just  
25 in the last two years. So I think it's woefully

1 inadequate.

2                   So why are we not strengthening  
3 that? And in fact, why aren't we using  
4 Senator Savino's bill, 8508, as a model to do  
5 exactly that, to invest in and strengthen our  
6 mental health laws?

7                   SENATOR KRUEGER: She's just put in  
8 her new bill, and she's circulating it. And we  
9 still have time to explore that before the end of  
10 session. Thank you, Senator Savino.

11                  SENATOR BORRELLO: Mr. President, I  
12 will yield the rest of my time.

13                  Thank you, Senator Krueger.

14                  SENATOR KRUEGER: Thank you.

15                  ACTING PRESIDENT BAILEY: Thank  
16 you, Senator Borrello.

17                  Senator Rath.

18                  SENATOR RATH: Through you,  
19 Mr. President, will the sponsor yield for some  
20 questions on elections?

21                  ACTING PRESIDENT BAILEY: Does the  
22 sponsor yield for questions on elections?

23                  SENATOR KRUEGER: Sorry. Sorry,  
24 Mr. President. Of course.

25                  ACTING PRESIDENT BAILEY: The



1 Senator yields.

2 SENATOR RATH: Thank you. I will  
3 be brief, and I'll try to be seated.

4 This budget allocates an additional  
5 \$10 million for BOE assistance, the one-house  
6 proposal. Is all of this intended to aid those  
7 offices who are implementing early voting  
8 requirements across New York State?

9 SENATOR KRUEGER: One moment as our  
10 voter person shows up.

11 (Pause; off the record.)

12 SENATOR RATH: Through you,  
13 Mr. President, time out.

14 SENATOR KRUEGER: We'll bring in  
15 the big guns for you, don't worry.

16 Did I hear you correctly,  
17 \$10 million specifically for --

18 SENATOR RATH: (Inaudible.)

19 SENATOR KRUEGER: And your ask is  
20 for what it's being used for?

21 SENATOR RATH: Whether it is being  
22 used for early voting requirements.

23 (Pause.)

24 SENATOR RATH: Mr. President, we're  
25 still on the clock?

1                   ACTING PRESIDENT BAILEY:    The  
2   second charge, time out.

3                   (Laughter.)

4                   SENATOR RATH:    Can we go to the  
5   booth for that one?

6                   SENATOR KRUEGER:   You win the prize  
7   for how many staff can we find to help me.

8                   And the answer is no, it's for  
9   whatever the local boards use to wish it for.  It  
10   might be early voting, it might be other things.

11                  SENATOR RATH:    Thank you.

12                  Mr. President, would the sponsor  
13   continue to yield?  And you can restart the  
14   clock.

15                  (Laughter.)

16                  ACTING PRESIDENT BAILEY:   The clock  
17   restarts.  Will the sponsor yield?

18                  SENATOR KRUEGER:   Thank you.

19                  ACTING PRESIDENT BAILEY:   The  
20   sponsor yields.

21                  SENATOR RATH:    Thank you.

22                  Are you confident that this  
23   \$10 million is sufficient for our boards of  
24   elections to meet all these new requirements?

25                  SENATOR KRUEGER:   Excellent

1 question. We gave them more money last year.  
2 We're not clear that they've spent it all. And  
3 it probably varies by location.

4 But we are optimistic that it's more  
5 than was going to be there for them and that  
6 every dollar helps. So that it should help them  
7 move along. I know some bought new machines,  
8 some are still looking to buy new machines. Some  
9 had fewer problems with the earlier voting, some  
10 had more problems with the earlier voting.

11 So one thing I've learned is that  
12 elections operate pretty differently depending on  
13 what county you're talking to. Which is why we  
14 didn't mandate the 10 million for any one  
15 specific activity.

16 SENATOR RATH: Thank you.

17 Mr. President, will the sponsor  
18 continue to yield?

19 ACTING PRESIDENT BAILEY: Will the  
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24 SENATOR RATH: Thank you.

25 We have heard from a lot of boards

1 of elections they're really struggling with  
2 resources, they're struggling with training,  
3 they're struggling with staffing. So the  
4 additional resources are important.

5 But one of the things that's a real  
6 problem is our smaller counties complying with  
7 all these early voting requirements, all these  
8 new mandates that are being passed down.

9 So is there any money that's  
10 earmarked specifically to help out our smaller  
11 and our more rural counties who are struggling to  
12 comply with these mandates?

13 SENATOR KRUEGER: So it's for any  
14 purpose. I know that the State Board of  
15 Elections has talked about doing more online  
16 training and unification of training so that you  
17 don't necessarily need the same specialists in  
18 every county if you can do online training of  
19 your workers.

20 But as far as the other examples you  
21 gave, it's not clear to me that there is a  
22 general sense of what everybody ought to be  
23 doing.

24 SENATOR RATH: Thank you.

25 Mr. President, would the sponsor

1 yield for a question or two on energy?

2 ACTING PRESIDENT BAILEY: Does the  
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR RATH: Thank you.

8 This one-house proposal has several  
9 large aspects to it concerning the energy sector,  
10 but many of these proposals do not address the  
11 concerns of long-term affordability for energy  
12 consumers in New York, both residential as well  
13 as industrial and commercial consumers.

14 What is the justification behind the  
15 modest suspension of motor fuel taxes proposed,  
16 and is there any particular reason why the  
17 one-house stops short of suspending all fuel  
18 taxes?

19 SENATOR KRUEGER: Thank you for  
20 asking that. You faked us out as to what the  
21 question was going to be.

22 Although I do want to just go back  
23 and point out also on local election issues and  
24 other local issues, we also increase AIM funding  
25 to our localities by \$210 million, which

1 hopefully will allow them to have some additional  
2 money to cover unique local issues for  
3 themselves.

4 And we're also stopping sales tax  
5 intercept, which is another \$250 million. So we  
6 are definitely, within our one-house, trying to  
7 make sure that we are increasing the amount of  
8 state revenue going back to our counties and  
9 localities for them to use it as they prioritize,  
10 which I think is a real victory, probably, that  
11 everyone would agree with here.

12 Now to go back to your question  
13 about -- thank you, I didn't forget, I just  
14 wanted to get that in.

15 SENATOR RATH: Okay. Good, thank  
16 you.

17 SENATOR KRUEGER: -- about  
18 increased energy costs.

19 There is an assumption that perhaps  
20 we don't agree upon that moving to -- off of gas  
21 and petroleum and into green energy will cost us  
22 more. Because actually the research shows once  
23 we get started, it will cost us less. So we're  
24 hoping to be able to move to green energy and the  
25 kinds of energy that don't destroy the planet as

1 quickly as possible because, one, then we won't  
2 destroy the planet, and two, the pricing will  
3 actually go down.

4 Now, is that going to happen this  
5 year as gas prices are going up? Clearly not  
6 fast enough. So we are facing a crisis of  
7 increased costs of gasoline. And most everyone  
8 analyzed it as being because of Putin and the  
9 Russian war in Europe, which I suspect the State  
10 Senate Rs and Ds won't have that much ability to  
11 change the story line in.

12 What we can try to do is lower the  
13 costs particularly for people who are most  
14 dependent on using petroleum vehicles, as we have  
15 not transitioned fast enough into EV vehicles.  
16 So we are proposing, in our one-house, a  
17 reduction in the gas tax, 16 cents a gallon in  
18 state gas tax and then the option for the  
19 localities to match it with their local sales  
20 tax. Because sales taxes are usually half state  
21 and approximately half locality. So we are  
22 proposing that for the remainder of 2022.

23 SENATOR RATH: Through you,  
24 Mr. President, one quick follow-up question.

25 ACTING PRESIDENT BAILEY: Does the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR RATH: Thank you. Sixteen  
6 cents, but not 33. We have the chance to cut it  
7 to 33, and we're doing 16. People need a break.  
8 Costs are escalating. Why not the 33-cent cut?

9 SENATOR KRUEGER: Every action has  
10 a reaction. And we currently use gas tax revenue  
11 to pay for the highway maintenance and repairs.  
12 So we thought it was not actually the best idea  
13 to zero out all the funds going into the highway  
14 funds. And so that's why we chose half, but  
15 recognizing that the localities could get us to  
16 that 33 cents by matching it at the local level.

17 And interestingly, because the price  
18 of gas is going up, at the local level the sales  
19 tax revenue is growing much larger than any  
20 locality imagined it would be or projected in  
21 their budget. Because every time the price of  
22 gas goes up, they're getting more from sales tax  
23 than they thought they were. So we actually  
24 believe it's perfectly reasonable to suggest that  
25 we take half that cost and ask them to take half



1       that cost.

2                   SENATOR RATH:     Through you, Mr  
3       President, one more question.

4                   ACTING PRESIDENT BAILEY:     Does the  
5       sponsor yield?

6                   SENATOR KRUEGER:     Yes.

7                   ACTING PRESIDENT BAILEY:     The  
8       sponsor yields.

9                   SENATOR RATH:     Is there anything in  
10      any of the proposals in your one-house proposal  
11      that lowers energy costs for homeowners and  
12      businesses in New York State?

13                   SENATOR KRUEGER:     So we are  
14      offering significant tax credits for retrofitting  
15      your home to solar or geothermal. We are  
16      expanding the solar tax credit from 5,000 to  
17      10,000. We're going to a 10,000 geothermal tax  
18      as well. Right? Five thousand geothermal. What  
19      else?

20                   We're incentivizing the use of  
21      electric vehicles by providing credits for  
22      purchasing electric vehicles or purchasing  
23      chargers for electric vehicles.

24                   We have a package of climate change  
25      proposals that put money into a number of

1 additional retrofits for people -- excuse me.  
2 We're not retrofitting people. How about  
3 people's homes. Maybe we'd like to retrofit  
4 people; I'm not sure how to do that.  
5 Retrofitting private homes as well as businesses.

6 If you have a chance to review our  
7 climate package within our one-house, including  
8 our redefinition of the bond act and what that  
9 money should be used for, I think you will see  
10 quite a few other things that you might not have  
11 thought about but would meet those standards.

12 SENATOR RATH: Thank you, Senator.

13 Mr. President, I'm all set and hope  
14 you reset the clock for my colleagues.

15 SENATOR KRUEGER: Oh, and one more  
16 thing, I'm sorry.

17 SENATOR RATH: Oh, I'm sorry.

18 SENATOR KRUEGER: Through you,  
19 Mr. President.

20 SENATOR RATH: Absolutely.

21 SENATOR KRUEGER: And there's an  
22 additional 400 million for utility arrears for  
23 people who have not been able to pay their  
24 utilities because of the same problems they faced  
25 in not being able to pay their rent or their

1 mortgages during COVID.

2 SENATOR RATH: Thank you,  
3 Mr. President, I'm all set.

4 ACTING PRESIDENT BAILEY: Thank  
5 you, Senator Rath.

6 Senator Serino.

7 SENATOR GIANARIS: Mr. President,  
8 we're at 4:12, which is the two-hour limit. In  
9 an effort to be very accommodating, we're going  
10 to go till 4:30 and absolutely cut it off at  
11 4:30. So the remaining four or five members that  
12 want to debate, that's how much time you have.  
13 If your colleagues go long before you, it's on  
14 you.

15 ACTING PRESIDENT BAILEY: Thank  
16 you, Senator Gianaris.

17 Senator Serino.

18 SENATOR SERINO: I'm going to be  
19 lickety split. Senator Krueger -- does the  
20 Senator yield for questions?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT BAILEY: Senator  
23 Krueger, do you yield?

24 SENATOR SERINO: Thank you.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR SERINO: Does this  
3 one-house budget proposal include specific money  
4 for research, education or prevention initiatives  
5 for Lyme and tick-borne diseases?

6 SENATOR KRUEGER: I really don't  
7 know. Does someone know and want to run up here?

8 Why don't you continue with the  
9 questions, and maybe somebody will let me know.

10 SENATOR SERINO: Okay, absolutely.  
11 As you know -- oh, does the sponsor continue to  
12 yield? Sorry.

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR SERINO: And as you know,  
17 mental health was a huge subject, right, with all  
18 the questions. But with the children's mental  
19 health beds, I'm glad to see that we're having  
20 that conversation and it sounds like we're making  
21 the investment there and in the stabilization  
22 centers as well. And I share --

23 SENATOR KRUEGER: (Inaudible.)

24 SENATOR SERINO: Oh, thank you.

25 And I share the concerns that my

1 colleagues had.

2 But there was -- there's a proposal  
3 that includes \$50 million for mental health  
4 grants under Aid to Localities, and I'm just  
5 wondering how those are going to be disbursed.  
6 Is it going to be by -- geographically,  
7 population, or through like a competitive  
8 process?

9 SENATOR KRUEGER: It's in  
10 education, so it will go through the school  
11 districts.

12 SENATOR SERINO: I just hope that  
13 they streamline the process because it -- they  
14 can't get bogged with too many -- you know, too  
15 much red tape.

16 Did they have the answer to the  
17 question on Lyme yet? Because I'm --

18 SENATOR KRUEGER: (Inaudible.)

19 SENATOR SERINO: And I'll just be  
20 real -- I'll just be real quick.

21 SENATOR KRUEGER: We accepted the  
22 Executive of \$69,400 for Lyme.

23 SENATOR SERINO: And I see that the  
24 one-house proposes an additional --

25 ACTING PRESIDENT BAILEY: Senator

1 Serino -- I'm sorry, I know you're going quick,  
2 but are you asking the sponsor to yield?

3 SENATOR SERINO: Oh, yes, I'm  
4 sorry.

5 ACTING PRESIDENT BAILEY: Does the  
6 sponsor yield?

7 SENATOR KRUEGER: Sorry, it's my  
8 fault also.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR KRUEGER: Sorry,  
12 Mr. President.

13 SENATOR SERINO: Sorry. I see that  
14 the one-house proposes an additional \$2 million  
15 for the Long Term Care Ombudsman Program, a  
16 program that of course plays a critical role in  
17 protecting the health and safety of nursing home  
18 residents.

19 While that's a start, I submitted a  
20 bipartisan letter for \$20 million to bolster and  
21 professionalize this critical program. Can you  
22 tell me why there's been such a small investment  
23 made in such a critical program in your proposal?

24 SENATOR KRUEGER: You're going to  
25 get me fired, Sue Serino. I wanted 20 million

1       also. (Laughing.)

2                       Mr. President, because we didn't  
3       have enough money to go around and we thought it  
4       was a great idea and at least in Year 1 we could  
5       get it started, knowing that we're going to need  
6       more funds.

7                       SENATOR SERINO:     Thank you,  
8       Senator.

9                       SENATOR KRUEGER:    Thank you.

10                      ACTING PRESIDENT

11       BAILEY:     Senator Helming.

12                      SENATOR HELMING:    Thank you,  
13       Mr. President. Will the sponsor yield for a few  
14       questions.

15                      ACTING PRESIDENT BAILEY:   Will the  
16       sponsor yield?

17                      SENATOR KRUEGER:    Yes, I will.

18                      ACTING PRESIDENT BAILEY:   The  
19       Senator yields.

20                      SENATOR HELMING:    Thanks, Senator  
21       Krueger.

22                      Senator Krueger, if there's one  
23       thing we've learned over the past year it's that  
24       the ERAP program is so bureaucratic, it's very  
25       slow, and both tenants and landlords are

1 suffering. Tenants are falling further behind  
2 with their rent payments, and landlords are at  
3 risk of losing their property because they can't  
4 meet their financial obligations.

5 I look at this one-house budget as a  
6 great opportunity to streamline the ERAP process  
7 and the program. Is there anything in this  
8 one-house budget that proposes doing just that?

9 SENATOR KRUEGER: We share the  
10 frustration. We know that we started off slow  
11 moving the money out. We sped it up quite a bit.  
12 And I think we've now given out 1.6 of the  
13 2 billion. And we have the dilemma of the  
14 difficulty in finding the landlords sometimes,  
15 finding the right paperwork. It's amazing how  
16 complicated it is. And a lot of it is tied up  
17 with the requirements of the federal government  
18 and what they tell us we have to collect. Which  
19 is also why we wanted to make sure we have a  
20 state program to invest money in directly to the  
21 landlords, and we're continuing that and putting  
22 how much money in?

23 (Pause.)

24 SENATOR HELMING: Through you,  
25 Mr. President, if the sponsor would continue to



1     yield.

2                   ACTING PRESIDENT BAILEY:     Does the  
3     sponsor continue to yield?  I thought --

4                   SENATOR KRUEGER:     Yes.

5                   ACTING PRESIDENT BAILEY:     I believe  
6     she was still answering the question.  I'm sorry,  
7     Senator Helming.

8                   SENATOR KRUEGER:     No, that's okay.  
9     Go right ahead.

10                  SENATOR HELMING:     I mean, I would  
11     argue every point that you just made, that it is  
12     so challenging and difficult to get any answers  
13     to specific questions from the commissioner and  
14     his agency.

15                  But I want to switch quickly because  
16     we are so limited in time.  Something that's  
17     personally very important to me is providing  
18     housing for those homeless veterans who are  
19     seeking it.  In the Greater Rochester area, we  
20     have a tremendous lack of housing for veterans,  
21     especially females, women with children.

22                  And I'm wondering if there was any  
23     discussion and if this budget includes a  
24     restoration of the Warrior Salute program.  In  
25     the past, they received about \$250,000, \$300,000,

1 but I believe it was cut out two years ago.

2 SENATOR KRUEGER: I'm not familiar  
3 with that program.

4 There is a -- there has been quite a  
5 bit of discussion about needing more funds for  
6 homeless people statewide, the recognition that  
7 every community is suffering from populations  
8 that are homeless. (Pause.)

9 We also did the \$250 million Access  
10 program for funding for people who are homeless,  
11 so we really upped the amount of money. And I  
12 guess what I would suggest is that if you know a  
13 group specifically in Rochester that's working  
14 with homeless veterans, that we should make sure  
15 that they're being reached out to to make sure  
16 that they know how to apply.

17 SENATOR HELMING: Through you,  
18 Mr. President, if the sponsor will continue to  
19 yield.

20 ACTING PRESIDENT BAILEY: Does the  
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR REICHLIN-MELNICK: I will

1 do that.

2 And I asked about the Warrior Salute  
3 program because it's so wonderful and successful  
4 every year.

5 But just moving along very quickly  
6 here, keeping people in their homes is very  
7 important. I agree that we have a homelessness  
8 issue that needs to be addressed. This includes  
9 people who live in state-operated group homes,  
10 people with developmental disabilities.

11 Over the weekend I attended the  
12 event with PEF. My colleagues from this body  
13 were in attendance as well, and we heard about  
14 the dozens of group homes that have been closed  
15 since 2019, both permanently and temporarily  
16 closed, along with the day treatment programs.

17 Is there anything in this budget  
18 that says -- that commits to our developmentally  
19 disabled population in New York State that we are  
20 going to reopen these homes and we're going to  
21 stop moving you around like you're pieces of a  
22 puzzle instead of the human beings that you are?

23 SENATOR KRUEGER: So we know that  
24 we have a new commissioner for OPWDD who I think  
25 comes to the position with a much better

1 understanding of the real-life issues for  
2 families and the real pain if a facility is  
3 closed that was working and being successful for  
4 their probably in most cases adult children.  
5 Although I guess also children children.

6 And there is additional funding for  
7 facilities within the "O" agencies. But I am not  
8 aware of the Governor making any commitments to  
9 reopening specific facilities, and I don't  
10 believe we got that far into the weeds in our  
11 one-house.

12 SENATOR HELMING: Mr. President, if  
13 the sponsor will continue to yield.

14 ACTING PRESIDENT BAILEY: Will the  
15 sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT BAILEY: The  
18 sponsor yields.

19 SENATOR HELMING: Senator Krueger,  
20 continuing along the same lines, the CDPAP  
21 program, Consumer Directed Personal Assistance  
22 Program, this Medicaid program -- I know you're  
23 familiar with it -- provides services to  
24 chronically ill or physically disabled  
25 individuals who have a medical need. These folks

1 cannot live in their own homes without services.  
2 They cannot. We are at a crisis with that  
3 program. The Center for Disability Rights is  
4 right around the corner from my district office.  
5 I hear from people, I met with a woman on Friday  
6 and she had this to say to me. She said: "Pam,  
7 I'm at the end of the rope, I don't know what to  
8 do." She needs 24/7 care. She said, "I'm  
9 thinking about trying to commit a crime so I  
10 could get into jail and get the services that I  
11 need."

12 Is there anything in this budget  
13 that increases the ability for folks in the CDPAP  
14 program to increase the wages, to restore  
15 benefits to the people who work in those  
16 programs?

17 SENATOR KRUEGER: So yes, one of  
18 the major initiatives in our one-house bill is  
19 increased revenue for salary increases for people  
20 who are working in home care, which will include  
21 through CDPAP as well as through other  
22 traditional models. So absolutely, more money  
23 for staffing.

24 But there was also some changes the  
25 state made in the number of CDPAP intermediary

1 agencies, and there's some concern about that.  
2 And so we sort of slowed that down a bit also  
3 within our one-house.

4 And we also invested some money into  
5 capital for home care facilities as well. Which  
6 would actually be more a fit with the previous  
7 question you asked about the group homes.

8 SENATOR HELMING: Thank you,  
9 Senator Krueger.

10 If the sponsor will yield for one  
11 more question.

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR HELMING: Changing topics  
18 here a little bit. The Gananda Central School  
19 District received significantly less Foundation  
20 Aid per student when it's compared to similar  
21 schools. Even wealthier school districts receive  
22 almost double what Gananda receives per student.

23 In the past budgets I have seen  
24 carveouts for schools who have needed an  
25 additional bump-up -- Yonkers, Rochester City

1 School District and others. Is there anything in  
2 this budget for the Gananda Central School  
3 District? I know they've highlighted their  
4 plight to myself, to the chair of the Education  
5 Committee and others.

6 SENATOR KRUEGER: I don't know them  
7 personally, so I'm just going to check with this  
8 gentleman.

9 So my understanding is everybody got  
10 at least a 3 percent increase in Foundation Aid  
11 base funding. And that you should probably have  
12 a chat with the Education chair, Shelley Mayer,  
13 about what other possibilities there might be.

14 SENATOR HELMING: Through you,  
15 Mr. President. Thank you. And that has been  
16 done for the last couple of years. And I know  
17 the school district has reached out numerous  
18 times as well.

19 That does it for my questions.  
20 Thank you, Senator Krueger.

21 SENATOR KRUEGER: Thank you.

22 ACTING PRESIDENT BAILEY: Senator  
23 Martucci.

24 SENATOR MARTUCCI: Thank you,  
25 Mr. President.

1                   My question is with respect to TED  
2           Part RR, if the Senator would yield.

3                   ACTING PRESIDENT BAILEY:     Senator  
4           Krueger, do you yield?

5                   SENATOR KRUEGER:     I do.   But remind  
6           me what Part RR is.

7                   ACTING PRESIDENT BAILEY:     The  
8           sponsor yields.

9                   SENATOR MARTUCCI:     I'll tell you  
10          about it.   Extender producer responsibility.

11                   SENATOR KRUEGER:     (Inaudible.)

12                   (Laughter.)

13                   SENATOR KRUEGER:     -- it's amazing.

14                   SENATOR MARTUCCI:     I'm trying to  
15          make this more efficient, because I've only got  
16          six minutes left.   So I'm going to use it well.

17                   All right.   My question is with  
18          respect to municipalities that currently have  
19          recycling programs.   If a municipality operates  
20          its own recycling program, is it able to opt out  
21          of EPR?

22                   (Pause.)

23                   SENATOR KRUEGER:     Yes.   It's a new  
24          agreement between the producers and the  
25          municipalities, and the municipalities can opt



1 out.

2 SENATOR MARTUCCI: So if the  
3 Senator would yield.

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR MARTUCCI: Through you,  
10 Mr. President. So if the municipality is able to  
11 opt out, or chooses for some reason not to opt  
12 out, is there anything that is included in the  
13 language that's before us today that would  
14 somehow protect or dictate what happens to the  
15 collectively bargained workforce?

16 SENATOR KRUEGER: No, it doesn't  
17 address collective bargaining. They would have  
18 to work that out at home.

19 SENATOR MARTUCCI: Thank you,  
20 Mr. President. I have one other question.

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR MARTUCCI:    Thank you,  
2   Senator.

3                   I'm going to pivot to Part SS, which  
4   has to do with a ban on certain packaging.  
5   That's a part of this proposal as well.

6                   Has there been any consideration  
7   paid to carveouts, specific carveouts with  
8   respect to packaging that's used for medical  
9   purposes such as storing of cellular therapies,  
10   cryogenics, and even the storage and distribution  
11   of vaccines? Which we've clearly seen over the  
12   past year is pretty important.

13                  SENATOR KRUEGER:    It's not in the  
14   Governor's proposal. But apparently the industry  
15   has been approaching us as well with concerns  
16   about medical packaging. So I think we're very  
17   open to learning more about this.

18                  SENATOR MARTUCCI:    Thank you,  
19   Mr. President. I thank the Senator for answering  
20   our questions. And I look forward to those  
21   conversations in the weeks to come. Thank you.

22                  SENATOR KRUEGER:    Thank you.

23                  ACTING PRESIDENT BAILEY:    Thank  
24   you, Senator.

25                  Senator Tedisco.

1                   SENATOR TEDISCO:    Will the Senator  
2     yield for a few questions?

3                   ACTING PRESIDENT BAILEY:    Does the  
4     sponsor yield?

5                   SENATOR KRUEGER:    Of course.

6                   ACTING PRESIDENT BAILEY:    The  
7     sponsor yields.

8                   SENATOR TEDISCO:    Thank you.

9                   First of all, let me let you know I  
10    checked the drawer for Senator Gianaris's old  
11    desk. There's nothing in it today, so I'm not  
12    going to be using anything in there. So he can  
13    relax.

14                   I want to ask you very quickly, what  
15    are the two largest spending and revenue parts of  
16    this budget? The two largest.

17                   SENATOR KRUEGER:    Without even  
18    looking, it's education and healthcare.

19                   SENATOR TEDISCO:    Yeah. Or social  
20    services? Excuse me.

21                   SENATOR KRUEGER:    No, social  
22    services are nothing compared to education and  
23    healthcare.

24                   SENATOR TEDISCO:    Okay. Now, you  
25    said in one of your comments earlier on, I think

1       it was with Senator O'Mara, "The state is very  
2       good at making very large adjustments quickly and  
3       effectively."

4                       Do you remember a man named Willie  
5       Sutton?

6                       SENATOR KRUEGER:    I don't know him  
7       personally, but I remember the reference.  That  
8       he would rob banks because that's where the money  
9       was.

10                      SENATOR TEDISCO:    That's where the  
11       money was.  And I don't know if he really said --  
12       excuse me.

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

15                      SENATOR KRUEGER:    I do yield.

16                      ACTING PRESIDENT BAILEY:    Senator  
17       Krueger yields.

18                      SENATOR TEDISCO:    I don't know if  
19       he really said that, but they say he really said  
20       that.

21                      And what I want to ask you is about  
22       one time not so far back -- you and I were here,  
23       several members were here -- we had a terrible  
24       deficit, a terrible deficit.  There must have  
25       been some bad budgets leading up to that deficit.

1 And we corrected that deficit. And you probably  
2 remember how we corrected that deficit. When I  
3 say large amounts, and you said education, it was  
4 through taking money from education.

5 And when we took that money from  
6 education, we developed an unbelievable, terrible  
7 gap in providing funding for kids and schools and  
8 special education. And it was a hard process to  
9 get back to the point where we actually closed  
10 that gap.

11 Would you call that a very good -- a  
12 very large adjustment, very quickly, to solve a  
13 problem?

14 SENATOR KRUEGER: So if I had my  
15 druthers, no, I would not choose to cut education  
16 funding or healthcare funding.

17 SENATOR TEDISCO: Would the  
18 gentlelady --

19 ACTING PRESIDENT BAILEY: Does the  
20 sponsor yield?

21 SENATOR KRUEGER: I certainly do.

22 ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24 SENATOR TEDISCO: So we're not  
25 always very good at making large adjustments.

1                   SENATOR KRUEGER:   Well, apparently  
2   we're good at making them.  We may not always  
3   make the right decisions.  But we made the  
4   decisions when we had to, yeah.

5                   But I would agree -- I don't think  
6   that I was the Governor that day, or any day, but  
7   I don't think that our cutting education funding  
8   proved to be a very good move for us.

9                   SENATOR TEDISCO:   Will the Senator  
10   yield.

11                  ACTING PRESIDENT BAILEY:   Does the  
12   sponsor yield?

13                  SENATOR KRUEGER:   Of course.

14                  ACTING PRESIDENT BAILEY:   The  
15   sponsor yields.

16                  SENATOR TEDISCO:   Just help me one  
17   more time.  The difference between the Governor's  
18   budget and our budget, with numbers and  
19   percentages of increase.  We've increased it by a  
20   percentage and we've increased it by numbers.  
21   What's the percentage and the number?

22                  SENATOR KRUEGER:   We increased it  
23   by \$9 billion over what the Governor proposed.  
24   And that percentage increase would be  
25   11.1 percent.

1                   SENATOR TEDISCO:   Eleven point --

2                   SENATOR KRUEGER:   -- .1 percent

3 over the Governor's.

4                   SENATOR TEDISCO:   Would the  
5 gentlewoman yield.

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

8                   SENATOR KRUEGER:   I'm sorry, 11.1  
9 over -- over this year's budget. But her  
10 proposed budget goes up 3.2 percent; ours goes up  
11 11.1 percent.

12                  SENATOR TEDISCO:   This has gotta be  
13 the last question, and I'll tell you why -- would  
14 she yield?

15                  ACTING PRESIDENT BAILEY:   Senator  
16 Krueger, do you yield?

17                  SENATOR KRUEGER:   Yes, I'm happy to  
18 yield.

19                  SENATOR TEDISCO:   Last question,  
20 and I'll tell you why I'm going to ask it.  
21 Because we have the worst inflation in 40 years.  
22 Every dollar -- we talked about the gasoline tax  
23 and cutting the tax, but it's really the cost of  
24 a gallon of gasoline also. Home heating, buying  
25 groceries, paying the kids' tuition, paying our

1 car payments -- everything is chipping away at  
2 every dollar.

3 I want to ask you -- the one thing I  
4 don't hear a lot about when we're providing all  
5 this funding -- an 11 percent increase,  
6 \$9 billion -- is the beleaguered property tax  
7 owner. Are we doing anything about the STAR  
8 program to enhance it and help them out through  
9 that? It's been a very good program. I remember  
10 when I was in the minority, we fought for it, we  
11 helped development -- we helped to get it across  
12 and save 35 or 40 billion dollars. But when you  
13 eat away at all those other things -- and I'll  
14 tell you why it's important.

15 You've got young people before the  
16 pandemic and leading into the pandemic who bought  
17 homes. They're looking at their mortgage now,  
18 they're looking at their tax payment now, and  
19 they're saying, Wait a second, I don't think I  
20 can afford to keep my house anymore.

21 But above and beyond that, even with  
22 the Enhanced program, we have seniors who are  
23 calling me and saying, "I'm on a fixed income,  
24 I've been on a fixed income for a long time."  
25 Maybe just Social Security, maybe just a very



1 small pension system. "I could afford to pay for  
2 my house over 40 or 45 years, Senator," they tell  
3 me, "but I don't think I can keep it now because  
4 I can't afford to pay the taxes even with the  
5 STAR program in place."

6 So we talk about regressive taxes?  
7 My mom died at 97. She lived for many years --  
8 my father worked in the foundry for 30 years to  
9 bring up three children and to be able to own a  
10 home. She lived on Social Security of 12 or 13  
11 or \$14,000 for many, many years. My father  
12 passed away at 67. She lived to be 97.

13 Her house had a value. Was it fair  
14 to charge her with the fellow next to her who  
15 might have been making \$100,000 or \$200,000 at  
16 the General Electric as an executive? It's a  
17 terribly regressive tax.

18 Why is there nothing done to enhance  
19 that -- I'm a little bit interested in helping  
20 people out with their heating bills, that's fine.  
21 But that's not going to cover the cost of the  
22 expansion of the taxes eating into their small  
23 pensions and eating into their small Social  
24 Security.

25 SENATOR KRUEGER: So Mr. President,

1 I wanted to thank Senator Tedisco for that  
2 question. We put \$2.2 billion into expanding  
3 STAR in our one-house budget. We still have  
4 400 million that we put in last year to continue  
5 a circuit-breaker for exactly this population.  
6 So combined, it's \$2.6 billion in property tax  
7 reductions through STAR and circuit-breaker.

8 And we made adjustments to the  
9 Governor's proposal to target more of it to  
10 people who have less than \$75,000 in income and  
11 people who have -- for people under 75,000 there  
12 would be an additional \$942 in STAR. For people  
13 75,000 to 150,000 in income, an additional 683 in  
14 STAR. For people 150,000 to 200,000, an  
15 additional 393 in STAR. And for the Enhanced  
16 program, an additional \$800 on top of the  
17 existing STAR, on top of the -- for those who are  
18 eligible, the circuit-breaker that we expanded  
19 last year and continued it to this year.

20 So I'm very proud of my conference's  
21 commitment to trying to address exactly what  
22 you're describing for exactly that population.

23 SENATOR TEDISCO: Will the  
24 gentlewoman yield.

25 ACTING PRESIDENT BAILEY: Senator

1 Tedisco, this will be the last question that we  
2 permit.

3 Senator Krueger, do you yield?

4 SENATOR KRUEGER: Yes, I will.

5 SENATOR TEDISCO: Now, what  
6 percentage would that be as compared to the size  
7 of the budget increase? I mean, you said 9  
8 percent for the budget. What increase would that  
9 be to help the homeowners?

10 (Pause.)

11 SENATOR KRUEGER: So we're  
12 increasing the budget in total 9 billion, but  
13 2.2 billion is going to the new property tax  
14 reductions.

15 So if you look at the total, not  
16 just the General Fund, it's a \$13 billion  
17 increase, of which you've got the 2.2 billion  
18 STAR, the 400 million continuing circuit-breaker.

19 We also -- the gas tax is also  
20 relief, we think, for a very similar population  
21 of people.

22 And we accepted the Governor's  
23 proposal to accelerate the phase-in of middle  
24 class tax deductions as well.

25 So I actually think we have a very

1 robust package of tax reductions here.

2 SENATOR TEDISCO: Thank you.

3 ACTING PRESIDENT BAILEY: Thank  
4 you, Senator Tedisco.

5 Are there any other Senators wishing  
6 to be heard?

7 Seeing and hearing none, debate is  
8 closed.

9 Senator Gianaris.

10 SENATOR GIANARIS: Thank you,  
11 Mr. President.

12 I want to thank the members for  
13 their cooperation.

14 Just as a remainder, the rules say a  
15 resolution can be debated for 30 minutes. We are  
16 now on two and a half hours. So we've, as I  
17 noted, been very accommodating.

18 As we move into vote explanations,  
19 we have a number of members who will be  
20 explaining their votes on both sides of the  
21 aisle, and I know Mr. President is going to be  
22 very strict with the two-minute vote explanation  
23 rule.

24 So just to let all the members know  
25 how this is going to go for the next probably

1 over an hour, with the number of people on the  
2 list.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BAILEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: As  
8 mentioned by Senator Gianaris, pursuant to  
9 Rule 9, Section 3, subsection (e), please,  
10 colleagues, kindly but firmly keep your comments  
11 to two minutes.

12 Senator Rivera to explain his vote.

13 SENATOR RIVERA: Thank you,  
14 Mr. President.

15 As I stated earlier, the most  
16 important part here is that we have to think  
17 about the fact that for the last 10 years the  
18 budgets have been about disinvestment, about  
19 austerity. And so I am happy to say that the  
20 Governor's budget proposal was a great beginning,  
21 but our one-house budget proposal is many, many  
22 more steps forward.

23 We talked about some of the things  
24 during my debate, but I just wanted to mention a  
25 couple more. The bonus language for workers, we

1 modified to make sure that we include frontline  
2 workers. We also make sure that we address the  
3 benefits cliff.

4 We repealed the Medicaid global cap,  
5 as I said. We increased the capital program. So  
6 we added an additional \$400 million in resources,  
7 so we have pots for hospitals all across the  
8 state and for -- we took 25 percent of that and  
9 we save it for safety net -- for a set-aside for  
10 capital funding to be directed to community-based  
11 organizations. We want to make sure they don't  
12 get left out.

13 We expanded the Executive's one-year  
14 postpartum coverage proposal to include all  
15 residents of New York State. We added language  
16 to create parity in dispensing fees for  
17 pharmacies. Thank you, Senator Skoufis, for that  
18 language. We omitted the Executive's telehealth  
19 parity proposal so we would expand telehealth  
20 with a few bills of mine. We enacted Fair Pay  
21 for Home Care to establish home care worker pay.

22 We did all of these things as -- and  
23 this, Mr. President, is because this is what our  
24 belief is as to how important taking these steps  
25 forward, to make sure that we can have the

1     disinvestment and the austerity that we've had  
2     for the last decade go back. We want to make  
3     sure that we take many steps in the opposite  
4     direction. We're doing that today.

5             I'm incredibly happy to vote in the  
6     affirmative for this. And that's a minute and  
7     32 seconds, Mr. President. Thank you.

8             ACTING PRESIDENT BAILEY:     Senator  
9     Rivera to be recorded in the affirmative.

10            Senator Harckham to explain his  
11     vote.

12            SENATOR HARCKHAM:     Thank you very  
13     much, Mr. President.

14            New Yorkers all over the state are  
15     hurting. And there's a lot of conversation about  
16     what this budget does for ordinary New Yorkers.  
17     And I would just take a minute to have a slightly  
18     different take on one of my colleagues from  
19     across the aisle, who said this budget had  
20     nothing for hardworking New Yorkers.

21            I would suggest the opposite. This  
22     budget is all about hardworking New Yorkers,  
23     starting with record education funding to lift  
24     our children up and hold the line on property  
25     taxes. Continuing to expand pre-K outside of

1 New York City. Record increases in childcare so  
2 that folks can go back to work. You ask people  
3 in businesses the number-one reason why jobs are  
4 open right now, it's because folks cannot afford  
5 safe, affordable childcare.

6 And then you put in what we're doing  
7 for small businesses, continuing the grant  
8 program, the small business tax cut. Let's look  
9 at the middle-class tax cut. Let's look at the  
10 property tax relief that we just spoke about on  
11 the floor.

12 So there are many, many things here  
13 that I think are very favorable to invest in our  
14 families as we come out of the recovery.

15 Finally I want to point to one other  
16 thing. Let's talk about OASAS, which I oversee  
17 on the Committee of Alcoholism and Substance  
18 Abuse. What other agency do we ever remember in  
19 this chamber getting a 50 percent increase in  
20 their budget during the budget cycle? Which is  
21 amazing.

22 But it's one thing to put money into  
23 the budget, but if the system is not working for  
24 people, we have to change it. And that's why I'm  
25 glad colleagues have put in the merger of OASAS



1 and OMH, because 70 percent of people who present  
2 with a substance use disorder also have an  
3 underlying mental issue that they are  
4 self-medicating for.

5 So there are so many good things in  
6 this budget. I appreciate colleagues, the  
7 Majority Leader and our staff, Senator Krueger  
8 for her performance here today on the floor. I  
9 vote aye.

10 ACTING PRESIDENT BAILEY: Senator  
11 Harckham to be recorded in the affirmative.

12 Senator Ramos to explain her vote.

13 SENATOR RAMOS: Thank you,  
14 Mr. President. And good afternoon, everyone.

15 I rise to explain my vote in the  
16 affirmative. I'm so proud to see us take  
17 tremendous steps away from the Executive proposal  
18 and actually stand up for working-class  
19 New Yorkers.

20 As the chair of the Labor Committee,  
21 I especially want to tout the \$50 million in  
22 workforce training that we're facilitating, and  
23 also \$22.5 million to Cornell in order to focus  
24 on the Climate Jobs Institute and a cannabis  
25 workforce initiative.

1                   We also managed to get prevailing  
2 wage into the Environmental Bond Act, which is  
3 great.

4                   I also am happy to see that we were  
5 able to build on the Farmworker Fair Labor  
6 Practices Act that I passed in 2019. We're  
7 solidifying the path for them to reach a 40-hour  
8 work week with guaranteed overtime after that,  
9 and some improvements to PERB in order to help  
10 create more unions like we've been able to win at  
11 Pindar Vineyards in Suffolk County.

12                  I also want to of course talk a  
13 little bit about childcare. As a mom, I made  
14 this a priority of mine during this budget cycle.  
15 And so much of the work that you and I have done,  
16 President, on this bill actually has made it into  
17 this budget. We're finally eliminating the work  
18 requirement for New Yorkers to be able to qualify  
19 for childcare, including for our undocumented  
20 neighbors. And we're covering children five and  
21 below as we continue to roll out universal pre-K  
22 without a gap in between 4-and-5-year-olds, which  
23 is really important in keeping kids safe, of  
24 course helping parents return back into the  
25 workforce, and helping our childcare providers.

1 Which I still think we should have created a wage  
2 floor for them, and that's something we're going  
3 to continue to fight for.

4 But all that being said, I believe  
5 that as we talk about a just recovery for all,  
6 really as communities of color and especially  
7 women of color, we know what it's like to get one  
8 bite at the apple and still leave so many needs  
9 unmet. So with no solutions for excluded workers  
10 and no guarantee for a living wage for childcare  
11 workers, it actually does leave a lot of work for  
12 us to do.

13 But I want to thank our Majority  
14 Leader, Andrea Stewart-Cousins, all of the  
15 advocates, my staff, central staff, and everybody  
16 that has worked on this document.

17 I'm very proud to vote in the  
18 affirmative. Thank you.

19 ACTING PRESIDENT BAILEY: Senator  
20 Ramos to be recorded in the affirmative.

21 Senator Ryan to explain his vote.

22 SENATOR RYAN: Thank you,  
23 Mr. President. Good afternoon.

24 As we rebuild our economy  
25 post-pandemic, we are passing our one-house

1 budget resolution today that makes investment in  
2 the people of the State of New York. Lots of  
3 good news for the people. Three billion dollars  
4 in childcare -- historic investment.

5 One-point-four billion dollars to keep helping  
6 landlords and renters. And as we accelerate our  
7 middle-class tax cuts, we're going to put more  
8 money into people's pockets. The budget takes  
9 action to lower the cost of living for  
10 New Yorkers during this difficult economic time.

11 As chair of the Libraries Committee,  
12 I'm excited to say our budget increases funding  
13 for our Library Construction Fund to \$45 million.  
14 That's money that will hit the street and hit our  
15 communities quickly. It will also allow  
16 libraries across New York State to get going on  
17 these capital projects that have been backed up.

18 And with the dire situation we're  
19 seeing around the world right now, very thankful  
20 to see a \$7 million increase in money to help  
21 refugees resettle in America. We hope for peace  
22 in the world, but we're often let down by that.  
23 And when people are displaced, the people of  
24 New York State will be ready to help those  
25 displaced.

1                   We made a big investment in  
2 broadband. We included in the budget my  
3 legislation called the WIRED Broadband Act. It's  
4 a good piece of legislation. It's a  
5 comprehensive plan to utilize federal and state  
6 funding in a manner that's both efficient and  
7 transparent and will deliver a product that we  
8 can be proud of to the people of New York State.

9                   The proposal includes labor  
10 standards that will ensure the creation of  
11 good-paying jobs in the fiber and broadband  
12 development fields. It includes prevailing wage,  
13 MWBE requirements, and other critical safeguards.

14                  And as we connect more people to  
15 broadband, we must do it in a responsible way  
16 that creates good-paying jobs.

17                  And I'd be remiss if I didn't thank  
18 the leader for her help throughout this process,  
19 and to compliment Senator Krueger for the many  
20 hours that she spent on marathon Zoom calls to  
21 put together this budget. I really couldn't  
22 believe how you stuck to all those hearings. And  
23 of course to our staff, who works tirelessly  
24 throughout the year, especially during budget  
25 season.

1 Thank you very much.

2 ACTING PRESIDENT BAILEY: Senator  
3 Ryan to be recorded in the affirmative.

4 Senator Liu to explain his vote.

5 SENATOR LIU: Mr. President, I am  
6 so proud to be part of this Senate resolution  
7 about this budget.

8 You know, last year for the very  
9 first time we fulfilled a court mandate to fully  
10 fund school aid for our primary and secondary  
11 schools throughout the State of New York, an  
12 historic three-year arrangement that we are  
13 making good on the second year thereof. And next  
14 year I fully expect that we will continue to  
15 follow through also, following through on a  
16 commitment to expand prekindergarten statewide.

17 This year we expand on that  
18 commitment to education and our state's future by  
19 investing a historic \$1.1 billion for public  
20 universities in the State of New York, split  
21 between SUNY and CUNY. This money will provide,  
22 at long last, sufficient funding to recruit and  
23 retain a significant number of new full-time  
24 faculty members for our public universities;  
25 increase the pay for adjunct professors, who we

1     rely upon immensely; and perhaps most  
2     importantly, eliminate these ridiculous fees that  
3     our students have had to suffer under for many  
4     years, as well as beginning to reduce the tuition  
5     that they are forced to pay.

6                 As we know, for many years now, at  
7     least two decades, the state has reduced its  
8     share of operating aid for our public  
9     universities, relying more and more on student  
10    tuition. We need to start reversing that now.

11                And one other note, you know, just  
12    over the weekend a woman, a 67-year-old woman in  
13    Yonkers was pummeled 125 times, punched by a  
14    perpetrator who called her an Asian witch, but  
15    with a B., and spat on her and descended on her  
16    like who knows.

17                This is yet another instance of  
18    anti-Asian hate. I'm so proud that this Senate  
19    is supporting the AAPI Equity Budget that will  
20    finally provide that kind of support to the  
21    growing Asian American Pacific Islander community  
22    we have throughout the State of New York so that  
23    people in our community will not be as vulnerable  
24    as they have been.

25                Granted, this is just a Senate

1 budget resolution. I look forward to fighting  
2 for it in the final budget.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BAILEY: Senator  
5 Liu to be recorded in the affirmative.

6 Senator Brisport to explain his  
7 vote.

8 SENATOR BRISPORT: Thank you,  
9 Mr. President. And thank you to my colleagues,  
10 to the Senate central staff, and especially to  
11 our leader for all their work and diligence in  
12 drafting this budget resolution.

13 Colleagues, as our state continues  
14 to have the highest wealth inequality in the  
15 nation, a great many of our constituents are  
16 wondering how they will keep their heads above  
17 water. I am frustrated that this resolution  
18 raises no additional revenue from the ultra-rich,  
19 who should be required to contribute their fair  
20 share towards addressing these dark and difficult  
21 times.

22 I am nevertheless heartened by some  
23 truly crucial measures we have been fighting for  
24 here, including fair pay for home care workers, a  
25 New Deal for CUNY, as well as the elimination of



1 the 421-a boondoggle for wealthy developers.

2 As the chair of the Committee on  
3 Children and Families, I have been especially  
4 focused on the childcare crisis facing New York.  
5 For ten weeks I toured our state, listening to  
6 parents and childcare providers share input on  
7 the situation, and many of you joined me.

8 With remarkable consistency, what we  
9 heard was this. In every corner of our state --  
10 in rural farming communities, in suburban  
11 townships, in dense cities -- the childcare  
12 industry is collapsing. Chronic underfunding and  
13 reliance upon the unpaid and underpaid labor of  
14 childcare providers, especially black women and  
15 women of color, has led us to this crisis.

16 As one childcare educator said:  
17 When you take something for granted long enough,  
18 it will soon disappear. That is exactly what's  
19 happening, and it's happening fast.

20 I believe this resolution could go  
21 further in addressing this crisis. However, I am  
22 proud that it devotes billions of badly needed  
23 dollars toward childcare and that it starts us on  
24 the process of finally building a universal  
25 childcare system. If we are to stop the rapid

1 collapse of the childcare sector upon which our  
2 entire economy rests, we cannot allow the  
3 Governor to remove or delay even one dollar of  
4 this funding in the final budget.

5 I thank the leader for including it  
6 and urge her to protect every last dollar of it  
7 as though our families, our economy and the very  
8 future of our state depend on it, because they  
9 most certainly do.

10 I vote aye on this resolution.

11 ACTING PRESIDENT BAILEY: Senator  
12 Brisport to be recorded in the affirmative.

13 Senator Mayer to explain her veto.

14 SENATOR MAYER: Thank you,  
15 Mr. President.

16 I proudly vote aye on this  
17 resolution, and I want to thank Majority Leader  
18 Stewart-Cousins and Senator Krueger for her  
19 leadership.

20 You know, as the chair of Education,  
21 I've been around the state and spoken to  
22 superintendents upstate, downstate, and of course  
23 the City of New York, our suburban communities,  
24 our rural communities and our urban communities  
25 outside New York City. And universally, there

1 are two takeaways. One, they're incredibly  
2 grateful that we started the commitment to full  
3 funding of Foundation Aid and that we are  
4 continuing. And two, they're terribly worried  
5 about their students as they return to school  
6 after the challenges of COVID.

7 And to the credit of my colleagues,  
8 we are addressing both of those things. We are  
9 in the second year of our commitment to fully  
10 funding Foundation Aid. We are building on our  
11 commitment to universal pre-K outside New York  
12 City. We are investing in career and technical  
13 education. We are ensuring that our special ed  
14 schools get the money that they deserve. They  
15 are basically public schools in different  
16 settings. They are entitled to the money of our  
17 public schools.

18 But most important, we are  
19 recognizing that the mental health, the social  
20 and emotional health of our children must be  
21 addressed as they recover from COVID, and we are  
22 investing in it in a creative and bold way.

23 I also want to say that we are  
24 dealing with climate change in the school context  
25 by acknowledging the need to move to EV vehicles

1 for our schools, but working with the  
2 stakeholders to make it work.

3 And coupled with our investment in  
4 childcare and an investment in higher ed, in SUNY  
5 and CUNY, we are recognizing the state's  
6 obligation, from infancy to graduation and  
7 beyond, that education is the power to give every  
8 child the opportunity to achieve their dreams and  
9 their ambitions. When we see what is happening  
10 in the rest of the world, we cannot forget the  
11 power of our democracy and the power of education  
12 to transform a life into independence and  
13 self-determination.

14 For that reason, I vote aye.

15 ACTING PRESIDENT BAILEY: Senator  
16 Mayer to be recorded in the affirmative.

17 Senator Oberacker to explain his  
18 vote.

19 SENATOR OBERACKER: Thank you,  
20 Mr. President.

21 Governor Hochul's proposed budget  
22 included record spending, but that was a bargain  
23 compared to the plan being advanced by the Senate  
24 Majority that adds another 9 billion, inflating  
25 overall state spending to a nearly \$225 billion

1 budget.

2           There are positives in this budget  
3 that will pay immediate dividends across the  
4 state that I can support: Repeal of the fiber  
5 optic right-of-way tax that is stifling broadband  
6 expansion; additional funding for CHIPS to help  
7 fund local roads and improvements; and the  
8 accelerated phase-in of the middle-class tax cut.

9           However, the overall amount of the  
10 spending is unsustainable, and tax hikes are  
11 inevitable. The budget blows through reserve  
12 funds at an unsustainable rate and will leave our  
13 state in a highly precarious financial position  
14 going forward. This is the very definition of an  
15 election year budget, and it is not fiscally  
16 responsible.

17           New York City is losing population  
18 at a record rate, and if Albany fails to make  
19 major changes to this out-of-control spending  
20 plan, more people will be on their way out.  
21 Because no one, no one wants to be here when that  
22 bill comes due.

23           And for that reason, Mr. President,  
24 I am voting in the negative. Thank you.

25           ACTING PRESIDENT BAILEY:     Senator

1 Oberacker to be recorded in the negative.

2 Senator Weik to explain her vote.

3 SENATOR WEIK: Thank you,  
4 Mr. President.

5 In reading this one-house  
6 resolution, it is disappointing to me that the  
7 bill does not include language to address any of  
8 the changes to bail reform law. It does nothing  
9 to address the changes to discovery reform law.  
10 This proposal does nothing to provide judges with  
11 discretion when it comes to setting bail for  
12 dangerous defendants, a proposal several of my  
13 colleagues and New York City Mayor Adams all  
14 advocated for.

15 And finally, I can only hope that  
16 the final budget -- excuse me. This proposal  
17 does nothing to collect data to study the impact  
18 of bail reform on public safety.

19 And finally, I can only hope that  
20 the final budget will include changes to bail  
21 reform and discovery laws as we saw were so  
22 important to New Yorkers in last November's  
23 election when they vehemently expressed their  
24 disgust that they are not being protected and  
25 that they have no rights and that criminals are

1       being put before victims.

2                       And for that reason, I vote in the  
3       negative.

4                       ACTING PRESIDENT BAILEY:     Senator  
5       Weik to be recorded in the negative.

6                       Senator Brouk to explain her vote.

7                       SENATOR BROUK:     Thank you,  
8       Mr. President.

9                       This budget resolution invests in  
10      our future, in our families and working people  
11      and in care for our most vulnerable residents.

12                      In speaking with the residents of my  
13      district in the Rochester area, I hear the same  
14      stories whether they live in a city, in the  
15      suburbs, or in a more rural part of upstate.  
16      People are looking for certainty. They're  
17      looking for support. They're looking for hope.

18                      This budget resolution invests in  
19      hope for our future. We're making historic  
20      investments in childcare because as a society we  
21      have finally acknowledged that quality, reliable  
22      childcare is economic development and that no  
23      state can thrive without it. In Monroe County we  
24      have thousands of job openings that can't be  
25      filled until parents have a safe, reliable and

1 affordable place to send their children. Today,  
2 this resolution creates that for them.

3 The Senate budget also invests in  
4 older children, through expansion of our career  
5 and technical education programs. These CTE  
6 programs provide academic and technical  
7 instruction that will prepare our young people  
8 for real-world jobs right here in New York State.  
9 This budget expands funding so that we can  
10 recruit and retain quality instructors and so  
11 that no longer will students have months-long  
12 waitlists to join these programs.

13 And finally, not to be forgotten,  
14 once again this Senate has kept its promise to  
15 equitably fund public schools by continuing to  
16 invest in Foundation Aid.

17 This budget resolution does so much  
18 to support New Yorkers in need. And as chair of  
19 the Senate Committee on Mental Health, I'd be  
20 remiss to not mention the historic investments we  
21 are making to support New Yorkers' mental health  
22 needs. For too long, under the leadership of a  
23 previous administration, New York dismantled its  
24 mental health care system. We closed inpatient  
25 treatment beds. We failed to invest in



1 community-based programs. And we systematically  
2 underpaid our workers.

3 Today we reverse that course. I'm  
4 proud that this budget includes a historic  
5 \$22 million increase to restore 200 inpatient  
6 mental health beds. And that after decades of  
7 minuscule investment, this Senate gives mental  
8 health workers not one but two years of  
9 cost-of-living increases of 5.4 percent each  
10 year.

11 I want to again thank you -- thank  
12 all of the advocates, the staff, and especially  
13 our Senate leadership for their tireless work in  
14 getting us to this place, and I look forward to  
15 making sure as much as possible of this  
16 resolution is enacted in our final budget.

17 And I vote aye. Thank you.

18 ACTING PRESIDENT BAILEY: Senator  
19 Brouk to be recorded in the affirmative.

20 Senator May to explain her vote.

21 SENATOR MAY: Thank you,  
22 Mr. President.

23 I am beaming because Fair Pay for  
24 Home Care is in the Senate one-house budget. I  
25 am so grateful to the Majority Leader for being

1 an early and consistent champion and to my  
2 colleagues for recognizing just how crucial it is  
3 to support home care workers.

4 Shout out, too, to the Caring  
5 Majority, AARP, 1199, and all the tireless and  
6 creative advocates who have made sure everyone  
7 knows we need a robust home care system to keep  
8 older and disabled New Yorkers healthy and safe  
9 at home. And that it's a good use of taxpayer  
10 dollars with a very high return on investment.

11 But especially I want to thank the  
12 home care workers themselves, who have been doing  
13 the work for years out of dedication and love,  
14 even though they struggle to pay the rent, buy  
15 gas, and put food on the table. To the family  
16 members who have given up your jobs to care for a  
17 loved one, our one-house supports home care but  
18 it also supports a tax credit to recognize your  
19 sacrifices.

20 Let me finish with a special  
21 appreciation of my constituents Michelle Spady  
22 and Sally Johnston. Without Michelle, Sally  
23 wouldn't be able to get out of bed and into her  
24 wheelchair each day, let alone have baths,  
25 healthy meals, or fresh air. Michelle is there

1 for Sally, through snow and rain, no matter what  
2 issues she might face in her own life.

3 With this one-house resolution, the  
4 Senate resoundingly says: To you, Sally, you  
5 deserve adequate care in your home. And you,  
6 Michelle, deserve the dignity of a living wage.

7 I proudly vote aye.

8 ACTING PRESIDENT BAILEY: Senator  
9 May to be recorded in the affirmative.

10 Senator Skoufis to explain his vote.

11 SENATOR SKOUFIS: Thank you very  
12 much, Mr. President.

13 And I also want to extend my  
14 gratitude to the Majority Leader as well as  
15 Senator Krueger for getting us to this point.

16 Heading into this process, I felt  
17 strongly that this needs to be a budget that  
18 addressed the kitchen-table issues that our  
19 families across New York State have been facing.  
20 And at a time when paychecks are not going as far  
21 as they used to, at a time when people are paying  
22 more at the gas pump, at a time when we're coming  
23 out of a pandemic, at a time when kids are  
24 getting back into the classroom after virtual  
25 learning the past couple of years, this was our

1 time as legislators to put together a budget that  
2 addressed those core issues.

3 And we've done that. And so if  
4 you're interested in a budget that cuts property  
5 taxes for middle-class families, this is your  
6 budget. If you're interested in a budget that  
7 cuts income tax rates for our middle-class  
8 families, this is your budget. If you're a small  
9 business owner looking for some relief, this is a  
10 budget that cuts small business taxes. If you're  
11 one of the millions of New Yorkers who's paying  
12 through the nose at the pump, this budget  
13 provides relief through a gas tax holiday.

14 If you're one of the many, many New  
15 Yorkers who looks at the subsidies and the  
16 giveaways that are thrown around to the tune of  
17 billions of dollars every year, while you are  
18 working day and night to pay your bills, finally,  
19 this one-house budget addresses that, and we will  
20 audit every tax incentive that flows through ESD  
21 that has, to date, been held unaccountable.

22 If you are one of the millions of  
23 New Yorkers who's been looking on -- wonderful  
24 UPK program, where's mine? -- this budget  
25 addresses that too with a dramatic expansion of

1 universal pre-K throughout New York State.

2 As my good colleague and friend just  
3 noted, a dramatic investment in home care, a  
4 dramatic investment in childcare. Finally --  
5 this has been a pet issue of mine -- finally,  
6 this one-house budget takes a hard look at and  
7 addresses the FIT, the Fashion Institute of  
8 Technology issue that's been ripping off the  
9 suburbs for decades now.

10 (Laughter; applause.)

11 SENATOR SKOUFIS: And I also want  
12 to thank Senator Serrano and the leadership for a  
13 significant investment in our parks' capital  
14 line, which is crucially important to getting a  
15 number of Hudson Valley improvements and projects  
16 across the finish line this year.

17 I vote aye because this is a  
18 one-house budget that is put on the kitchen  
19 tables of every single middle-class and  
20 working-class family in the state. And I thank  
21 my colleagues and leadership for helping get that  
22 done.

23 ACTING PRESIDENT BAILEY: Senator  
24 Skoufis to be recorded in the affirmative.

25 Senator Boyle to explain his vote.

1                   SENATOR BOYLE:    Thank you,  
2   Mr. President, to explain my vote.

3                   Senator Skoufis, I agree with the  
4   FIT provision, but that's about it in this bill.

5                   New York State is the fourth-largest  
6   state by population.  California is like another  
7   country, and Texas and Florida and then New York,  
8   obviously.  This budget proposal by the Majority  
9   is larger than the state budgets of Texas and  
10   Florida combined.  To put it in some perspective,  
11   this spends approximately or proposes 225  
12   billion.  I was elected in 1994 to the Assembly.  
13   The State Budget that year was \$32 billion.

14                  In one political lifetime, we're  
15   talking more than \$200 billion -- way, way beyond  
16   the rate of inflation, I can tell you that much.

17                  Because we're spending this much,  
18   we're taxing this much.  People are fleeing our  
19   state.  That's why Texas, California and Florida  
20   have more people than we do, because a lot of the  
21   residents are leaving, moving there.  We cannot  
22   afford this rate of spending.

23                  I vote in the negative.

24                  ACTING PRESIDENT BAILEY:    Senator  
25   Boyle to be recorded in the negative.

1                   Senator Hinchey to explain her vote.

2                   SENATOR HINCHEY:    Thank you,  
3                   Mr. President.

4                   As one of the Senators representing  
5                   upstate communities and upstate areas, I am  
6                   incredibly proud that this budget resolution  
7                   brings real equity to our upstate areas, from  
8                   historic investments in rural and upstate  
9                   housing, including the development of small  
10                  rental units -- something that we don't talk  
11                  about and has not been funded, I don't think  
12                  ever, in the history of our budgets -- to  
13                  expanding pre-K across our entire state. To arts  
14                  funding outside of New York City, to modernizing  
15                  our EMS services, which are crucial lifelines to  
16                  the communities in our rural areas, to expanding  
17                  fair pay -- or securing Fair Pay for Home Care.  
18                  Most of our communities in upstate New York do  
19                  not have access to home care workers because of  
20                  the low pay that they are given.

21                  To record road funding and road  
22                  infrastructure, to broadband funding, including  
23                  my legislation to repeal the right-of-way fee, to  
24                  historic SUNY funding so that students in upstate  
25                  areas and upstate colleges get real equity in

1 education. To also property tax relief for  
2 homeowners and working families and middle-class  
3 families across our state.

4 This is a budget that we can all be  
5 proud of, because every person, no matter where  
6 you live across New York State, is going to see  
7 real, tangible impacts that will better their  
8 lives for the future.

9 I want to thank the Majority Leader,  
10 I want to thank Senator Krueger, all of the  
11 staff, and everyone who has had a hand in  
12 creating this budget resolution, sending a full  
13 signal that no matter where you live, if you live  
14 in New York City, if you live in rural  
15 communities or you live in suburban communities,  
16 this is a budget resolution that speaks to you.

17 For that, I vote aye. Thank you.

18 ACTING PRESIDENT BAILEY: Senator  
19 Hinchey to be recorded in the affirmative.

20 Senator Borrello to explain his  
21 vote.

22 SENATOR BORRELLO: Thank you,  
23 Mr. President.

24 Two minutes is a short time to  
25 discuss something as large as this one-house



1 budget, but I'll give it a shot here.

2           You know, there's good things and  
3 bad things, quite frankly, in this one-house  
4 budget. Good things like repealing -- finally  
5 repealing the tax on fiber optic cable that the  
6 Majority put in place two years ago and has  
7 killed projects across New York State and really  
8 set us back more than two years in rural  
9 broadband. It's eerily similar not only to the  
10 legislation of Senator Hinchey, which I also  
11 cosponsored, but the bill that I've had in place  
12 with Senator Helming for well over a year. So we  
13 should have done this a long time ago. So good  
14 and bad.

15           We had an interesting addition of  
16 quarterly disbursements of an overtime tax credit  
17 for our farmers. But the problem is we actually  
18 don't even know what this program is going to be,  
19 what it's going to require. So the good part is,  
20 yes, quarterly would be great. The bad part is  
21 we have no idea what strings will be attached to  
22 that.

23           And finally, we are continuing to  
24 ignore the \$9.3 billion deficit that we have in  
25 our Unemployment Insurance Fund. Thirty-two

1 other states, 32 other states have committed  
2 their federal funds to filling that hole, and we  
3 are just continuing to kick that can down the  
4 road, unfortunately. So we're ignoring 9 billion  
5 we owe and spending 9 billion more. That's an  
6 \$18 billion swing in this one-house budget, as  
7 far as I'm concerned.

8 But what really is happening here is  
9 that we are exhausting all the federal money,  
10 that one-shot money, and in essence creating  
11 recurring programs. Those bills are going to  
12 come due.

13 And while I would love to sit here  
14 and vote one at a time on all the things I think  
15 are good and bad in this one-house budget, I only  
16 get one vote. And therefore the responsible vote  
17 is to vote no.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Senator  
20 Borrello to be recorded in the negative.

21 Senator Rath to explain his vote.

22 SENATOR RATH: Thank you,  
23 Mr. President.

24 I have grave concerns with this  
25 budget resolution today. The overspending

1 continues in New York State to the tune of  
2 23 percent this year. We actually were here last  
3 year as well, and I had the same concerns. This  
4 type of out-of-control spending is totally  
5 unsustainable.

6 To be honest with you -- and to be  
7 honest with all of my colleagues -- I don't think  
8 spending is ever going to be cut from the  
9 New York State budget. So at the rate at which  
10 we are spending money in our state, I think  
11 New Yorkers can expect a steep increase in taxes  
12 at some point in the future.

13 This year the state is fortunate to  
14 have a great deal of one-time revenues --  
15 one-time revenues that are not being  
16 appropriately spent or effectively spent across  
17 our state. Instead of these one-time revenues  
18 being spent on investments, they're being spent  
19 on recurring expenses, recurring expenses, and  
20 that's something that is fiscally irresponsible.

21 We should be using these revenues to  
22 address key issues in New York State and make  
23 critical infrastructure investments. Things like  
24 rural broadband, which affects dozens and dozens  
25 of districts across New York State.

1           Despite this increase, this massive  
2   increase in spending year over year, many upstate  
3   initiatives are simply forgotten or passed over.  
4   With so much new spending, it is hard to imagine  
5   that there is so little being done in this budget  
6   to lower residents' costs. In fact, I would  
7   argue that many of the policies outlined in  
8   today's proposal will actually increase energy  
9   costs as well as other costs on the residents and  
10   the businesses of our great state. I have said  
11   this many times: New York has an affordability  
12   crisis. And this budget does nothing to remedy  
13   that affordability crisis.

14           In closing, it was said earlier  
15   today that this one-house proposal was crafted  
16   with hope and intelligence. Although that sounds  
17   very nice, New Yorkers need a proposal that is  
18   crafted with confidence and vision, confidence  
19   and vision for the people of the State of  
20   New York. That's what they need out of the  
21   State Senate and out of the State Legislature.

22           For these reasons, I'll be voting in  
23   the negative. Thank you, Mr. President.

24           ACTING PRESIDENT BAILEY:    Senator  
25   Rath to be recorded in the negative.

1                   Senator Stavisky to explain her  
2     vote.

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

5                   And first, obviously we have to  
6     thank our Majority Leader, Senator  
7     Stewart-Cousins, and Senator Krueger for leading  
8     us and answering the questions and being our  
9     representative at the hearings.

10                  In 2011 I was sitting on the other  
11     side, and the state provided 46 percent of the  
12     cost of higher education -- 46 percent. Last  
13     year, it was 32 percent. And this budget finally  
14     reverses that trend. It took 10 years,  
15     11 years -- it's really taken a lot longer -- but  
16     there's been a deliberate disinvestment and  
17     underfunding of higher education. And this  
18     budget reverses that trend.

19                  For example, we're providing funding  
20     for CUNY and SUNY, for the community colleges,  
21     for the Opportunity programs. For those of you  
22     who represent independent colleges, we're  
23     providing Bundy Aid, which goes for scholarships,  
24     and capital construction, HECap construction  
25     money.

1                   We're closing the TAP gap. Last  
2 year we said we'll do it in four years. This  
3 year we're closing it totally. We are closing  
4 the TAP gap, we're increasing the operating aid,  
5 and we are trying to help the SUNY hospitals  
6 because they have serious, serious problems. We  
7 are paying -- we are paying the debt on their  
8 loans. Every other state agency has their debt  
9 paid for them. The 67 million that we're  
10 investing here will help the SUNY hospitals  
11 thrive.

12                   And this is a budget that I think we  
13 can be proud of. Proud. It's a budget that is  
14 fair, it applies justice for all. So,  
15 Mr. President, welcome back to our home, and I  
16 vote aye.

17                   ACTING PRESIDENT BAILEY: Senator  
18 Stavisky to be recorded in the affirmative.

19                   Senator Jackson to explain his vote.

20                   SENATOR JACKSON: Thank you,  
21 Mr. President.

22                   My colleagues, I rise in support of  
23 the one-house resolution.

24                   And let me tell you what -- the most  
25 important thing for myself and my constituents.

1 Their safety and security is number one. And I  
2 say to you, addressing gun violence in our state  
3 and our municipalities is extremely important to  
4 me and everyone else that I know.

5 Dealing with the mental health  
6 issues. We see it all in the paper, hear it on  
7 the radio, on the news. Absolutely must get it  
8 under control.

9 But I thank the leadership in this  
10 house for bringing forward the continuation of  
11 Foundation Aid for all schools -- not only New  
12 York City, but the entire State of New York.  
13 Childcare for all. That is universal, and we  
14 need to have it.

15 And we're dealing with the whole  
16 issue of healthcare. CUNY, SUNY. Come on, you  
17 know what it is. Turn on the TAP to make sure,  
18 as Toby Stavisky mentioned. We talked about  
19 addressing climate justice. We can't wait for  
20 2050. We must deal with that now. And Fair Pay  
21 for Home Care. I'll say it loud and clear,  
22 because that's how important it is. People are  
23 screaming for this.

24 And not only that, but we talk about  
25 \$5 million for PERB, the Public Employment

1 Relations Board, in order to deal with the 1950  
2 you have to file in paper instead of filing on  
3 the Internet. Come on, this is 2020 {sic}, not  
4 1950. We need to address the issues of the  
5 farmworkers and filing of papers and have people  
6 and professionals there that can speak in the  
7 primary language that most of the farmworkers  
8 speak, in Spanish. Broadband and so much more.

9 And let me just say we can't wait.  
10 The time is now. I thank everyone for being  
11 involved with this, from the leadership on down,  
12 hearing my colleagues on the other side of the  
13 aisle, hearing my colleagues here. But there's a  
14 lot more that we have to do, and this is it right  
15 now.

16 Thank you. I vote aye,  
17 Mr. President.

18 ACTING PRESIDENT BAILEY: Senator  
19 Jackson to be recorded in the affirmative.

20 Senator Reichlin-Melnick to explain  
21 his vote.

22 SENATOR REICHLIN-MELNICK: Thank  
23 you, Mr. President.

24 You know, budgets are an expression  
25 of priorities. And this budget expresses the



1 clear priority of the Senate that the State of  
2 New York needs to be a place that works for  
3 everybody and not just those who are wealthy or  
4 well-connected.

5 So I'm proud to vote aye on this  
6 budget, and I want to thank the leader and  
7 Senator Krueger and all of the staff who put  
8 their time and effort into working to make this a  
9 budget that we can all be proud of, because this  
10 is a budget that will work for regular  
11 New Yorkers.

12 We're finally fulfilling our  
13 commitment to fund our education systems, from  
14 pre-K through K-12 education, with a phase-in of  
15 Foundation Aid, all the way up to our colleges  
16 and our community colleges. That is so important  
17 as we try to build a state that's going to work  
18 for everybody.

19 It's also a budget that delivers  
20 real property tax relief to millions of  
21 New Yorkers through a \$2.2 billion investment  
22 into property tax relief this year, on top of the  
23 circuit-breaker program that we've already got  
24 from last year's budget. And it brings back  
25 income tax relief, accelerates that relief.

1     Because at a time when New Yorkers are facing  
2     ever-escalating costs because of inflation, we  
3     know we need to take action.

4             That's why the budget also includes  
5     a partial suspension of the gas tax from May 1st  
6     to December 31st. Because we know that people  
7     are feeling the pain at the pump, and the ones  
8     who can least afford to pay that are the working  
9     New Yorkers who are struggling to make ends meet.  
10    And so we are taking action on that.

11            And at the same time, we're looking  
12    to our future. We're raising the Environmental  
13    Bond Act proposed by the Governor up to  
14    \$6 billion, because we know that if we don't take  
15    action on climate change now and spend that  
16    money, we're going to be paying far more down the  
17    line as the costs mount from that. And so of  
18    that \$6 billion, 4 billion of it is set aside to  
19    help combat the imminent dangers from climate  
20    change.

21            So we're proud of those investments,  
22    and we're proud of investments in the  
23    bread-and-butter stuff that we're doing for our  
24    local governments. Increasing AIM funding for  
25    local governments for the first time in so long,

1     that's going to help our communities, it's going  
2     to help our taxpayers, who are going to see some  
3     of the burden taken off local taxpayers now that  
4     the state is stepping up its support.

5                     So for all of these reasons,  
6     Mr. President, I am proud to support this budget  
7     and thank the Majority Leader for putting it  
8     forward.

9                     ACTING PRESIDENT BAILEY:     Senator  
10    Reichlin-Melnick to be recorded in the  
11    affirmative.

12                    Senator Hoylman to explain his vote.

13                    SENATOR HOYLMAN:     Thank you,  
14    Mr. President.

15                    I rise in support of the Senate  
16    one-house resolution on the budget.

17                    First, like my colleagues, I want to  
18    thank Leader Andrea Stewart-Cousins for setting  
19    forth the priorities here, and of course  
20    Senator Krueger for her thoughtful and focused  
21    defense of this budget resolution.

22                    You know, I want to make two points.  
23    One is that budgets are also moral documents.  
24    And I think this one-house resolution reflects  
25    the moral imperative we have as public officials

1 to really look after those who need help the  
2 most -- the very young, our seniors, immigrants,  
3 the homeless. And the budget does that with all  
4 the investments that you've heard today.

5 Secondly, I want to thank the  
6 advocates, the hundreds of advocates,  
7 Mr. President, who met us -- not in person  
8 always, but sometimes on Zoom -- to make their  
9 priorities clear. I think this exercise is so  
10 emblematic of what representative democracy is  
11 about. And I want to thank my colleagues for  
12 hearing so many voices even at the last minute,  
13 to make sure that their important needs were  
14 reflected in this Senate one-house.

15 So, Mr. President, I couldn't be  
16 more proud to vote aye.

17 ACTING PRESIDENT BAILEY: Senator  
18 Hoylman to be recorded in the affirmative.

19 Senator Gounardes to explain his  
20 vote.

21 SENATOR GOUNARDES: Thank you,  
22 Mr. President.

23 I know we've heard from lots of our  
24 colleagues this afternoon about how proud they  
25 are about this one-house resolution and how bold

1 and transformative it will be for the lives of  
2 New Yorkers.

3 And I want to add my voice to that  
4 chorus, because what we are doing in this  
5 document truly is incredible. I mean, we could  
6 spend days unpacking this resolution and talking  
7 about all the great things in there. But what I  
8 want to focus on is the transformative  
9 investments into CUNY and SUNY that we are  
10 making.

11 You know, we have been talking for a  
12 long time about the need to reverse decades of  
13 divestment and defunding of our public  
14 institutions of higher education, and this budget  
15 is going to really reverse those trends and give  
16 CUNY and SUNY the new deal that they so  
17 desperately deserve.

18 I mean, over the last decade a 20  
19 percent cut in state support for these  
20 institutions. We've heard from students who have  
21 to choose between paying for textbooks or putting  
22 a meal on their table. This will help stop that  
23 trend from happening.

24 I'm also incredibly excited about  
25 our bold childcare proposal. As the father of a

1 14-month-old, I know firsthand the impact that  
2 having quality, affordable childcare has had on  
3 my family, and I know the impact this will have  
4 on millions of families across this state. Truly  
5 a remarkable thing that we can be advancing in  
6 this one-house budget resolution. And I know  
7 that all of my colleagues are going to be joining  
8 together to fight to make sure that that makes it  
9 into our final enacted budget.

10 I can go on and on, Mr. President,  
11 but I just want to say that this is a great  
12 document, it's a great statement of our values,  
13 and it's a great day for New York if we can  
14 advance this through to the final budget.

15 Thank you.

16 ACTING PRESIDENT BAILEY: Senator  
17 Gounardes to be recorded in the affirmative.

18 Senator Cooney to explain his vote.

19 SENATOR COONEY: Thank you,  
20 Mr. President. I appreciate it.

21 So many wonderful things have been  
22 said by my colleagues today, and I can't recount  
23 all of them, but I want to emphasize something on  
24 behalf of the many cities, towns and villages  
25 outside of the great City of New York, and that

1 is our historic and record investment by  
2 increasing the aid to municipalities, or  
3 unrestricted operating aid, by \$210 million for  
4 the first time since 2009.

5 What does that do? Well, as someone  
6 who came from local government -- and I know many  
7 of my colleagues also started their careers in  
8 public service in local government -- what this  
9 means is that city halls across New York State  
10 can focus on things like keeping libraries open a  
11 little bit longer, making sure that we have  
12 summer jobs for youth across New York State,  
13 making sure that our local law enforcement  
14 officers and EMS groups have operating dollars to  
15 keep us safe. Making sure that this summer we're  
16 going to have a wonderful summer with time in the  
17 pool and lifeguards to take care of our youngest  
18 swimmers.

19 That's what this investment does.  
20 It invests in the quality of life that we have in  
21 cities across New York State. And we've gone  
22 without for 13 years. But this Senate says that  
23 stops now.

24 Now, this is a one-time investment  
25 in these cities, so we need to think bigger, we

1     need to think creatively going forward. But I  
2     want to thank our Majority Leader, I want to  
3     thank our masterful Senate Finance chair, Liz  
4     Krueger, to make sure that these conversations  
5     continue moving forward. And I look forward to  
6     being part of those conversations.

7                     Thank you. I vote in the  
8     affirmative.

9                     ACTING PRESIDENT BAILEY: Senator  
10    Cooney to be recorded in the affirmative.

11                    Senator Kavanagh to explain his  
12    vote.

13                    SENATOR KAVANAGH: Thank you,  
14    Mr. President. I also rise in support of this  
15    resolution.

16                    I join my colleagues in thanking our  
17    leader, Andrea Stewart-Cousins, our great Finance  
18    chair, Liz Krueger, and especially all of the  
19    staff who've labored long and hard over this  
20    document for the past more than a month now.

21                    I join my colleagues in recognizing  
22    the many wonderful achievements of this  
23    resolution, and also those who have said that we  
24    need to work hard in the next few weeks to make  
25    sure that these achievements are delivered in the



1 enacted budget.

2 I'm especially pleased that we're  
3 following through on our commitments on K through  
4 12 education from last year and continuing to  
5 meet our obligations to do that equitably with  
6 lots of state funding. I'm very proud to see  
7 that we're funding the New Deal for both SUNY and  
8 CUNY, including the Borough of Manhattan  
9 Community College in my district.

10 Very great to see that we're doing  
11 \$625 million for Fair Pay for Home Care,  
12 including a base wage for home care workers. And  
13 very proud that we're including, for the first  
14 time, healthcare for people, primary healthcare  
15 for people who have been excluded from existing  
16 programs because of their immigration status.

17 And of course \$6 billion in the  
18 Environmental Bond Act, and the All-Electric  
19 Building Act, which is a bill that I've put  
20 forward, are also included here and are great  
21 steps forward.

22 I just want to note there hasn't  
23 been a lot of talk about housing today. And as  
24 the Housing chair I'd be remiss if I didn't note  
25 that this budget really is historic from the

1 perspective of housing. We started with a really  
2 transformative proposal from the Governor of a  
3 \$4.7 billion capital plan, and we are improving  
4 upon it in the way that Senator Hinchey talked  
5 about before, some great investments in rural and  
6 small town and village programs that would really  
7 help house folks there.

8 We are following through on our now  
9 two-year-long effort to blunt the impact of the  
10 COVID-19 pandemic with a billion dollars to  
11 backstop the Emergency Rental Assistance Program,  
12 with \$250 million for the Landlord Rental  
13 Assistance Program and with \$500 million in new  
14 money for the Homeowners Assistance Program.

15 We are also funding for the first  
16 time a brand-new program looking forward, the  
17 Housing Access Voucher Program, which will  
18 ultimately be the most effective way we can end  
19 homelessness, which ought to be our goal, and  
20 make sure that we're keeping people in good,  
21 safe, permanent housing.

22 We've got funding for code  
23 compliance, we've got funding for a brand-new  
24 Community Land Trust Acquisition fund. The list  
25 goes on.

1                   But again, I am very proud that  
2                   we're taking this step forward. This is arguably  
3                   the best budget that this state has put forward  
4                   for housing in decades, and I'm very honored to  
5                   support it today. Thank you.

6                   ACTING PRESIDENT BAILEY:    Senator  
7                   Kavanagh to be recorded in the affirmative.

8                   Senator Gianaris to explain his  
9                   vote.

10                  SENATOR GIANARIS:    Thank you,  
11                  Mr. President.

12                  I am proud to stand up and support  
13                  this budget proposal which fulfills the promise  
14                  of New York values. Universal childcare, the New  
15                  Deal for CUNY and SUNY, pre-K that's expanded  
16                  across the state, continuing increased funding  
17                  for our schools. Healthcare coverage for all.  
18                  More protections for our tenants in this state.

19                  Make no mistake, this is a budget  
20                  that is a love letter to the working people of  
21                  this state, who have been suffering for years due  
22                  to disinvestment and lack of investment in the  
23                  important priorities that they need.

24                  And as we sit here encouraging  
25                  people to get back to work, encouraging people to

1 get back to their offices after the pandemic,  
2 providing the support people need to make that  
3 happen is going to benefit all of this state.

4 And to my colleagues on the other  
5 side of the aisle who are against this, I would  
6 simply ask, What are they voting against? They  
7 don't even have the usual canard that we're  
8 raising taxes on too many people because we're  
9 not raising taxes in this budget. Never mind  
10 that those who have profited greatly during the  
11 pandemic should be asked to pay more. We have  
12 the money where that's not even called for in  
13 this budget right now.

14 And so those who are against  
15 universal childcare, more money for our  
16 institutions of both lower and higher education,  
17 greater healthcare coverage for the people we  
18 represent -- what exactly are you voting against?

19 I proudly support this proposal. I  
20 thank Leader Stewart-Cousins, I thank our Finance  
21 chair, Senator Krueger, and all my colleagues who  
22 participated in crafting what is a tremendous  
23 proposal, one of the best budget proposals I've  
24 seen in all my years in the Senate.

25 I proudly vote in the affirmative,

1 Mr. President.

2 ACTING PRESIDENT BAILEY: Senator  
3 Gianaris to be recorded in the affirmative.

4 Senator Krueger to explain her vote.

5 SENATOR KRUEGER: Thank you,  
6 Mr. President.

7 So I did talk quite a bit about this  
8 resolution today, but I'm really standing up to  
9 say thank you to all my colleagues, because this  
10 resolution grows out of weeks and weeks of budget  
11 hearings, where we sat and we listened to the  
12 people of New York State and we heard what they  
13 were telling us and what we needed to do for  
14 them, and then weeks and weeks of work with my  
15 chairs and with working groups and with the  
16 staff, trying to fine-tune what was realistic  
17 that we could do, what was aspirational that we  
18 might not accomplish in Year 1, but that we  
19 needed to shift the focus of how we were spending  
20 our money in New York State.

21 And so I am incredibly proud of this  
22 piece of work, which is the beginning, the  
23 beginning bell for three-way negotiations for a  
24 final budget, but is also a reflection of the  
25 goals and the hopes and the dreams of 20 million

1 New Yorkers who tried to contact us to let us  
2 know what they needed.

3 And I've also been here for 20 years  
4 now, Mr. President, and I watched when I came in  
5 and George Pataki was the governor, and we would  
6 have budgets that we couldn't possibly afford but  
7 the Republicans had a philosophy of borrow and  
8 spend, borrow and spend. And then Democrats came  
9 back into power, and we were accused of taxing  
10 and spending. But if you tax and spend, at least  
11 you're paying for what you're buying, as opposed  
12 to leaving it to the next generation.

13 So I don't mind when they tell me  
14 I'm a tax-and-spend Democrat because I'd rather  
15 tax and pay for it than borrow and leave it to  
16 the next generations to deal with it.

17 And then we ended up in periods  
18 where we just had borrowed so much from previous  
19 years that we had to reduce our budgets to levels  
20 that were really unsustainable to meet the needs  
21 of New Yorkers.

22 So it does appear to be big jumps  
23 this year. But I'm telling you, we have the  
24 money to do it. And we're not stealing from our  
25 reserves, we're actually increasing our reserves

1 at the same time as we are increasing our  
2 spending. And we're cutting taxes, as was  
3 discussed on the floor today -- property taxes,  
4 income taxes, gas taxes -- while we're making  
5 investments in the people of New York who need  
6 our help the most.

7 And you know what, Mr. President?  
8 That will be returned to us tenfold by a future  
9 that New York can be proud of, a future that your  
10 beautiful daughters can participate in as they  
11 grow up to be adults and become taxpayers in our  
12 society, and a state where people will want to  
13 come and stay and start businesses and do  
14 business.

15 So I'm very proud of what this  
16 resolution represents, and I am so honored that  
17 our leader, Andrea Stewart-Cousins, gave me the  
18 position of Finance chair so that I could try to  
19 work to pull it all together for all of us.

20 Thank you, Mr. President.

21 ACTING PRESIDENT BAILEY: Senator  
22 Krueger to be recorded in the affirmative.

23 Majority Leader Andrea  
24 Stewart-Cousins to close.

25 SENATOR STEWART-COUSINS: Thank you

1       so much, Mr. President.

2                   And I was just listening to our  
3       great Finance chair, Senator Krueger, saying how  
4       pleased she was that she has this responsibility.

5                   That's not what she says.

6                   (Laughter.)

7                   SENATOR STEWART-COUSINS:    A little  
8       moment of truth here.

9                   (Laughter.)

10                  SENATOR STEWART-COUSINS:    But --  
11       but because at the end of all of what we do, we  
12       are able to stand here because of the work that  
13       you do, Senator Krueger and your great staff;  
14       because of the work that my deputy, Senator  
15       Gianaris, continues to do; an incredible  
16       conference that is working for New York every  
17       single day.  Because of that work, because of our  
18       staff, because of Shontell Smith and Eric Katz  
19       and counsel and David Friedfel and the Finance  
20       staff, because of Loren and External Affairs and  
21       Murphy and Communications -- because of all of us  
22       who understand that we stand here on behalf of  
23       the people of New York, and even the moments that  
24       it takes to get through this -- and certainly to  
25       my colleagues on the other side as well, for the



1 staff and the work that they do -- the time that  
2 it takes to get to this moment where we can say  
3 we have a one-house budget that reflects the  
4 priorities of this entire state, is well worth  
5 it.

6 I want to thank the Governor as  
7 well, because we started from a place that we  
8 don't normally start from. And while we're going  
9 back and forth about what's happening in this  
10 budget, the fact of the matter is that we started  
11 from a place that honored what we learned from  
12 what we've been dealing with in the past two  
13 years with this pandemic. We all understood --  
14 and that's what we understood last year and the  
15 year before -- where the breakage was in our  
16 compact as government to the people that we  
17 serve. It was exacerbated by a pandemic that  
18 left us socially isolated, emotionally fragile,  
19 economically encumbered. And we got a chance to  
20 look firsthand at where the fissures were and  
21 what could we do.

22 And we began that repair work, and  
23 we began it going from our pre-K investment to  
24 our Foundation Aid investment to our investment  
25 in our environment to investment in higher

1 education, we did transportation, we did housing,  
2 we continued to look at the infrastructure of the  
3 people. So that when we do come back to a place  
4 where we can get back to our jobs and get back to  
5 our work, we're not still suffering from the same  
6 uncertainties that we know exist.

7               So that's why we invested record  
8 amounts in childcare in this one-house budget.  
9 And that's why we decided that we would indeed  
10 expedite the middle-class tax credits, that we  
11 would find our way to making sure that those who  
12 are caring for our most vulnerable are actually  
13 compensated properly, our home care workers. We  
14 wanted to make sure that as we are addressing  
15 what has happened in our communities all over  
16 this state, that we find a way to make sure that  
17 people have what they need, and that includes  
18 this mental health investment that we know has to  
19 happen. I mean, people are talking about a rise  
20 in crime in so many communities, including  
21 Westchester. There actually has been a decline  
22 in crime. But the fact of the matter is that any  
23 crime is too much.

24               But we have to take a look at what  
25 we can do to make sure that we are addressing the

1 needs properly, and that's why we've gone in with  
2 mental health -- again, ensuring mental health,  
3 giving proper beds, recreating more sustainable  
4 supportive housing, looking at how we deal with  
5 after-school, community school, investing in gun  
6 violence prevention programs. We are hitting so  
7 many of the things that we know will make  
8 New York stronger and more economically viable  
9 and be able to support every single person in  
10 New York.

11 When we talk about our small  
12 businesses, when we talk about looking at abating  
13 taxes, even at the gas pump, we are continuing to  
14 make New York a better place to be.

15 So this is -- and I heard somebody  
16 say this is aspirational, yes. But it's  
17 aspirational not for us. It's not aspirational  
18 for the people who have worked so hard to make  
19 sure that people's needs are met. It's  
20 aspirational for the people of New York State,  
21 because they want to make sure that as their  
22 taxes are down, as their communities are made  
23 safer, that we are doing and addressing what they  
24 need not only now, but in the future.

25 And yes, it's going to take more

1 money. But the fact of the matter is we've  
2 disinvested in our hospitals, we've disinvested  
3 in our transportation system, we've disinvested  
4 in our roads, we've disinvested in education,  
5 we've disinvested in our children, we've  
6 disinvested in the supports that people need when  
7 things get rough in their lives. We've  
8 disinvested for decades.

9                   And so today we stand and we say we  
10 are reinvesting in the people of New York. We  
11 are reinvesting in a future. We are reinvesting  
12 in an ideal that New York will continue to be  
13 progressive, it will continue to be pragmatic, it  
14 will continue to lead the way, not only in this  
15 recovery but in advancing what we as government  
16 can do with our people and for our people.

17                   I vote aye.

18                   ACTING PRESIDENT BAILEY: Majority  
19 Leader Stewart-Cousins to be recorded in the  
20 affirmative.

21                   Announce the results.

22                   THE SECRETARY: In relation to  
23 Senate Resolution 2081, those Senators voting in  
24 the negative are Senators Akshar, Borrello,  
25 Boyle, Gallivan, Griffo, Helming, Jordan, Lanza,

1 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
2 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
3 Weik.

4 Ayes, 43. Nays, 20.

5 ACTING PRESIDENT BAILEY: The  
6 resolution is adopted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,  
9 if we could briefly return back to motions and  
10 resolutions.

11 On behalf of Senator Savino, on  
12 page 39 I offer the following amendments to  
13 Calendar 657, Senate Print 5768, and ask that  
14 said bill retain its place on Third Reading  
15 Calendar.

16 ACTING PRESIDENT BAILEY: The  
17 amendments are received, and the bill retains its  
18 place on the Third Reading Calendar.

19 SENATOR GIANARIS: Is there any  
20 further business at the desk?

21 ACTING PRESIDENT BAILEY: There is  
22 no further business at the desk.

23 SENATOR GIANARIS: Move to adjourn  
24 until tomorrow, Tuesday, March 15th, at  
25 11:00 a.m.

1                   ACTING PRESIDENT BAILEY:    On  
2    motion, the Senate stands adjourned until  
3    Tuesday, March 15th, at 11:00 a.m.

4                   (Whereupon, the Senate adjourned at  
5    5:37 p.m.)

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