

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 April 7, 2022

11 10:01 a.m.

12  
13  
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

19 SENATOR ROXANNE J. PERSAUD, Acting President

20 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT PERSAUD: 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 PERSAUD: 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 PERSAUD: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate,  
16 Wednesday, April 6, 2022, the Senate met pursuant  
17 to adjournment. The Journal of Tuesday, April 5,  
18 2022, was read and approved. On motion, the  
19 Senate adjourned.

20 ACTING PRESIDENT PERSAUD: 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 morning,  
7 Madam President.

8 It is our hope that later today  
9 we'll be back for some extended work and  
10 hopefully begin passing the State Budget, but for  
11 now we're going to stand at ease while we  
12 continue wrapping that up.

13 So the Senate will stand at ease.

14 ACTING PRESIDENT PERSAUD: The  
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at ease  
17 at 10:02 a.m.)

18 (Whereupon, the Senate reconvened at  
19 7:35 p.m.)

20 THE PRESIDENT: Senator Gianaris.

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

23 We are now going to call an  
24 immediate meeting of the Finance Committee to  
25 begin the process of passing budget bills. That

1 will be in Room 332.

2 THE PRESIDENT: There will be an  
3 immediate meeting of the Finance Committee in  
4 Room 332.

5 The Senate will stand at ease.

6 SENATOR GIANARIS: Mr. President --  
7 Mr. President. One correction, please. I  
8 believe it's in the first floor conference room.

9 THE PRESIDENT: Ah. There will be  
10 an immediate meeting of the Finance Committee in  
11 Room 124.

12 The Senate will stand at ease.

13 (Whereupon, the Senate stood at ease  
14 at 7:36 p.m.)

15 (Whereupon, the Senate reconvened at  
16 8:01 p.m.)

17 THE PRESIDENT: The Senate will  
18 return to order. The Senate will return to  
19 order.

20 Senator Gianaris.

21 SENATOR GIANARIS: Mr. President,  
22 there's a report of the Finance Committee at the  
23 desk. Can we take that up, please.

24 THE PRESIDENT: The Secretary will  
25 read.

1                   THE SECRETARY:    Senator Krueger,  
2   from the Committee on Finance, reports the  
3   following bills:

4                   Senate Print 8005C, Senate Budget  
5   Bill, an act to amend the Correction Law and the  
6   Public Health Law;

7                   Senate Print 8009C, Senate Budget  
8   Bill, an act to amend the Tax Law.

9                   Both bills reported direct to third  
10  reading.

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

13                  THE PRESIDENT:    All those in favor  
14  of accepting the report of the Rules Committee  
15  {sic} signify by saying aye.

16                  (Response of "Aye.")

17                  THE PRESIDENT:    Opposed, nay.

18                  (No response.)

19                  THE PRESIDENT:    The report is  
20  accepted.

21                  Senator Gianaris.

22                  SENATOR GIANARIS:   Just a  
23  correction. That was the Finance Committee  
24  report, Mr. President, correct?

25                  THE PRESIDENT:    That's exactly

1 correct.

2 Do you want me to reread that,  
3 Senator Gianaris?

4 SENATOR GIANARIS: Let's take up  
5 the supplemental calendar, please.

6 THE PRESIDENT: The Secretary will  
7 read.

8 THE SECRETARY: Calendar Number  
9 746, Senate Print 8005C, Senate Budget Bill, an  
10 act to amend the Correction Law and the  
11 Public Health Law.

12 SENATOR LANZA: Lay it aside.

13 SENATOR GIANARIS: Before we lay it  
14 aside, Mr. President, is there a message of  
15 necessity at the desk?

16 THE PRESIDENT: There is a message  
17 of necessity at the desk.

18 SENATOR GIANARIS: Move to accept  
19 the message of necessity.

20 THE PRESIDENT: All those in favor  
21 of accepting the message of necessity please  
22 signify by saying aye.

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (Response of "Nay.")

1 THE PRESIDENT: The message is  
2 accepted and the bill is before the house.

3 SENATOR GIANARIS: Now lay it  
4 aside, please, Mr. President.

5 THE PRESIDENT: Lay it aside.  
6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 747, Senate Print 8009C, Senate Budget Bill, an  
9 act to amend the Tax Law.

10 SENATOR GIANARIS: Is there a  
11 message of necessity at the desk?

12 THE PRESIDENT: There is a message  
13 of necessity at the desk.

14 SENATOR GIANARIS: Move to accept  
15 the message of necessity.

16 THE PRESIDENT: All those in favor  
17 of accepting the message please signify by saying  
18 aye.

19 (Response of "Aye.")

20 THE PRESIDENT: Opposed, nay.

21 (Response of "Nay.")

22 THE PRESIDENT: The message is  
23 accepted, and the bill is before the house.

24 SENATOR LANZA: Lay it aside.

25 THE PRESIDENT: Lay it aside.

1                   Senator Gianaris, that completes the  
2 reading of today's supplemental calendar.

3                   THE PRESIDENT:    Let's go to the  
4 controversial calendar.

5                   THE PRESIDENT:    The Secretary will  
6 ring the bell.

7                   The Secretary will read.

8                   THE SECRETARY:    Calendar Number  
9 746, Senate Print 8005C, Senate Budget Bill, an  
10 act to amend the Correction Law and the  
11 Public Health Law.

12                  THE PRESIDENT:    Senator O'Mara.

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

15                  If the Finance chair would yield for  
16 some questions on this bill.

17                  THE PRESIDENT:    Does the sponsor  
18 yield?

19                  SENATOR KRUEGER:   Yes. I'm just  
20 trying to make sure the right counsel are here.

21                  Thank you.

22                  THE PRESIDENT:    The sponsor yields.

23                  SENATOR O'MARA:    Yes, thank you.

24                  And good evening --

25                  SENATOR KRUEGER:   Good evening.



1                   SENATOR O'MARA:    -- Senator, as we  
2   kick off an evening of lively debate on budget  
3   bills at five minutes after 8:00, and we're  
4   already a little riled up with our ayes and nays  
5   on the message of necessity.  So we've got our  
6   lungs working already.  So --

7                   SENATOR KRUEGER:   Maybe we can do  
8   the West Side Story on the next one.

9                   (Laughter.)

10                  SENATOR O'MARA:    West Side Story,  
11   all right.

12                  SENATOR KRUEGER:   Which team would  
13   you like to be on?

14                  (Laughter.)

15                  SENATOR O'MARA:    I've got to think  
16   about that one.

17                  Well, you know, here we are taking  
18   up our second budget bill of 10, I believe  
19   intended, right?

20                  SENATOR KRUEGER:   I think that's  
21   the goal.

22                  SENATOR O'MARA:    And we still don't  
23   have --

24                  THE PRESIDENT:     Senator O'Mara, are  
25   you on the bill or are you --

1                   SENATOR O'MARA:    No, Mr. President,  
2   if Senator Krueger would --

3                   THE PRESIDENT:    You will get to a  
4   question --

5                   SENATOR O'MARA:    -- continue to  
6   yield.

7                   THE PRESIDENT:    Okay, all right.  
8   Go ahead.

9                   SENATOR KRUEGER:   Yes, I will,  
10   Mr. President.

11                   THE PRESIDENT:    The sponsor yields.

12                   SENATOR O'MARA:    So we're here on  
13   the second bill of the budget, and we still do  
14   not have in our hands the financial plan for this  
15   budget. And we just moved two bills through the  
16   Finance Committee, one being the revenue bill --  
17   which we're going to take up next -- and we still  
18   don't have the finance plan of the overall  
19   budget.

20                   And we're taking these bills up on a  
21   message of necessity without having waited the --  
22   what should be three days for us to read them,  
23   digest them, for the public to review them,  
24   provide some input.

25                   What -- what is -- on this bill,

1     since it's before us now and we have to debate it  
2     even though it's untimely, in my opinion. This  
3     is the Public Protection and General Government  
4     portion of the budget. What is the overall cost  
5     of this budget bill?

6             SENATOR KRUEGER: This is not an  
7     appropriations bill, so it doesn't spend money,  
8     it just makes changes to the statutes.

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

11            THE PRESIDENT: Does the sponsor  
12    yield?

13            SENATOR KRUEGER: Yes, I do.

14            THE PRESIDENT: The sponsor yields.

15            SENATOR O'MARA: Senator Krueger, I  
16    assume there will be a forthcoming appropriation  
17    bill that will deal with appropriations that make  
18    up this Public Protection and General Government  
19    piece of the budget.

20            SENATOR KRUEGER: The Senator is  
21    correct.

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

25            THE PRESIDENT: Does the sponsor

1     yield?

2                   SENATOR KRUEGER:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR O'MARA:     So again, I  
5     believe we have the cart before the horse, having  
6     no idea what the line item amounts called for in  
7     this budget bill amount to.  How are we supposed  
8     to know what the expenses are for these items in  
9     this bill that we're voting on?

10                  SENATOR KRUEGER:     You are  
11     definitely at a disadvantage.

12                  So, Mr. President, for the record, I  
13     would like to point out that I agree with my  
14     colleague and I think other colleagues of his who  
15     have pointed out this isn't really the best way  
16     to do a budget.  And the best way would be to  
17     have all the budget bills in print, have  
18     everybody have three days to review, and take  
19     them up in some kind of rational order.

20                  I know that I believe that they are  
21     right because I made the same position here on  
22     this floor many, many times in the years I've  
23     been here.  Unfortunately, we are at a time on  
24     April 7th where negotiations with the Governor  
25     are almost complete but not fully complete.  I

1       was quite surprised to learn that there was a  
2       press conference announcing the budget was done  
3       while we were still have conferences about it.

4               So we're not doing any of it  
5       necessarily in the right order, and it ends up  
6       being more of that expression if you don't like  
7       to see how sausages are made, maybe you shouldn't  
8       go to state capitals. But this is how the  
9       sausage is being made this year, because we  
10      know -- all of us -- how important it is to get  
11      the budget done to make sure that the people of  
12      New York State are assured that their government  
13      is continuing, that their workers are getting  
14      paid, that their school boards next week will  
15      know what funding they have when they're  
16      factoring in their individual school district  
17      budgets, and on and on and on.

18              So I would like to say yes, we can  
19      do it all in the right order, but unfortunately  
20      all I can do right now is say I agree with you  
21      and these are the cards we've been handed. So  
22      feel free to be critical, but I'm not going to be  
23      able to change that storyline.

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

1     yield.

2                   THE PRESIDENT:     Does the sponsor  
3     yield?

4                   SENATOR KRUEGER:    Yes, I do.

5                   THE PRESIDENT:     The sponsor yields.

6                   SENATOR O'MARA:    Well,  
7     Senator Krueger, you're definitely aware that I  
8     am critical about that, and that we are. And I  
9     don't think we need to belabor that any further.  
10    We've gone through it a couple of times already  
11    in this budget go-round with this.

12                   But since we're here now moving  
13    forward, like it or not, we have a Public  
14    Protection and General Government bill before us.

15                   Senator, one of the major bones of  
16    contention throughout this budget process has  
17    revolved around criminal justice reforms or  
18    reform of the criminal justice reforms that this  
19    Majority passed three years ago.

20                   In this Public Protection bill,  
21    what's in here regarding bail reform?

22                   SENATOR KRUEGER:   There's nothing  
23    about bail reform in this bill.

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

1       yield.

2                   THE PRESIDENT:     Does the sponsor  
3       yield?

4                   SENATOR KRUEGER:    Yes.

5                   THE PRESIDENT:     The sponsor yields.

6                   SENATOR O'MARA:    Do you know what  
7       bill other than this Public Protection bill that  
8       criminal justice issues might come up in?

9                   SENATOR KRUEGER:    It's one of the  
10       bills that's not completed yet.   So I'm going to  
11       take a guess that it will be in ELFA.

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

14                   THE PRESIDENT:     Does the sponsor  
15       yield?

16                   SENATOR KRUEGER:    Yes, I do.

17                   THE PRESIDENT:     The sponsor yields.

18                   SENATOR O'MARA:    So we're going to  
19       have criminal justice reform reforms in the  
20       Education bill?

21                   SENATOR KRUEGER:    It's quite  
22       possible.

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

25                   THE PRESIDENT:     Does the sponsor

1       yield?

2                   SENATOR KRUEGER:    I'm sorry, ELFA  
3       is actually education, labor and family  
4       assistance, so it's a broader bill than just  
5       education. But that is where we believe changes  
6       in criminal justice will end up this year.

7                   SENATOR O'MARA:    Through you,  
8       Mr. President, if the sponsor will continue to  
9       yield.

10                  THE PRESIDENT:    Does the sponsor  
11       yield?

12                  SENATOR KRUEGER:    Yes.

13                  THE PRESIDENT:    The sponsor yields.

14                  SENATOR O'MARA:    Part A of this  
15       bill -- or what was in the Governor's proposal  
16       for this bill had to do with making permanent the  
17       Criminal Justice Discovery Compensation Fund,  
18       which was to provide resources to our district  
19       attorneys' offices for all the extra work that  
20       they're required to do because of the discovery  
21       reforms that this Majority did three years ago  
22       and has caused a great deal of problems for our  
23       district attorneys' offices.

24                         Now, that has been removed in this  
25       final Public Protection bill. Is that we are not



1 going to provide any further funds to our  
2 district attorneys for this extra discovery work?

3 SENATOR KRUEGER: So Mr. President,  
4 when I pointed out earlier that we're in the  
5 fascinating time where people are announcing a  
6 budget's done in press conferences and we're  
7 being asked to come to the floor with only a  
8 handful of the bills, the answer to your question  
9 is we're quite sure there will be money for such  
10 thing, but it's not in this bill because it's not  
11 an appropriations bill. And it will likely be in  
12 a bill that is dealing with other financial  
13 situations relating to criminal justice.

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

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR KRUEGER: Yes.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR O'MARA: Well, Senator, I  
22 agree this is not the appropriations bill, it is  
23 the Article VII bill on Public Protection, which  
24 I think most -- the most common understanding  
25 amongst New Yorkers would be that criminal

1 justice should be in a public protection portion  
2 of the budget rather than the education portion  
3 of the budget.

4 And this specifically removes the  
5 Discovery Compensation Fund for our  
6 district attorneys. And you don't yet know where  
7 that -- if it's going to be or where it's going  
8 to be.

9 SENATOR KRUEGER: It's still under  
10 discussion where it might go and whether it will  
11 continue. So that is why it's not here now.

12 SENATOR O'MARA: Thank you.

13 Mr. President, if the sponsor will  
14 continue to yield.

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR KRUEGER: Yes.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR O'MARA: I'll move on for a  
20 moment to Part G, Part G of the budget regarding  
21 the suspension of the subsidy for the revolving  
22 loan fund for the cellphone surcharges that our  
23 counties collect and utilize for the upkeep and  
24 upgrades to their -- I think their 911 services,  
25 basically.

1                   Can you explain where -- you're  
2                   agreeing with the Executive in this budget bill  
3                   that we're continuing to suspend transfers of  
4                   money to the Public Safety Communications  
5                   Account -- or, sorry, from the Public Safety  
6                   Communications Account to the Emergency Services  
7                   Revolving Loan Fund for two more years.

8                   Why are we doing that, and what  
9                   impact is that going to have on our counties'  
10                  ability to provide these emergency services,  
11                  particularly 911 services, that these surcharges  
12                  were designed to help pay for?

13                 SENATOR KRUEGER:    It's my  
14                 understanding that we are extending out the time  
15                 period but that the counties have sufficient  
16                 revenues to cover the costs for themselves.

17                 SENATOR O'MARA:    Through you,  
18                 Mr. President, will the sponsor yield?

19                 THE PRESIDENT:    Does the sponsor  
20                 yield?

21                 SENATOR KRUEGER:    Yes, of course.

22                 THE PRESIDENT:    The sponsor yields.

23                 SENATOR O'MARA:    So we're not  
24                 making these payments until the counties can  
25                 afford to do the work?  Is that what I heard?

1                   SENATOR KRUEGER:   Excuse me, I  
2   misspoke.  The fund that we have at the state  
3   level that provides the money to the counties has  
4   sufficient funds in it without additional monies  
5   paid to make good on the requests of the  
6   counties.

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

9                   THE PRESIDENT:   Does the sponsor  
10   yield?

11                  SENATOR KRUEGER:   Yes.

12                  THE PRESIDENT:   The sponsor yields.

13                  SENATOR O'MARA:   Then is it the  
14   Majority's position, then, that there are  
15   sufficient funds in this fund to meet the  
16   requests of our counties to provide emergency  
17   services within their geographic regions?

18                  SENATOR KRUEGER:   That is what our  
19   Governor has advised us, yes.

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

23                  THE PRESIDENT:   Does the sponsor  
24   yield?

25                  SENATOR KRUEGER:   Yes, I do.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR O'MARA: Let me move on to  
3 another part of this budget regarding Public  
4 Protection and General Government, Part Z, where  
5 in Part Z the Governor had proposed to replace  
6 the Joint Commission on Public Ethics, commonly  
7 known as JCOPE -- or J-Joke, to a lot of people  
8 in the media -- to replace that with a new  
9 commission covering ethics and lobbying in  
10 government. That's being removed from the budget  
11 by this Majority at this point in time.

12 SENATOR KRUEGER: So there is a  
13 proposal to replace JCOPE. That is not in this  
14 bill. We're going to have that discussion,  
15 perhaps with criminal justice, when we get to the  
16 ELFA bill.

17 SENATOR O'MARA: Through you,  
18 Mr. President, will the sponsor continue to  
19 yield?

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR KRUEGER: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR O'MARA: Moving on to  
25 Part AA, where the Governor had proposed the

1       so-called Clean Slate Act, this Majority is --  
2       has removed that proposal of the Clean Slate Act  
3       from this Public Protection bill.

4                       Do you expect to see that in some  
5       other type of criminal justice bill down the  
6       road?

7                       SENATOR KRUEGER:   Not in a budget  
8       bill. This house may see that bill again as a  
9       freestanding bill, as it existed before the  
10      budget. But it did fall out in budget  
11      negotiations.

12                      SENATOR O'MARA:   Thank you,  
13      Senator. That's all I have for now. Thank you.

14                      THE PRESIDENT:    Senator Martucci.

15                      SENATOR MARTUCCI:   Thank you,  
16      Mr. President.

17                      Will the sponsor yield for a  
18      question? My questions are about Part P, alcohol  
19      to go.

20                      THE PRESIDENT:    Does the sponsor  
21      yield?

22                      SENATOR KRUEGER:    I do. My only  
23      request is if you keep it in alphabetical order,  
24      the staff know when they should run up and down.

25                      (Laughter.)

1                   SENATOR MARTUCCI:     Fair.

2                   SENATOR KRUEGER:     Senator O'Mara  
3     decided to mix it up.

4                   So yes, certainly.

5                   SENATOR MARTUCCI:     We're going to  
6     go to Part P, if that's okay.

7                   THE PRESIDENT:     The sponsor yields.

8                   SENATOR MARTUCCI:     Thank you,  
9     Mr. President.

10                  So I was reading the bill language  
11     and curiously found that the -- there's a  
12     requirement to purchase food in order to purchase  
13     alcohol to go, and the term "substantial food  
14     item" is utilized. Could you please shed some  
15     light on what you believe to be a substantial  
16     food item?

17                  SENATOR KRUEGER:     So a final  
18     determination for the definition will be done by  
19     regulation. But the assumption and understanding  
20     in negotiations was that the food would be more  
21     significant than I think the free French fries  
22     that were being offered during the pandemic in a  
23     broad number of places.

24                  SENATOR MARTUCCI:     Mr. President,  
25     will the sponsor yield for a question.

1                   THE PRESIDENT:    Does the sponsor  
2     yield?

3                   SENATOR KRUEGER:   Yes,  
4     Mr. President.

5                   THE PRESIDENT:    The sponsor yields.

6                   SENATOR MARTUCCI:   Perhaps this is  
7     also going to be answered in regulation, but I'll  
8     ask anyway. Is there any established permitted  
9     ratio of food to drink? So like, for example, if  
10    I went to a restaurant and I bought one burger,  
11    would it be possible for me to get, say,  
12    10 drinks?

13                  SENATOR KRUEGER:   Mr. President, we  
14    have no ratio of food to drink. Although  
15    personally, if somebody is ordering 10 drinks for  
16    themselves, perhaps we ought to call someone else  
17    in besides a delivery person for some kind of  
18    intervention, because it's a bad idea for one  
19    person to drink 10 drinks at a time.

20                  SENATOR MARTUCCI:   Thank you,  
21    Madam -- Mr. President. Will the sponsor  
22    continue to yield?

23                  THE PRESIDENT:    Does the sponsor  
24    yield?

25                  SENATOR KRUEGER:   Yes.



1 THE PRESIDENT: The sponsor yields.

2 SENATOR MARTUCCI: Well, I would  
3 certainly start by suggesting that if you're  
4 getting 10 drinks, I hope you have a lot of  
5 friends at home ready to enjoy the drinks with  
6 you.

7 SENATOR KRUEGER: But you're not  
8 going to feed them, so how -- I don't know.

9 SENATOR MARTUCCI: We hope one  
10 burger goes a long way.

11 (Laughter.)

12 SENATOR MARTUCCI: But the question  
13 that I have is with respect to food delivery. So  
14 food delivery has become very common today,  
15 whereby folks order food very commonly by an app  
16 or online, and then food is delivered to their  
17 home. How would this alcohol-to-go provision  
18 marry with food delivery?

19 SENATOR KRUEGER: So -- and I come  
20 from New York City, where people order food  
21 delivered constantly. A delivery person brings  
22 the food to you, and the requirements of this  
23 bill would be that the delivery person makes sure  
24 that you prove, if you're accepting the food and  
25 drink, that you prove that you're over 21 years

1 old and that you're not intoxicated. And they  
2 are not supposed to deliver the product if you  
3 either are not able to prove that you're over 21  
4 or prove that you're not intoxicated.

5 All right? Sorry, visibly  
6 intoxicated. But if you had those 10 drinks from  
7 the other guy, I'm telling you, you're not going  
8 to pass.

9 SENATOR MARTUCCI: Mr. President,  
10 will the sponsor continue to yield.

11 THE PRESIDENT: Will the sponsor  
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR MARTUCCI: So just to build  
16 off that with a follow-up question, so if a  
17 delivery driver, for example, were to violate  
18 these provisions by delivering alcohol to  
19 somebody who was intoxicated or perhaps was  
20 underage -- say the delivery driver didn't  
21 appropriately check an I.D. -- would it -- whose  
22 responsibility would that be? Because certainly  
23 delivery drivers aren't holders of liquor  
24 licenses. The liquor license would be held by a  
25 business, presumably the business that sold the

1 alcohol-to-go.

2                   So my question is with respect to  
3 the enforcement mechanism and any potential  
4 liability that may exist on a liquor license  
5 holder, since it sounds like, you know, the  
6 enforcement, the actual person dispensing that  
7 drink is going to be the delivery driver.

8                   SENATOR KRUEGER:    So the business  
9 would be responsible.

10                  The same as in a business is a bar  
11 now, and they allow underage drinkers or  
12 intoxicated people to be sold more drinks than  
13 they should, the business can be held liable by  
14 the SLA and they can face various fines and even  
15 lose their liquor license under some  
16 circumstances. So it would be a relatively  
17 parallel situation in this case.

18                  SENATOR MARTUCCI:    Thank you.

19                         Will the sponsor continue to yield?

20                  THE PRESIDENT:    Does the sponsor  
21 yield?

22                  SENATOR KRUEGER:    Yes.

23                  THE PRESIDENT:    The sponsor yields.

24                  SENATOR MARTUCCI:    So with respect  
25 to these delivery companies, the bill is very

1 specific. It speaks to vehicles authorized under  
2 Section 94 and 116 of the Alcoholic Beverage  
3 Control Law being authorized to make these  
4 deliveries.

5 Can the sponsor please explain --  
6 through you, Mr. President -- what types of  
7 vehicles these are?

8 SENATOR KRUEGER: So apparently  
9 there's no specific size or weight requirements.  
10 It would be regulatory by the SLA.

11 I don't know in the Senator's area  
12 what kind of vehicles are used for delivering  
13 food. In Manhattan where I live, pretty much  
14 everybody is on bikes delivering the food. And I  
15 would assume they will also be delivering the  
16 drinks on bikes. But that may not be a model  
17 that works in most of the state.

18 SENATOR MARTUCCI: Through you,  
19 Mr. President, I have one final question if the  
20 sponsor would yield.

21 THE PRESIDENT: Does the sponsor  
22 yield?

23 SENATOR KRUEGER: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR MARTUCCI: Thank you.

1                   Through you, Mr. President, the  
2                   proposal speaks to the vehicle making the  
3                   deliveries having a copy of the permit or license  
4                   to sell alcohol. So as I read it, it sounds like  
5                   the establishment that's selling the alcohol has  
6                   to provide a copy of that license to the delivery  
7                   person, whether on a bike or in a car or some  
8                   other type of vehicle.

9                   Does this mean that a restaurant  
10                  would have to, say, give, you know, Uber Eats or  
11                  Grubhub a copy of their liquor license to  
12                  actually carry with them to execute the delivery?

13                 SENATOR KRUEGER:    So apparently in  
14                 discussions with the SLA it will be through  
15                 regulation that they interpret what form they  
16                 use.

17                 But yes, apparently when alcohol is  
18                 being delivered now -- not necessarily in a  
19                 drinks-to-go model, but in a case of wine from  
20                 the liquor store being delivered or other full  
21                 bottles being delivered from your neighborhood  
22                 liquor store -- there's also the equivalent  
23                 requirement in law.

24                 So -- but I don't know whether every  
25                 delivery person now from a liquor store to a home

1 is actually carrying a copy of the license with  
2 them.

3 SENATOR MARTUCCI: Thank you,  
4 Mr. President. Thank you, Senator Krueger.

5 On the bill.

6 THE PRESIDENT: Senator Martucci on  
7 the bill.

8 SENATOR MARTUCCI: So thank you,  
9 Mr. President.

10 You know, during COVID Governor  
11 Cuomo shut down restaurants and bars, issued a  
12 whole bunch of mandates and fines -- in my  
13 opinion, a whole bunch of nonsensical dictates as  
14 well -- and they were things like making someone  
15 order a hamburger to get a beer. Or deciding  
16 that a restaurant had to close at 9 o'clock or 10  
17 o'clock or 11 o'clock, as if that protected us  
18 from COVID.

19 And amazingly, our disgraced former  
20 governor had one good idea, which was  
21 alcohol-to-go, in this tidal wave of other  
22 regulations. And yet somehow that was allowed to  
23 expire when so many of these other mandates that  
24 were not helpful at all continued.

25 There was a bill in this house

1 carried by one of my colleagues in the Majority  
2 that was a simple extension bill on this policy.  
3 I proudly supported that bill. My colleagues and  
4 I did several press conferences calling for this  
5 measure. And in fact Governor Hochul did a great  
6 job putting together, in her Executive Budget  
7 proposal, a very simple and straight extender of  
8 the alcohol-to-go provision.

9 But, you know, something funny  
10 happens here in Albany when negotiations happen  
11 behind closed doors: Sometimes very simple ideas  
12 become confusing nightmares. And I feel like  
13 that's what happened here.

14 Somehow this proposal even nods to  
15 our former governor by copying some of his most  
16 lampooned terms -- "substantial food." So, you  
17 know, we all remember, you know, someone serving  
18 "Cuomo chips" or the governor declaring that  
19 chicken wings weren't food. I feel like we're  
20 back here now, instead of having just put a very  
21 simple extension of a policy that worked well on  
22 the floor.

23 So, you know, I have no idea why we  
24 returned to this language. In fact, I think we  
25 would all have been very happy never hearing that

1       lexicon again in this chamber.

2                       But, Mr. President, to use some very  
3       simple terminology that I think relates to this  
4       bill well, what's being put in front of us today  
5       is like we were trying to order a Long Island  
6       iced tea and we got a Shirley Temple. It's not  
7       the same thing, and for that reason I vote no.

8                       THE PRESIDENT:     Senator Rath.

9                       SENATOR RATH:     Thank you,  
10      Mr. President. Will the sponsor yield.

11                      THE PRESIDENT:     Will the sponsor  
12      yield?

13                      SENATOR KRUEGER:    I don't know if I  
14      want to follow that line, but sure.

15                      (Laughter.)

16                      THE PRESIDENT:     The sponsor yields.

17                      SENATOR RATH:     Tough to follow.

18                      But I will share this. We're in  
19      Part O, so it's after P. So we are going in  
20      order for you.

21                      (Laughter.)

22                      SENATOR RATH:     This has to do with  
23      requiring polling sites on college campuses with  
24      300 registrants or more.

25                      Are you ready or --



1                   SENATOR KRUEGER:   Why don't you  
2 start, and then somebody pops up.

3                   SENATOR RATH:    Okay.   For sure,  
4 there we go.

5                   SENATOR KRUEGER:   I might even know  
6 the answer.   It's iffy, but it's possible.

7                   SENATOR RATH:    All right.   So my  
8 first question is --

9                   SENATOR KRUEGER:   Excuse me, sir.  
10 I'm so sorry.   Through you, Mr. President,  
11 Senator Myrie would love to answer these  
12 questions.   Would that be okay?

13                   SENATOR RATH:    That would be fine.  
14 I know that happened last time, and I see him  
15 over your shoulder.

16                   So, Mr. President, will the Senator  
17 yield, then?

18                   THE PRESIDENT:   Does the sponsor  
19 yield?

20                   SENATOR MYRIE:   Yes, gladly.

21                   THE PRESIDENT:   The sponsor yields.

22                   SENATOR RATH:    Good to see you,  
23 Senator Myrie.   Good to talk elections with you.

24                   My first question in Part O is why  
25 was it chosen to pick college campuses?

1                   SENATOR MYRIE:    Through you,  
2   Mr. President -- and good to see you too,  
3   Senator Rath -- I'm just a little confused by the  
4   question.  As opposed to what else?

5                   SENATOR RATH:    Through you,  
6   Mr. President, will the sponsor yield?

7                   THE PRESIDENT:   Does the sponsor  
8   yield?

9                   SENATOR MYRIE:   Yes.  Yes, I'm  
10   sorry.

11                  SENATOR RATH:    Let me ask the  
12   question in a different way.  Why not require  
13   polling sites with the same 300-voter threshold  
14   for, say, a senior living center or other areas  
15   that have populations with a lot of people living  
16   in them?

17                  SENATOR MYRIE:   I think -- through  
18   you, Mr. President -- I think I understand the  
19   question.

20                  The underlying principle of this  
21   particular section, which is based largely on a  
22   bill sponsored by Senator Parker, was to  
23   encourage the participation of young people.  And  
24   what has happened is there have been young folks  
25   who are eager to vote, eager to participate in

1     their democracy, but instead of having polling  
2     sites that accommodate young folks who are coming  
3     from all over the state who are now registered at  
4     their college campus, they have been -- there  
5     have been polling sites that have been  
6     intentionally moved off of campus or further away  
7     from campus, which depresses the young vote.

8                     And so this is simply meant to  
9     encourage young people to participate in their  
10    democracy.

11                    SENATOR RATH:    Mr. President, will  
12    the sponsor continue to yield.

13                    THE PRESIDENT:   Does the sponsor  
14    yield?

15                    SENATOR MYRIE:   Yes.

16                    THE PRESIDENT:   The sponsor yields.

17                    SENATOR RATH:    Was it considered,  
18    perhaps, to use senior citizen living centers as  
19    another place with this lower voter threshold of  
20    300?

21                    SENATOR MYRIE:   Through you,  
22    Mr. President, I think we're always considering  
23    how to increase access to our democracy. That is  
24    something I'd be open to talking about.

25                    As you know, polling sites are

1 located in many different institutions throughout  
2 the state, and I'd be happy to have that  
3 discussion with you in our Election Committee.

4 SENATOR RATH: Will the sponsor  
5 continue to yield, Mr. President.

6 THE PRESIDENT: Does the sponsor  
7 yield?

8 SENATOR MYRIE: Yes.

9 THE PRESIDENT: The sponsor yields.

10 SENATOR RATH: About how many  
11 college campuses would this apply to in New York  
12 State?

13 SENATOR MYRIE: Through you,  
14 Mr. President, there wasn't an intention to  
15 target a specific number of college campuses.  
16 The bill is written to apply to any college  
17 campus that meets the requirement with the  
18 300 registered voters.

19 So I don't have that number off the  
20 top of my head on how many campuses it would  
21 apply to, but the purpose was to allow for any  
22 campus that meets this requirement to  
23 participate.

24 SENATOR RATH: Mr. President, would  
25 the sponsor continue to yield?

1                   THE PRESIDENT:    Does the sponsor  
2     yield?

3                   SENATOR MYRIE:    Yes.

4                   THE PRESIDENT:    The sponsor yields.

5                   SENATOR RATH:    Who would have to  
6     pay for the staffing at these polling sites?

7                   SENATOR MYRIE:    Through you,  
8     Mr. President.  The staffing, as well as all of  
9     the other administration of the election at that  
10    particular polling site, would be conducted the  
11    same way that it is conducted at every other  
12    polling site through the local board of  
13    elections.

14                  SENATOR RATH:    Through you,  
15    Mr. President, will the sponsor continue to  
16    yield.

17                  THE PRESIDENT:    Does the sponsor  
18    yield?

19                  SENATOR MYRIE:    Yes.

20                  THE PRESIDENT:    The sponsor yields.

21                  SENATOR RATH:    We're looking at a  
22    lot of college campuses.  We have 62 counties.  
23    These numbers I think are important, because  
24    you're going to have a lot of polling places in  
25    some of the more urban areas and not in the

1 agricultural or rural areas. So I think we need  
2 to take a deeper dive on this to come to  
3 understand what this can mean for our local  
4 boards of elections.

5 And I think it's going to be very  
6 difficult for them to comply with all these  
7 additional poll workers that they're going to  
8 have to provide.

9 Let me ask a question from a little  
10 bit of a different angle here. Are most college  
11 students Democrats or Republicans?

12 SENATOR MYRIE: Through you,  
13 Mr. President, I guess I understand the impulse  
14 to ask that question. But when it comes to  
15 opening up our democracy, when it comes to people  
16 participating in elections, that is never a  
17 consideration for us what the party affiliation  
18 is. It is simply whether that person is an  
19 eligible voter.

20 SENATOR RATH: Mr. President, will  
21 the sponsor continue to yield.

22 THE PRESIDENT: Does the sponsor  
23 yield?

24 SENATOR MYRIE: Yes.

25 THE PRESIDENT: The sponsor yields.

1                   SENATOR RATH:    Was the purpose of  
2                   this legislation intended to drive up Democratic  
3                   voter turnout?

4                   SENATOR MYRIE:   Through you,  
5                   Mr. President, absolutely not.

6                   As with everything else we do  
7                   relating to elections, again, this is to  
8                   encourage anyone -- Democrat, Republican  
9                   nonaffiliated -- to participate, take advantage  
10                  of their constitutional right. This is not in  
11                  any way, form or fashion intended to drive  
12                  turnout for Democrats or Republicans. This is  
13                  for every eligible voter, every young person --  
14                  who, by the way, these are our future voters.  
15                  These are the folks that will be sitting in the  
16                  very seats that we're sitting in right now. And  
17                  if we are to get the best of our young people and  
18                  encourage them to be leaders and to be civically  
19                  active, we should be making it easier, not more  
20                  difficult for them to participate.

21                  SENATOR RATH:    Mr. President, will  
22                  the sponsor continue to yield.

23                  THE PRESIDENT:   Does the sponsor  
24                  yield?

25                  SENATOR MYRIE:   Yes.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR RATH: Okay, my next  
3 question is on the effective date.

4 Would poll sites on college campuses  
5 be required for the 2022 general election?

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

8 SENATOR RATH: Okay, I think it's a  
9 little ambiguous. But you say yes.

10 SENATOR MYRIE: Yes.

11 THE PRESIDENT: He said yes.

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

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR MYRIE: Yes.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR RATH: Election Law  
19 provides that each special election district  
20 cannot contain more than 950 registrants or, when  
21 a county provides a special BOE approval, no more  
22 than 2,000 registrants.

23 Why not make that threshold for  
24 college polling sites the same numbers?

25 SENATOR MYRIE: Through you,



1 Mr. President. Senator Rath, if you could just  
2 repeat the question. I'm not entirely sure I  
3 understand it.

4 SENATOR RATH: It seems to me as  
5 though -- through you, Mr. President. It seems  
6 to me as though this 300-voter threshold is quite  
7 low compared to other polling sites. Why have a  
8 lower number for college campuses versus other  
9 polling locations?

10 SENATOR MYRIE: Through you,  
11 Mr. President, I think there is something a  
12 little unique about college campuses in that the  
13 voting constituency -- these are folks that are  
14 coming from all over the state. These are not  
15 individuals that will -- that are sort of  
16 stationed by their polling sites for an  
17 extended period of time. But they still want to  
18 take advantage and weigh in in their democracy.

19 So we thought that the 300 number  
20 was appropriate, given the unique nature of  
21 college campuses.

22 SENATOR RATH: Through you,  
23 Mr. President, will the sponsor continue to  
24 yield.

25 THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR MYRIE:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR RATH:     Back on the 300  
5       number, was there any methodology, any strategy,  
6       any due diligence, models done in other states --  
7       anything to come up with that 300 number?

8                   SENATOR MYRIE:     Through you,  
9       Mr. President, we thought it was important to be  
10      in that threshold of 300 in order to not exclude  
11      smaller colleges, who may not have some of the  
12      larger populations that some of our other  
13      campuses share.

14                   And, you know, I can't speak to what  
15      has been done in other jurisdictions, but we  
16      believe that this will encourage participation in  
17      small and large campuses alike.

18                   SENATOR RATH:     Through you,  
19      Mr. President, will the sponsor continue to  
20      yield?

21                   THE PRESIDENT:     Does the sponsor  
22      yield?

23                   SENATOR MYRIE:     Yes.

24                   THE PRESIDENT:     The sponsor yields.

25                   SENATOR RATH:     Okay, we're on to

1 Part HH now, which is the requirement that local  
2 BOEs provide postage-paid return envelopes.

3 In 2020, 1.8 million people voted  
4 via absentee. At 58 cents a stamp, you're  
5 looking at over a million dollars in cost. Is  
6 there a fiscal appropriation attached to this  
7 bill that covers those costs?

8 SENATOR MYRIE: Through you,  
9 Mr. President, there is a fiscal appropriation  
10 attached to this. It is \$4 million.

11 And it's important to note as well  
12 that this is a reimbursement. So the local  
13 boards of elections would send the receipts to  
14 the state such that if it does not reach the  
15 4 million that has been appropriated, that's not  
16 money that is wasted by the state.

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

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR MYRIE: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR RATH: Is this a permanent  
25 appropriation?

1                   SENATOR MYRIE:    Through you,  
2   Mr. President, yes, this is a recurring  
3   appropriation.

4                   SENATOR RATH:    Mr. President, I'm  
5   all set. Thank you.

6                   THE PRESIDENT:   Senator Akshar.

7                   SENATOR AKSHAR:   Mr. President,  
8   thank you very much.

9                   Would the sponsor yield? Part F.  
10   Part F.

11                  THE PRESIDENT:    Will the sponsor  
12   yield?

13                  SENATOR KRUEGER:   Certainly.

14                  THE PRESIDENT:    The sponsor yields.

15                  SENATOR KRUEGER:   I'm sorry,  
16   Senator. Through you, Mr. President. You know,  
17   we all want to get in on the fun, so  
18   Senator Salazar would like to take these  
19   questions, if that's okay.

20                  SENATOR AKSHAR:   Sure, that's fine.  
21   I have no problem with that.

22                  SENATOR KRUEGER:   Thank you.

23                  THE PRESIDENT:    Does the sponsor  
24   yield?

25                  SENATOR SALAZAR:   Yes,

1 Mr. President.

2 THE PRESIDENT: The sponsor yields.

3 SENATOR AKSHAR: Thank you,  
4 Mr. President. Through you.

5 Motivation behind the bill.

6 SENATOR SALAZAR: Behind Part F of  
7 PPGG?

8 SENATOR AKSHAR: Yes, excuse me,  
9 I'm sorry, I need to be more specific.

10 SENATOR SALAZAR: Yeah, of course.  
11 Thank you, Senator Akshar. Through you,  
12 Mr. President.

13 What Part F does is it would ensure  
14 that members of the Parole Board would be fully  
15 dedicated to their role as parole commissioner,  
16 as the average -- on average, a commissioner has  
17 thousands of cases every year and it's just  
18 important that they're able to dedicate their  
19 full time and attention to their role as a parole  
20 commissioner.

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

24 THE PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR SALAZAR:    Yes.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR AKSHAR:    Let's go back to  
4 something you just said.  I think you mentioned  
5 one thousand -- did I hear you wrong?  Okay,  
6 thank you.

7                   SENATOR SALAZAR:    Through you,  
8 Mr. President, if the Senator's question is about  
9 on average how many each commissioner has of --  
10 there are currently 12 out of 19 commissioners on  
11 the board -- there are 14, now, commissioners who  
12 are on the board.  There are five vacancies on  
13 the Parole Board.  On average, each commissioner  
14 has between 20 to 40 cases at a time.

15                   But in total, per year, they're  
16 looking at at least a thousand cases if not  
17 thousands of cases.

18                   SENATOR AKSHAR:    Mr. President,  
19 through you, if the Senator will continue to  
20 yield.

21                   THE PRESIDENT:    Does the sponsor  
22 yield?

23                   SENATOR SALAZAR:    Yes.

24                   THE PRESIDENT:    The sponsor yields.

25                   SENATOR AKSHAR:    So there are a

1 total of 19 members, 12 positions of which are  
2 currently staffed?

3 SENATOR SALAZAR: Through you,  
4 Mr. President, there are currently 14 that are  
5 staffed. So there are five vacancies on the  
6 Parole Board right now.

7 SENATOR AKSHAR: Mr. President,  
8 through you, if the Senator would yield.

9 THE PRESIDENT: Does the sponsor  
10 yield?

11 SENATOR SALAZAR: Yes.

12 THE PRESIDENT: The Senator yields.

13 SENATOR AKSHAR: Does the Senator  
14 know if there's any -- should we anticipate there  
15 being five more members put forth by the Governor  
16 to round this out to an even 19?

17 SENATOR SALAZAR: Through you,  
18 Mr. President, it is my understanding that the  
19 Governor intends to make these additional  
20 appointments to fill the Parole Board this year.

21 SENATOR AKSHAR: Mr. President, if  
22 the Senator would continue to yield.

23 THE PRESIDENT: Does the sponsor  
24 yield?

25 SENATOR SALAZAR: Yes.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR AKSHAR: Does the sponsor  
3 believe that in fact being a commissioner on the  
4 Parole Board is in fact a full-time job?

5 SENATOR SALAZAR: Through you,  
6 Mr. President, yes, I absolutely think that it is  
7 a job that should be full-time. They're paid  
8 certainly a full-time salary -- a higher salary  
9 than legislators, in fact, annually.

10 And yeah, I absolutely think that  
11 they should be dedicating their full time to the  
12 position.

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

16 THE PRESIDENT: Does the sponsor  
17 yield?

18 SENATOR SALAZAR: Yes.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR AKSHAR: Of the 14 members  
21 who are currently seated, how many of those  
22 members currently have outside employ that is a  
23 public, salaried position?

24 SENATOR SALAZAR: Through you,  
25 Mr. President, as far as we are aware, there are



1 two commissioners on the Parole Board right now  
2 who receive income from outside employment other  
3 than their role on the board.

4 As far as I know, neither of them  
5 receives income from a public employed position.

6 SENATOR AKSHAR: Mr. President,  
7 through you, if the sponsor will continue to  
8 yield.

9 THE PRESIDENT: Does the sponsor  
10 yield?

11 SENATOR SALAZAR: Yes.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR AKSHAR: Why the difference  
14 with respect to a publicly funded position or  
15 publicly funded salary versus a privately funded  
16 salary? If I sold school buses for a living and  
17 I was a member of the Parole Board, that would be  
18 okay. But if I was a part-time police officer,  
19 that would not be okay.

20 SENATOR SALAZAR: Through you,  
21 Mr. President, typically if someone has private  
22 employment, they may have more flexibility, be  
23 able to do that job on the weekends.

24 Additionally, there are other  
25 sources of income that people may have that we

1       should consider, such as income from an  
2       investment property, that would not be prohibited  
3       under Part F of this bill.

4               But if someone is employed, for  
5       example, as even a part-time police officer, that  
6       actually is a pretty demanding position and one  
7       that would be, I think, difficult to do if  
8       employed full-time as a parole commissioner.

9               SENATOR AKSHAR:    Mr. President,  
10       through you, if the sponsor will continue to  
11       yield.

12              THE PRESIDENT:    Does the sponsor  
13       yield?

14              SENATOR SALAZAR:   Yes.

15              THE PRESIDENT:    The sponsor yields.

16              SENATOR AKSHAR:    So I'm just having  
17       a hard time understanding the difference, right?

18              If I have flexibility in the fact  
19       that I'm a part-time police officer and I work,  
20       you know, a couple of shifts a month, but I  
21       also -- you know, you have another person who has  
22       employment at Home Depot and he or she works an  
23       eight-hour day, that's okay, that person can  
24       continue to make their income working in this  
25       area of Home Depot.   But this person over here

1     who maybe works a shift or two as an EMT, a  
2     police officer, firefighter, whatever it may be,  
3     is not allowed to do that.

4             I'm just -- maybe if you'd be so  
5     kind just try to clarify why we're making this  
6     delineation between the two sources of income.

7             SENATOR SALAZAR:    Through you,  
8     Mr. President.   So the intent of this part of the  
9     bill is certainly not to discriminate against  
10    police officers or prevent a part-time police  
11    officer specifically from serving on the  
12    Parole Board.

13            It would be very challenging for  
14    someone -- for one, I don't know of -- of any  
15    police department where an officer can just pick  
16    up a couple of shifts per month.   Being a police  
17    officer is a demanding job.   And on the other  
18    hand, if someone wanted to take a part-time job  
19    at Home Depot while working full-time as a parole  
20    commissioner, there isn't necessarily a problem  
21    with that, although that would probably be pretty  
22    challenging as well, to work 40 hours a week as a  
23    parole commissioner and then pick up extra work  
24    at Home Depot.

25            SENATOR AKSHAR:    Through you, will

1 the sponsor continue to yield?

2 THE PRESIDENT: Does the sponsor  
3 yield?

4 SENATOR SALAZAR: Yes.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR AKSHAR: But within the  
7 four corners of this bill as authored, that would  
8 be okay, right? If I were a commissioner and I  
9 had a job at Home Depot working 40 hours a week,  
10 that would still be okay, is that fair?

11 SENATOR SALAZAR: Through you,  
12 Mr. President, if it does not interfere with  
13 their ability to perform their job as a parole  
14 commissioner full-time, then yes, it would be  
15 acceptable and would continue to be lawful under  
16 this bill.

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

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR SALAZAR: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR AKSHAR: What about a  
25 single mother who was a part-time nurse at a

1 county nursing home who picked up a couple of  
2 shifts a month? Could she serve as a  
3 commissioner on the Parole Board?

4 SENATOR SALAZAR: Through you,  
5 Mr. President, parole commissioners earn a salary  
6 of I believe it's \$170,000 a year.

7 Yes, I think that if a single mother  
8 wanted to take a job that is private employment  
9 while also serving on the Parole Board -- I think  
10 I would be surprised by that decision, given that  
11 parole commissioners are well-compensated, but it  
12 would be lawful under this bill.

13 SENATOR AKSHAR: Mr. President, no  
14 more questions on the bill.

15 My thanks to the Senator for  
16 answering my questions. I've long held the  
17 belief that this Parole Board is a sham --

18 THE PRESIDENT: Senator Akshar, are  
19 you on the bill?

20 SENATOR AKSHAR: Yes, I'm sorry, I  
21 thought you heard me.

22 THE PRESIDENT: Senator Akshar on  
23 the bill.

24 SENATOR AKSHAR: I'm sorry, I  
25 thought you heard me.

1                   You know, at the end of the day I  
2                   think that this frankly is less about folks  
3                   spending their time at the Parole Board and much  
4                   more about control, frankly. And, you know, look  
5                   what just happened: 8,000 parolees released. We  
6                   didn't need a parole board to do that. This body  
7                   did that.

8                   And, you know, I just -- I'm just  
9                   having a hard time understanding why -- you know,  
10                  I get it, right. I mean, it's an important  
11                  issue. It really is. But to say, you know,  
12                  by the way this is authored, these two lines are  
13                  authored, that, you know, if you are a single mom  
14                  who works in a county nursing home, you cannot  
15                  serve as a commissioner on the Parole Board, but  
16                  if you are single dad who works 40 hours at  
17                  Home Depot, you can. It just doesn't make a  
18                  whole bunch of sense to me.

19                  So, Mr. President, again, I  
20                  appreciate the sponsor answering my questions.  
21                  When it comes time, I'll certainly be voting no.

22                  THE PRESIDENT:     Senator Palumbo.

23                  SENATOR PALUMBO:   Thank you,  
24                  Mr. President.

25                  I'm going to be asking some

1 questions just very briefly on Part P, the  
2 alcohol-to-go. So I believe Chairwoman  
3 Krueger -- I would respectfully ask her to yield,  
4 please.

5 THE PRESIDENT: Will the sponsor  
6 yield?

7 SENATOR KRUEGER: Yes, I do.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR PALUMBO: Thank you,  
10 Senator Krueger.

11 I was listening to the debate and  
12 some of the exchange here and the outstanding  
13 questions by my colleagues, coupled with the  
14 answers on the alcohol-to-go, and something came  
15 to mind. I was thinking -- I didn't intend to  
16 ask any questions on this bill. But under the  
17 General Obligations Law Section 11-101, commonly  
18 known as the Dram Shop Act, restaurants are  
19 liable for serving alcohol to people under 21,  
20 knowingly intoxicated, visibly apparently or from  
21 observations intoxicated, or habitual drunkards,  
22 oddly.

23 So I know we're trying to help  
24 restaurants with this particular legislation, but  
25 can you explain to me, please, how we would

1 ultimately navigate a dram shop situation where  
2 someone comes in, say they grab their  
3 alcohol-to-go, they're drunk, and they head home,  
4 and they kill someone. Because the resulting  
5 negligence from that intoxication renders the  
6 establishment liable. That's the Dram Shop Law.

7 So could you please explain to me  
8 how we could reconcile that?

9 SENATOR KRUEGER: Through you,  
10 Mr. President, I want to make sure I understand  
11 the question correctly.

12 So it's the visual of I have a  
13 restaurant that serves liquor. When somebody  
14 comes in and decides to sit down at my bar or  
15 restaurant, I need to make sure they're over 21  
16 for liquor, they're not intoxicated, and they're  
17 not otherwise acting out in inappropriate ways.

18 And now we would have drinks to go,  
19 so the same person might walk into the restaurant  
20 and order the drink to go. If he's intoxicated,  
21 I shouldn't sell it to him. If he's under 21, I  
22 shouldn't sell it to him. And if he's acting in  
23 a dangerous way, I shouldn't sell it to him.

24 If once he leaves my restaurant with  
25 his drink to go and he gets in a vehicle and then



1 he kills someone, I think was the example, then  
2 it would be the same as the law is now. If you  
3 get into a vehicle and you're drunk and you kill  
4 someone, there's a variety of different criminal  
5 charges you could face.

6 I'm not sure it would be any  
7 different as to whether you picked up the drink  
8 to go and walked out or you sat at the bar, drank  
9 it, and then walked out.

10 SENATOR PALUMBO: Would the sponsor  
11 continue to yield.

12 THE PRESIDENT: Does the sponsor  
13 yield?

14 SENATOR KRUEGER: Certainly.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR PALUMBO: Thank you,  
17 Senator.

18 And I get that. And really the next  
19 question, though, I think is the more important  
20 one. Because now we have certainly observations,  
21 and these -- just as an aside, these bartenders  
22 are trained, ServSafe, TIPS, they have courses  
23 where they can recognize someone's intoxication  
24 through observations that take a little bit of  
25 time, maybe more of an intermittent or not as

1 long an observation period, of course, when they  
2 pick it up and leave.

3 But how about the situation where  
4 now we have drivers, Uber drivers, for example,  
5 and it's just causing injury, not death, you're  
6 responsible for any injuries that result from the  
7 intoxication. Now we have someone who's taking  
8 it to someone's home or to a party or to  
9 someplace else, and is simply dropping off the  
10 bag: You're 21? Great. We've confirmed that.  
11 And that was something that was addressed in the  
12 bill.

13 But the second part is what I think  
14 is really of concern. And so how do we reconcile  
15 the alcohol that is actually delivered by another  
16 vehicle? Because that negligence or that  
17 liability will still extend to the original  
18 restaurant.

19 SENATOR KRUEGER: So under the law  
20 you're not supposed to deliver to someone who's  
21 visibly intoxicated. I'm at a party, people have  
22 ordered drinks to go, they come, I have too many  
23 of them, I'm intoxicated. But I wasn't  
24 necessarily intoxicated when the drinks got  
25 delivered.

1                   If I then do something illegal to  
2                   others at the party or by getting into a vehicle  
3                   and being, you know, a drunk in a car, I think  
4                   it's all the same responses from criminal justice  
5                   as it is now. I mean, I'm not really sure how  
6                   these storylines are different if I got the drink  
7                   through the delivery of a drink to go versus I  
8                   made the drink myself or I was sitting at the bar  
9                   having the drink. If the behavior violates the  
10                  law, then the behavior violates the law.

11                 SENATOR PALUMBO: Will the Senator  
12                  continue to yield for another question, please.  
13                  Through you, Mr. President.

14                 THE PRESIDENT: Does the sponsor  
15                  yield?

16                 SENATOR KRUEGER: Yes indeed.

17                 THE PRESIDENT: The sponsor yields.

18                 SENATOR PALUMBO: Thank you.

19                 And I understand that. And I'm not  
20                  even speaking of, you know, service to a minor  
21                  penalties or obviously criminal penalties.  
22                  That's a separate animal.

23                 What I'm talking about here -- well,  
24                  really I guess the point of my questioning is the  
25                  burden now is upon the delivery person, who may

1 not have the requisite training and skill of a  
2 bartender, of someone who works at a reputable  
3 establishment, who's had experience observing,  
4 cuts people off when they've had too much,  
5 refuses to serve people.

6 So now not just the person who comes  
7 in, grabs their bag and leaves, pays at the  
8 register and leaves -- now you have an obligation  
9 that is imputed to an Uber driver not to just  
10 simply I.D., to make adequate observations in  
11 order to protect the establishment. That's my  
12 concern.

13 And if you could tell me where in  
14 the bill that might be addressed or reconciled, I  
15 would really appreciate it.

16 SENATOR KRUEGER: So my counsel's  
17 answer is that it's a privilege if the store  
18 doesn't wish to take this liability upon  
19 themselves, they don't have to. They certainly  
20 can choose not to use an -- I guess an Uber or a  
21 Lyft delivery system where they wouldn't know the  
22 person. Right? That's my understanding, you  
23 don't know who the delivery person is.

24 So I might suggest that perhaps  
25 that's not the best model for a restaurant to

1 use, to hire people they don't even know to be  
2 doing drinks to go. They might be better off and  
3 smarter businesspeople if they deliver through  
4 someone they know and they feel that they have  
5 trained and can trust to evaluate that the  
6 person's over 21, not intoxicated, et cetera.

7 But at the end of the day -- and  
8 again, I have the disadvantage of not being a  
9 attorney, and I think you are. So I've never had  
10 to go to court on any of this. But it seems to  
11 me the negligence part would be fairly difficult  
12 to prove because when the person delivered the  
13 drink, they might not have known that there were  
14 eight other drinks-to-go being delivered by  
15 someone else or that the restaurant -- excuse me,  
16 the party I was going to and I thought it would  
17 be a great idea to have drinks-to-go, that the  
18 party already had piles of liquor there when I  
19 walked in the door and I didn't really even need  
20 to have the delivery of the drinks, so there was  
21 far more alcohol involved than any individual  
22 delivery.

23 So I'm not sure that, you know, you  
24 could prove a clear line of liability as to, you  
25 know, did this person get drunk on the

1 drinks-to-go from X Uber delivery person.

2 But I would think that as a  
3 business, I would want to make sure that I had a  
4 reasonable sense of confidence that whoever was  
5 taking the liquor out of my location, delivering  
6 it somewhere, knew what the rules of the road  
7 were and were going to follow them.

8 SENATOR PALUMBO: Thank you,  
9 Senator Krueger.

10 On the bill, please, Mr. President.

11 THE PRESIDENT: Senator Palumbo on  
12 the bill.

13 SENATOR PALUMBO: Well -- and thank  
14 you. And thank you, Senator and Madam  
15 Chairwoman. And I totally get that.

16 And yes, I don't just play one on  
17 TV, I am a lawyer and I've handled these cases.  
18 And I'll give you one of the cases I had. It was  
19 a very sad situation where a drunk driver killed  
20 my client, who had a wife and young daughter, and  
21 just left a bar. And under the General  
22 Obligations Law, not only was the bar liable, we  
23 got an extremely significant sum from a bar he  
24 left two hours and 16 minutes earlier, before he  
25 went to the next bar and then had the accident,

1 drunk driving.

2 And the nuance of that was we were  
3 able to establish that there was a drink  
4 purchased at the bar -- one drink -- and  
5 extrapolate blood alcohol that he was very drunk  
6 at the time that he purchased that drink.

7 So you don't need to get drunk on  
8 the alcohol that you're being served, you just  
9 need to be drunk and get another one. That's the  
10 law in the State of New York.

11 So that -- I know this is  
12 well-intended and what we're trying to do here is  
13 intending to help our struggling businesses  
14 during a pandemic or just after it. But I think  
15 that is a very, very significant problem that  
16 needs to be addressed.

17 And I do certainly thank Madam  
18 Chairwoman for answering my questions.

19 Thank you.

20 THE PRESIDENT: Senator O'Mara.

21 SENATOR O'MARA: Yes, thank you,  
22 Mr. President.

23 If Senator Krueger would yield again  
24 on --

25 THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR KRUEGER:    Yes, sir.

3                   THE PRESIDENT:    The sponsor yields.

4                   SENATOR O'MARA:    Again, on  
5       alcohol-to-go.  It's taken up a lot of the air in  
6       the room on what should be the public protection/  
7       criminal justice debate that we're not having on  
8       these issues.

9                   So I'm a little reluctant to ask  
10       more questions on alcohol-to-go, but there is one  
11       thing that I would like to understand, and that  
12       is the inability for either the customer or the  
13       venue, the restaurant, to sell a bottle of wine.  
14       There's no limit on the number of drinks you can  
15       purchase to take with you.

16                   And if you go to your neighborhood  
17       Italian restaurant or call them up and say, "Can  
18       you bring a lasagna and some salad and some bread  
19       over for six people, and two bottles of wine?"

20                   "No, we can't do that."

21                   "Can you bring over 12 cups of  
22       wine?"

23                   "Yeah, we can do that."  A little  
24       more awkward to carry.

25                   I mean, what's the distinction we're



1 making here on not being able to get a bottle of  
2 wine?

3 SENATOR KRUEGER: So we can agree  
4 or disagree with current SLA law in this state,  
5 but it is set up where you have wine and liquor  
6 stores where you go and buy bottles of wine,  
7 bottles of liquor, take them home, have them  
8 delivered. And then you have on-licensed --  
9 excuse me, on-site purchases through restaurant  
10 bars where usually you're buying the drinks  
11 there. And you might be buying a bottle of wine  
12 to open up there and serve with the dinner.

13 But there was concern that taking  
14 the leap, so to speak, of allowing restaurant  
15 bars to suddenly become liquor stores that can  
16 sell you full bottles of liquor and deliver them  
17 to you would be -- have unintended consequences  
18 for the mom-and-pop liquor stores we have in this  
19 state.

20 Now, every state has a different  
21 policy when it comes to who's allowed to sell  
22 liquor, whether you have big chains, whether you  
23 have small stores, whether you have it in  
24 supermarkets and at gas stations, et cetera,  
25 et cetera. But the fact is that this state has a

1 long history of having liquor store licenses and  
2 having restaurant bar licenses.

3 And I just sincerely think that most  
4 people who discussed this thought that was a step  
5 too far in the liquor-to-go.

6 But I know that my conference was  
7 also very, very focused on believing that we  
8 should be having a full discussion in the State  
9 of New York about whether our SLA laws actually  
10 do make sense in the 21st century. And that I  
11 think we have proposed -- did we actually put  
12 into the budget a task force?

13 We put into the budget a commission  
14 to study the SLA laws and make recommendations to  
15 the Legislature on how we might want to change  
16 them. Because I think many people in this room  
17 on both sides of the aisle have perfectly good  
18 questions about whether the laws that we've been  
19 living under for SLA actually do make sense in  
20 the 21st century.

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

24 THE PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR KRUEGER:    Yes.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR O'MARA:    Wouldn't it make  
4 more sense to take this alcohol-to-go issue up  
5 under that commission?

6                   You know, I think about 15 years or  
7 so ago, we went through several years of a law  
8 review commission on the issue of alcohol sales,  
9 a three-tier system, everything in New York --  
10 spent years with a law review commission that, to  
11 my understanding, nothing came out of. So I  
12 would like to think that something might come out  
13 of this commission. But we're going to do this  
14 alcohol-to-go even before we've set that  
15 commission up.

16                   But my question is, again, on the  
17 bottle of wine, can the restaurant take a water  
18 bottle, a thermos, big YETI, open that bottle of  
19 wine, pour it all into that one container and  
20 give it to the customer to go?

21                   SENATOR KRUEGER:    So there might  
22 have been a detail, Senator, on page 9 -- page 8  
23 of the bill, starting about two paragraphs down,  
24 about the kinds of packaging for liquor and seals  
25 that can and cannot be broken. So you might take

1 a look at that, because it's not necessarily so  
2 obvious how we could serve you your wine.

3 I might suggest that if I was  
4 ordering a nice Italian meal from Restaurant X  
5 and I couldn't get out to the liquor store to buy  
6 a nice bottle of Chianti, I could get the liquor  
7 store to deliver me the bottle of Chianti. So I  
8 would have two people delivering to me instead of  
9 one, but I would accomplish the same goal.

10 SENATOR O'MARA: Thank you. Thank  
11 you, Senator Krueger. And thank you,  
12 Mr. President.

13 Just on the bill.

14 THE PRESIDENT: Senator O'Mara on  
15 the bill.

16 SENATOR O'MARA: Kind of hard to  
17 believe we're spending this much time on an issue  
18 in a \$220 billion budget, alcohol-to-go, and at  
19 the same time talking about a commission to  
20 reform the whole liquor system in New York State,  
21 yet we're going ahead with this one thing with  
22 the ludicrous aspects of it that you can't get a  
23 bottle even though there's no restrictions in  
24 these details of the bill of what size container  
25 it can be, you only have to pay the same price

1     you would at the bar. So you buy a bottle, that  
2     bottle can be poured into a large container,  
3     sealed up, according to this, and taken with you.  
4     Really no difference than buying a bottle of  
5     wine, except maybe it will get a chance to aerate  
6     a little bit on the way home. So it could be an  
7     advantage.

8                     But, you know, we're walking down a  
9     path here with what will be a substantial food  
10    item to qualify you to buy a drink to go. No  
11    real -- no explanation at all on how substantial  
12    that has to be compared to how many drinks you're  
13    going to get to go. And, you know, we're going  
14    to get back into our COVID bar having a drink  
15    scenario where what is sufficient Cuomo chips  
16    that we have to have at the bar, what size Cuomo  
17    fries do you have to get to be able to get the  
18    drink to go. I don't think that's well thought  
19    out.

20                    But more importantly, on this bill,  
21    this is a bill about public protection, and every  
22    aspect about criminal justice that should be in  
23    this bill has been removed, to come later. It's  
24    not in print yet. We don't know what the  
25    parameters of those proposals may or may not be,

1 yet we're forging ahead with this Public  
2 Protection bill here without having the full  
3 picture on what the public protection aspects of  
4 this budget are going to be.

5 Thank you, Mr. President.

6 THE PRESIDENT: Are there any other  
7 Senators wishing to be heard?

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

10 Read the last section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE PRESIDENT: Senator Oberacker  
16 to explain his vote. Ah.

17 Senator Ramos to explain her vote.

18 SENATOR RAMOS: Thank you,  
19 Mr. President. I rise to explain my vote.

20 There are several things in this  
21 bill that I like. Of course, you know, expanded  
22 benefits for victims of hate crimes, prepaid  
23 postage for absentee ballots and ballot  
24 applications. And my favorite, of course, to-go  
25 drinks.

1                   I was so happy to hear that the  
2 Governor is supportive of this measure. Of  
3 course my district is known for some of the best  
4 food in New York, and a lot of my neighbors also  
5 work in the food industry in many of your  
6 districts. And so to-go drinks as an added  
7 revenue stream for our restaurants is quite  
8 critical at a time where I think even throughout  
9 the pandemic we saw an explosion of online  
10 deliveries that really has allowed places like  
11 Amazon and Walmart, that are really bad  
12 employers, to decimate our Main Streets and make  
13 it harder for many of our small businesses to  
14 remain afloat. I mean, largely our Main Streets  
15 are now restaurants, dry cleaners, nail salons,  
16 barber shops, and those are the small businesses  
17 that we have to protect.

18                   So while I agree that the previous  
19 governor -- whose name I don't like to say -- did  
20 ensure that our restaurants had to pivot and  
21 adapt and figure out things, especially when SLA  
22 was giving them a difficult time -- I mean, it's  
23 painfully a kangaroo court where are a lot of our  
24 restaurants aren't even able to present evidence  
25 in order to defend themselves.

1                   We do need this measure. And I'm  
2                   very proud that it will not only help them, but  
3                   our deliveristas as well, giving them some added  
4                   tips and some added business. This is a win for  
5                   small businesses. This is a win for workers.  
6                   And I'm very proud to be voting aye on this bill.

7                   Thank you, Mr. President.

8                   THE PRESIDENT: Senator Ramos to be  
9                   recorded in the affirmative.

10                  Senator Gaughran to explain his  
11                  vote.

12                  SENATOR GAUGHRAN: Thank you,  
13                  Mr. President.

14                  I rise in particular to speak about  
15                  Part JJ, which will I believe once and for all  
16                  give Long Islanders a true path towards trying to  
17                  get more reliable and cheaper, in the long run,  
18                  utility rates with our electricity by creating  
19                  the Long Island Power Authority Legislative  
20                  Commission.

21                  It will be a commission that will  
22                  allow this Legislature to determine once and for  
23                  all whether or not a true public power authority  
24                  is the best course for us. And it's not just for  
25                  Long Islanders; as well, there are a significant



1     number of residents of Queens who are also stuck  
2     with this situation.

3                 And this commission will be  
4     transparent, and it will involve stakeholders  
5     from everywhere. We will make sure we have  
6     environmentalists and business leaders and  
7     community leaders and local officials. And  
8     especially I want to make sure that we have men  
9     and women representing organized labor.

10                It will look at whether a true  
11     public power authority is actually the best way  
12     to go in terms of future costs and trying to keep  
13     our rates down. It will look at whether or not a  
14     true public power authority will be the best  
15     vehicle to make sure that on Long Island and  
16     parts of Queens we can truly move off the grid  
17     from fossil fuels and implement our very  
18     important climate change goals.

19                And again, I want to make sure that  
20     the men and women of organized labor are part of  
21     this so that we make sure that if we are moving  
22     in the direction of a true public power entity,  
23     we are protecting them, protecting their rights,  
24     protecting their unions, and working with them.

25                So I believe a true public power

1 authority is the best course for Long Island, but  
2 that determination will be made after this  
3 commission completes its duties and we look at  
4 the facts and we make sure that we are moving  
5 forward for the people that I represent.

6 So I vote in the affirmative.

7 THE PRESIDENT: Senator Gaughran to  
8 be recorded in the affirmative.

9 Senator Brooks to explain his vote.

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

12 I rise in support of this  
13 legislation, in particular Section KK, which  
14 authorizes the recovery of expenses for ambulance  
15 calls where volunteer fire departments respond  
16 and provide the medical services.

17 That legislation was passed almost  
18 unanimously by this membership, this body. It  
19 truly is a piece of legislation that is going to  
20 allow the fire districts to control and reduce  
21 expenses.

22 The way the system works today, the  
23 fire departments are responding -- or, rather,  
24 purchasing all the medical supplies and equipment  
25 that are required, and it's being charged to the

1 taxpayer. All of us that have various insurance,  
2 be it auto insurance or health insurance, are  
3 paying premiums and within those policies is  
4 protection for ambulances. We've never taken  
5 care of it. The volunteer fire departments,  
6 because of a quirk in the law, had been excluded.

7 So this is an opportunity, and we  
8 estimate that it's going to be about \$100 million  
9 of relief across the state to the volunteer fire  
10 departments.

11 I appreciate that this body -- at  
12 the time we passed this legislation, all but two  
13 members voted for it. I think it's outstanding  
14 that it's in this legislation. It's going to  
15 help communities across this state. And I vote  
16 aye on this legislation.

17 Thank you.

18 THE PRESIDENT: Senator Brooks to  
19 be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to  
22 Calendar 746, those Senators voting in the  
23 negative are Senators Akshar, Borrello, Boyle,  
24 Gallivan, Griffio, Helming, Jordan, Lanza,  
25 Martucci, Mattera, Oberacker, O'Mara, Ortt,

1 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
2 Weik.

3 Ayes, 43. Nays, 20.

4 THE PRESIDENT: The bill is passed.  
5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 747, Senate Print 8009C, Senate Budget Bill, an  
8 act to amend the Tax Law.

9 THE PRESIDENT: Senator Lanza, why  
10 do you rise?

11 SENATOR LANZA: Mr. President, I  
12 believe there's an amendment at the desk.

13 I waive the reading of that  
14 amendment and ask that you recognize  
15 Senator Jordan to be heard.

16 THE PRESIDENT: Thank you, Senator  
17 Lanza.

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

21 SENATOR LANZA: Accordingly,  
22 Mr. President, I appeal the ruling of the chair  
23 and ask that you recognize Senator Jordan.

24 THE PRESIDENT: The appeal has been  
25 made and recognized, and Senator Jordan may be

1 heard.

2 SENATOR JORDAN: Mr. President, I  
3 respectfully rise to appeal the ruling of the  
4 chair.

5 Our proposed amendment is germane to  
6 the bill at hand because the bill at hand amends  
7 the Tax Law and provides relief for the  
8 hardworking parents of our state. Frankly, there  
9 really cannot be a bill that is more germane than  
10 our proposed amendment.

11 On behalf of our Senate Republican  
12 Conference, this commonsense amendment would  
13 establish Family Freedom Inflation Relief Checks  
14 to help provide some much-needed financial help  
15 to hardworking parents who are hurting from  
16 inflation that's driving up New York State's  
17 already crushing costs.

18 Specifically, our initiative would  
19 provide \$1,000 in direct relief to help families  
20 cope with the high costs of childcare or help pay  
21 for their child's education or to provide  
22 caregiver support to help families care for  
23 elderly or disabled family members. And that's  
24 exactly what our Family Freedom Inflation Relief  
25 Checks would deliver: Relief from rising

1 inflation that's at its highest level in 40  
2 years. Relief from a nation-leading crushing  
3 cost of living that's put a painful squeeze on  
4 families and fuels our nation-leading  
5 outmigration. Relief from daily expenses that  
6 have skyrocketed on everything from gasoline to  
7 groceries and so many basic necessities that  
8 families depend on.

9 Mr. President, I urge -- no. As a  
10 mom, I ask my colleagues across the aisle to try  
11 to understand the growing financial pain and  
12 economic uncertainty of families from Halfmoon to  
13 Hamburg, that they are enduring the long  
14 sleepless nights where parents worry about  
15 whether they can afford to pay their bills or buy  
16 gas to drive to work or just purchase groceries  
17 to feed their families.

18 Please join us in standing up for  
19 New York's hardworking families and make our  
20 Family Freedom Inflation Relief Checks a reality  
21 by supporting this commonsense amendment.

22 Thank you, Mr. President.

23 THE PRESIDENT: Thank you, Senator  
24 Jordan.

25 I want to remind the house that the

1 vote is on the procedures of the house and the  
2 ruling of the chair.

3 Those in favor of overruling the  
4 chair, signify by saying aye.

5 SENATOR LANZA: Request a show of  
6 hands.

7 SENATOR GIANARIS: Mr. President,  
8 we've agreed to waive the showing of hands and  
9 record each member of the Minority in the  
10 affirmative.

11 THE PRESIDENT: Without objection,  
12 so ordered.

13 Announce the results.

14 THE SECRETARY: Ayes, 20.

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

18 Senator Lanza, why do you rise?

19 SENATOR LANZA: Mr. President, I  
20 believe there's another amendment at the desk.

21 I waive the reading of that  
22 amendment and ask that you recognize  
23 Senator Serino to be heard.

24 THE PRESIDENT: Thank you, Senator  
25 Lanza.

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

4                   SENATOR LANZA:     Accordingly,  
5                   Mr. President, I appeal the ruling of the chair  
6                   and ask that you recognize Senator Serino.

7                   THE PRESIDENT:     The appeal has been  
8                   made and recognized, and Senator Serino may be  
9                   heard.

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

12                  I rise to appeal the ruling of the  
13                  chair. This bill is germane because the bill at  
14                  hand amends the Tax Law and includes a limited  
15                  gas tax holiday. There cannot be any more  
16                  germane piece of legislation as the amendment I  
17                  am putting forward, which would fully repeal the  
18                  gas tax for a longer period of time and provide  
19                  immediate relief to overburdened New Yorkers.

20                  I first proposed a full repeal of  
21                  the state's gas tax way back in November and  
22                  originally received pushback on this idea. After  
23                  months of work, I am glad to see that my  
24                  colleagues on the other side of the aisle have  
25                  finally heard the voices of struggling



1 New Yorkers and are moving to provide some relief  
2 on this front.

3           However, at a time when the state is  
4 facing a massive budget surplus, we can do better  
5 by fully and immediately repealing the gas tax in  
6 its entirety. The budget bill before us would  
7 repeal 16 cents per gallon in taxes, but it does  
8 not suspend the largest tax on the gas, the  
9 petroleum business tax, which costs an additional  
10 17.3 cents per gallon, a cost that we know is  
11 likely to be passed directly to the consumer.

12           The gas tax holiday being proposed  
13 would not even start until June. New Yorkers  
14 need relief right now. Which is why my amendment  
15 would fully suspend the taxes immediately for the  
16 entirety of the fiscal year, taking the holiday  
17 through March of next year.

18           There is no reason why we cannot  
19 suspend all these taxes -- all three taxes  
20 immediately and still have the funds that we need  
21 to improve roads, highways, bridges, given the  
22 state's current budget surplus.

23           You know, no one should have to  
24 decide and choose between driving to work or  
25 putting food on the table. And these are the

1 decisions too many families are being forced to  
2 make right now.

3 I'm going to vote in support of this  
4 legislation -- this measure today because I  
5 remember a time in my life when I was a single  
6 parent working multiple jobs just to make ends  
7 meet, and I know that every single penny counts.  
8 But we can do better, and we really should.

9 I urge you to consider your ruling  
10 today and advance this amendment to give  
11 New Yorkers the full relief that they deserve.

12 Thank you, Mr. President.

13 THE PRESIDENT: Thank you,  
14 Senator Serino.

15 I want to remind the house that the  
16 vote is on the procedures of the house and the  
17 ruling of the chair.

18 Those in favor of overruling the  
19 chair, signify by saying aye.

20 SENATOR LANZA: Request a show of  
21 hands.

22 SENATOR GIANARIS: Mr. President,  
23 we have another agreement to waive the showing of  
24 hands and record each member of the Minority in  
25 the affirmative.

1                   THE PRESIDENT:   Without objection,  
2   so ordered.

3                   Announce the results.

4                   THE SECRETARY:   Ayes, 20.

5                   THE PRESIDENT:   The ruling of the  
6   chair stands, and the bill-in-chief is before the  
7   house.

8                   Senator O'Mara.

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

11                   If Senator Krueger would yield for  
12   some questions on the revenue bill.

13                   THE PRESIDENT:   Does the sponsor  
14   yield?

15                   SENATOR KRUEGER:   Yes, I will.

16                   THE PRESIDENT:   The sponsor yields.

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

19                   I will acknowledge now that we have  
20   a financial plan that I received on my desk  
21   during the last debate, a little bit over an hour  
22   ago, that has some revenue forecast numbers in  
23   it.

24                   And then this bill that we have here  
25   before us now is I assume the manner in which the

1 state is going to raise these dollars throughout  
2 the next fiscal year. Is that correct?

3 SENATOR KRUEGER: It's both raising  
4 revenue and reducing taxes.

5 SENATOR O'MARA: I understand. And  
6 we -- through you, Mr. President, if the sponsor  
7 will yield.

8 THE PRESIDENT: Does the sponsor  
9 yield?

10 SENATOR KRUEGER: Yes, I will.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR O'MARA: And is the fiscal  
13 plan that we have before us that's going to be  
14 generated by this revenue bill, is that balanced?

15 SENATOR KRUEGER: Yes, we believe  
16 it is balanced.

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

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR KRUEGER: Yes, I do.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR O'MARA: The financial plan  
25 indicates that in the prior fiscal year,

1     2020-2021, the total receipts were, just rounding  
2     off, \$191 billion. And now we're currently  
3     estimated, through the current fiscal year --  
4     we're into the next one now by a week, but under  
5     the fiscal year that just ended, those receipts  
6     are about \$227 billion.

7                     So there's a difference there of  
8     36 billion from the year that just ended and the  
9     prior year increase in funds. Can you explain to  
10    us what made up that 36 billion?

11                    SENATOR KRUEGER: Through you,  
12    Mr. President. Our tax receipts have been  
13    coming in much more strongly than were originally  
14    projected.

15                    So in the last year, technically  
16    that's now ended, we were showing \$101 million in  
17    tax revenue, and now we are projecting almost  
18    109 million -- and I mean a billion, excuse me.  
19    So 101 billion to 109 billion.

20                    Our federal revenues have also gone  
21    up from -- well, there was actually special  
22    federal revenues during the pandemic. So we've  
23    gone down slightly, but we're still way above  
24    where we were a year and a half year ago, two  
25    years ago. So they are at 84 billion projected.

1 And then assorted miscellaneous receipts have  
2 pretty much stayed where they were.

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

5 Mr. President, through you, if the  
6 Senator would continue to yield.

7 THE PRESIDENT: Does the sponsor  
8 yield?

9 SENATOR KRUEGER: Yes.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR O'MARA: So following our  
12 receipts of the currently ended fiscal year of  
13 \$227 billion, now our financial plan for the next  
14 fiscal year, the '22-'23 fiscal year, we're  
15 looking at estimated revenues of basically  
16 \$221 billion. So \$6 billion less than this  
17 currently ended year.

18 SENATOR KRUEGER: Yes, because of  
19 such an infusion from the federal government  
20 during the pandemic two years.

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

24 THE PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR KRUEGER:    Yes.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR O'MARA:    The revenue bill  
4 here before us, astonishingly, collects less  
5 taxes this year than the prior year?

6                   SENATOR KRUEGER:   Through you,  
7 Mr. President, I show us collecting an estimated  
8 \$109 billion projected for this year, as compared  
9 to \$101 billion last year.

10                  SENATOR O'MARA:    Yes, Senator.  
11 Through you, Mr. President, that was a poorly  
12 phrased question, but I agree with those numbers  
13 that you have there.

14                  Now, the revenue bill we have before  
15 us actually has some tax cuts in it; correct?

16                  SENATOR KRUEGER:   Ah.  Yes, sir.  
17 We are projecting a higher tax level overall,  
18 Mr. President, but we do include in our plan for  
19 the coming year a number of significant tax cuts,  
20 yes.  I misunderstood.

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

24                  THE PRESIDENT:    Does the sponsor  
25 yield?

1                   SENATOR KRUEGER:    Yes.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR O'MARA:    I want to thank  
4   you for these proposals of these tax cuts and  
5   have a few questions about them, primarily the  
6   largest one being the homeowner tax rebate credit  
7   of \$2.2 billion overall.

8                   Can you explain how that program is  
9   going to work?

10                  SENATOR KRUEGER:   I'll do my best.  
11   So the Tax Department will be sending out a  
12   rebate check to people who are currently eligible  
13   for the STAR program that is a percentage  
14   increase for them based on their current tax  
15   level and rebate level.

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

19                  THE PRESIDENT:    Does the sponsor  
20   yield?

21                  SENATOR KRUEGER:    Yes.

22                  THE PRESIDENT:    The sponsor yields.

23                  SENATOR O'MARA:    Are there any  
24   differing income thresholds per household for  
25   eligibility of this rebate as opposed to the



1 existing STAR rebates?

2 SENATOR KRUEGER: So it is not  
3 identical to the STAR credit, because the STAR  
4 credit which we currently have, you could be  
5 eligible for some amount up to a half a million  
6 dollars in income.

7 But this rebate supplemental tax  
8 credit, you max out at the 250,000 in income  
9 level. So the charts would not match up exactly.

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

13 THE PRESIDENT: Does the sponsor  
14 yield?

15 SENATOR KRUEGER: Of course.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR O'MARA: Can you explain to  
18 us, Senator Krueger, why in a year such as this,  
19 where we're clearly flush with cash at the state  
20 by the billions -- and it's great that we're  
21 providing a \$2.2 billion, another STAR-type  
22 rebate check -- why aren't we just using these  
23 surpluses to take back unfunded mandates and  
24 require local governments to eliminate those  
25 property taxes for everybody?

1                   SENATOR KRUEGER:    Through you,  
2   Mr. President, it's a little bit of an  
3   apples-and-oranges assignment.  Because people  
4   talk about unfunded mandates, but your unfunded  
5   mandate might be my public health crisis.  Your  
6   unfunded mandate might be my critical educational  
7   issue for all the children in my district.

8                   So when you walk into the questions  
9   of unfunded mandates -- and it's legitimate to do  
10  so, and it's worthy of our legislative  
11  discussion -- I don't think you can really just  
12  hold it up on a table saying, Okay, I picked a  
13  number, I think those are unfunded mandates,  
14  we're subtracting those mandates, never mind, and  
15  now you don't have to spend that money.

16                  That's a much more complex question  
17  than "Can we and should we make some kind of  
18  reduction in people's taxes if we are able to do  
19  so?"  Because we have competing needs.  Even  
20  though it is true we had some surplus money this  
21  year, and some money is going to go into  
22  reserves, I can guarantee you there are  
23  New Yorkers at every one of our doors telling us  
24  we didn't give them enough for what they needed.

25                  And so I actually think when we have

1 a chance to take a look at the tax cuts we've  
2 proposed here, in cooperation with the Assembly  
3 and the Governor, that we are very much  
4 addressing the exact same concerns that my  
5 colleagues just attempted to raise as hostile  
6 amendments, calling for checks to be given to  
7 people who need money through the tax system.  
8 And that is in fact -- I think that is what we  
9 are doing, not just through the middle class --  
10 which we didn't get to yet, I know, Senator  
11 O'Mara -- but through the middle-class tax cut,  
12 through the STAR expansion, through some Earned  
13 Income Tax Credits for families with children who  
14 are low-income, working, still struggling to be  
15 able to pay all their children's costs, through  
16 some proposals we have not gotten to yet to  
17 expand childcare and pre-K throughout the State  
18 of New York.

19 So I actually think while we might  
20 approach how we're doing it differently, we  
21 actually are saying -- aiming for the exact same  
22 things that your colleagues were calling for just  
23 a few minutes ago.

24 SENATOR O'MARA: Thank you,  
25 Senator.

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

3                   THE PRESIDENT:    Does the sponsor  
4                   yield?

5                   SENATOR KRUEGER:    Yes, I will.

6                   THE PRESIDENT:    The sponsor yields.

7                   SENATOR O'MARA:    Senator Krueger, I  
8                   certainly agree that we can argue about unfunded  
9                   mandates or mandates, period, on what we think is  
10                  a priority and what we as a state government  
11                  should be requiring to be provided to the  
12                  citizens of New York State, such as our Medicaid  
13                  program and others.

14                  But when we make those decisions  
15                  here in Albany, we should fund them. And we  
16                  shouldn't pass them off to the counties and say,  
17                  Here, we're going to give you 50 percent of the  
18                  money that it's going to cost, you're going to do  
19                  the program, and you've got to spend it -- and  
20                  the only choice they have is to raise their  
21                  property taxes. That's why we have the highest  
22                  property taxes in the nation.

23                  So now we come up with another  
24                  gimmick on top of the STAR rebate check that  
25                  we've had for years, rather than just relieving

1 unfunded mandates and requiring the county  
2 governments to reduce their property tax levies  
3 by that amount, we're coming up with another  
4 gimmick, another program to administer a rebate  
5 check.

6 Can you tell me, Senator Krueger,  
7 what is the expense of the administration of this  
8 new STAR rebate check that's going to deliver  
9 \$2.2 billion of relief?

10 SENATOR KRUEGER: I actually don't  
11 think we know. I mean, I assume it would be the  
12 expense of an envelope and a check.

13 SENATOR O'MARA: Through you,  
14 Mr. President.

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR O'MARA: Does the sponsor  
18 yield?

19 THE PRESIDENT: Does the sponsor  
20 yield?

21 SENATOR KRUEGER: Through you --  
22 yes, I'm sorry, Mr. President. Happily.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR O'MARA: I would  
25 respectfully submit there's a little more to it

1     than that, because somebody has to set up a  
2     program to determine what the amount of that  
3     check is going to be before that check is written  
4     and postage is put on it to mail out.

5             Do you know what the cost of the  
6     current STAR rebate program is annually as far as  
7     administering the current existing STAR rebate  
8     that we've had for many years now?

9             SENATOR KRUEGER:     It is done  
10    through the Department of Tax and Finance within  
11    the administrative monies that they are provided.

12            I'm not sure that this will be a  
13    significant increased work responsibility for  
14    them.    Thank goodness for the world of computers,  
15    where you just plug in a certain number and you  
16    know what the check needs to be.    They're already  
17    writing checks to these people, Tax and Finance.  
18    So my gut is it's not that complicated an  
19    assignment.

20            And while I appreciate my  
21    colleague's point that maybe we should just  
22    declare that we won't set any laws and make any  
23    requirements on anyone in New York State, and  
24    then we would just, I don't know, end all local  
25    taxation -- you know, it's an interesting

1 question. I don't know any state in this nation  
2 that's actually tried that, where you would say  
3 all taxes are at the state level, none are at the  
4 local level.

5 But I can't imagine you would then  
6 be telling the localities: And there are no  
7 rules to follow, even though all taxation is ours  
8 and we have the responsibility for getting  
9 everything done.

10 So, you know, it's a different angle  
11 on how we run government in America. But I'm not  
12 sure I've seen a model like that working  
13 anywhere.

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

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR KRUEGER: Certainly.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR O'MARA: Senator Krueger,  
22 that is not at all what I'm suggesting. I'm not  
23 getting into the purview of local governments and  
24 what that local government feels is necessary and  
25 that they should collect taxes to provide.

1 I'm talking about when we in Albany  
2 decide something's going to be done, we shove  
3 that cost onto the counties or whatever other  
4 government to do, and don't get them the money to  
5 pay for it. And they have to raise taxes on the  
6 property owners because of our decisions here.

7 That's what I'm talking about. I'm  
8 not saying that they can't do what they want with  
9 their own governments at their own level. But we  
10 continue to put burdens upon local governments  
11 that are unfunded, that if we feel it's so  
12 important that they carry out that function, that  
13 we provide the revenues to them to do it. And we  
14 clearly don't do that.

15 The biggest one of all is our  
16 Medicaid program, and we have sufficient funds in  
17 surplus right now that we could relieve that  
18 entire local share of the Medicaid burden to our  
19 counties. Why are we not doing that?

20 SENATOR KRUEGER: I agree with the  
21 Senator. I actually think the state should take  
22 over the Medicaid burden from the counties.

23 Unfortunately, even if we think we  
24 have some money to try it this year, we don't  
25 have the long-term revenue to do so at this time.



1                   But I do think and have, I think,  
2 publicly said it more than one time that I think  
3 there is an issue that in New York State we  
4 require the counties to pick up a much larger  
5 share of Medicaid costs than almost any other  
6 state in the country.

7                   Many of my colleagues here support,  
8 as do I, a statewide health system, New York  
9 State of Health, that would get us into a very  
10 different place and would certainly change the  
11 math of who was paying what for healthcare. I  
12 don't think we're going to get that done this  
13 year either -- sorry, Gustavo Rivera. You  
14 weren't listening up till now, okay. That's  
15 okay.

16                  So I don't think we are going to  
17 pull off taking over the cost of Medicaid from  
18 the counties completely. We have been reducing  
19 the share of the burden on them for multiple  
20 years.

21                  And the other big expense of course  
22 is education, which interestingly, if you look at  
23 the history of public education in this country  
24 and taxes, public education used to be covered  
25 100 percent by localities through their property

1       taxes back when we were an agrarian society. And  
2       I'm not sure that one is working so well for us  
3       either. Because if you happen to be in a sort of  
4       land-poor area, you don't find that you have the  
5       revenues you need for your schools.

6                       So I am happy to talk about the  
7       flaws in our tax system, Senator O'Mara, because  
8       I think there are many and that we probably would  
9       agree on quite a few of them. But I don't think  
10      we're going to reverse ourselves on either  
11      Medicaid funding or how we fund education  
12      tonight.

13                      So instead, we are offering a  
14      revenue package, a revenue package that does  
15      offer some significant tax relief to those  
16      New Yorkers who are suffering the most at these  
17      times. And I am actually very pleased that we  
18      were able to put this many additional tax cuts  
19      into the budget this year for those populations.

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

23                      THE PRESIDENT:    Does the sponsor  
24      yield?

25                      SENATOR KRUEGER:    Yes.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR O'MARA: I thank you and  
3 the Majority for the proposals in this bill for  
4 the tax cuts, tax cuts that we've talked about  
5 for years. Tax cuts to the middle class that we  
6 enacted years ago that we're able to accelerate  
7 now because of the good financial times that  
8 we're in. Many tax credits for a variety of  
9 things in this bill that will provide relief to  
10 certain targeted areas.

11 But one other area that concerns me  
12 in this, although I'm fully supportive of it, and  
13 you mentioned a moment ago our agrarian society  
14 and the farmworker overtime wage credit in this  
15 bill -- can you explain how that is going to  
16 function?

17 And is this -- since we're passing  
18 this credit for farmworker overtime -- that  
19 you're anticipating that Governor Hochul and her  
20 administration is going to follow through with  
21 the wage board's determination to lower the  
22 threshold of overtime for farmworkers?

23 SENATOR KRUEGER: Okay, the hour is  
24 late, and so there's multiple pieces here and  
25 it's not necessarily my territory. But to first

1     answer the question, the tax credits for farmers  
2     in this bill are not statutorily tied to what  
3     might or might not happen with a wage board.

4                 But if the wage board were to raise  
5     the minimum wage for farmworkers -- change the  
6     overtime threshold for farmworkers, that yes,  
7     this would provide for the farmers to receive an  
8     increased tax credit.

9                 So if the wage board goes forward  
10    and increases the overtime, the tax credit would  
11    grow for the farmers up to 118 percent of the  
12    cost of those hours that were added.

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

16                THE PRESIDENT:    Does the sponsor  
17    yield?

18                SENATOR KRUEGER:   Yes.

19                THE PRESIDENT:    The sponsor yields.

20                SENATOR O'MARA:    So the credit,  
21    then, is going to be more than dollar for dollar  
22    the cost of that increased wage per hour for the  
23    overtime.

24                SENATOR KRUEGER:   So yes, it would  
25    be greater than the costs of the increased

1 payroll, because we are also factoring in the  
2 increased costs of UI for more hours or other  
3 benefits that the farmers would have to pay.

4 Because every time your payroll goes  
5 up, the benefits levels on that payroll also go  
6 up. So this is intended to address those full  
7 costs for them.

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

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR O'MARA: I am aware that  
16 the New York State Farm Bureau has been involved  
17 in negotiations around this.

18 Can you tell us whether they're in  
19 support of this and whether they feel that  
20 that -- what did you say, 118 percent -- whether  
21 that is sufficient to cover all those extra costs  
22 that go up with the overtime wage?

23 SENATOR KRUEGER: I'm advised they  
24 are in support of this. They did work with us on  
25 this. And they do believe the 118 percent level

1 addresses the concerns of farmers.

2 SENATOR O'MARA: Thank you.

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

5 THE PRESIDENT: Does the sponsor  
6 yield?

7 SENATOR KRUEGER: Yes.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR O'MARA: Can you explain to  
10 us how the rebate program's going to work? What  
11 does the farmer have to do, what's he have to  
12 submit -- he or she have to -- paperwork to do to  
13 submit? How is the program going to function?

14 SENATOR KRUEGER: No wonder the  
15 Farm Bureau likes this.

16 So we've set it up so that the  
17 farmer has to obviously prove how their payroll  
18 has grown and what the costs are, but they can go  
19 then to Ag & Markets to get a projected advance  
20 payment. And then when it's time to pay their  
21 taxes, then it will all be worked out through the  
22 Tax and Finance Department.

23 But they're not going to be expected  
24 to put out that cash without being able to get  
25 that advance from Ag & Markets.

1                   SENATOR O'MARA:    Through you,  
2   Mr. President, if the sponsor would continue to  
3   yield.

4                   THE PRESIDENT:    Does the sponsor  
5   yield?

6                   SENATOR KRUEGER:   Yes.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR O'MARA:    To what -- do  
9   they -- can they get a hundred percent of what  
10   they anticipate their overtime wages to be? And  
11   how do they -- what verification are they putting  
12   in on what that's going to be, what that estimate  
13   is?

14                  SENATOR KRUEGER:   They can get an  
15   advance payment on the hours that they can prove  
16   they paid between January and July, and then  
17   after -- any hours after that have to go through  
18   the normal process with the Tax Department.

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

22                  THE PRESIDENT:    Does the sponsor  
23   yield?

24                  SENATOR KRUEGER:   Yes.

25                  THE PRESIDENT:    The sponsor yields.

1                   SENATOR O'MARA:     Just so I  
2     understand it, then, is it that then the farmer  
3     has to pay these wages, the increased-overtime  
4     wages from January to June, but they don't have  
5     to wait till the end of the year to get the  
6     credit, they can collect it halfway through the  
7     year? So it's not really an advance, they just  
8     get it sooner than waiting the whole year.

9                   SENATOR KRUEGER:    So if they were  
10    starting in January to have to pay the overtime,  
11    they can also be getting the money at that time.  
12    So usually you don't get the money till you file  
13    your taxes, so any money you could get in advance  
14    of that is considered an advance. So that's why  
15    it's an advance.

16                   But it might not be a dollar for  
17    dollar, week by week. That would probably not be  
18    possible.

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

22                   THE PRESIDENT:     Does the sponsor  
23    yield?

24                   SENATOR KRUEGER:    Yes.

25                   THE PRESIDENT:     The sponsor yields.



1                   SENATOR O'MARA:    During that  
2   January-to-June time period, can the farmer be  
3   submitting those monthly to get those back? Or  
4   do they have to submit them in that six-month  
5   group?

6                   SENATOR KRUEGER:   Apparently they'd  
7   only need to go to Ag and Markets one time to  
8   show their paperwork and get the certificate  
9   approving them, and then they can go to Tax and  
10   Finance.

11                   So this would not require a monthly,  
12   this would just be a one-time proving it.

13                   SENATOR O'MARA:   Through you,  
14   Mr. President, if the sponsor would continue to  
15   yield.

16                   THE PRESIDENT:    Does the sponsor  
17   yield?

18                   SENATOR KRUEGER:   Yes.

19                   THE PRESIDENT:    The sponsor yields.

20                   SENATOR O'MARA:    I'm really not  
21   following how it's going to flow. They do it one  
22   time, but it's an estimate going forward. How  
23   does this all get trued up, so to speak, at the  
24   end of the year? How does it all balance out on  
25   what was advanced, what is still owed if too much

1 was advanced? How is that process going to work?

2 SENATOR KRUEGER: You know, I love  
3 being a Senator, because it gets -- it points out  
4 I can say how many things I'm not. I'm not an  
5 attorney, I don't own a bar, sell liquor. And  
6 I'm not a tax accountant.

7 But I'm quite sure, particularly  
8 since this was worked out with the Farm Bureau,  
9 with Ag and Markets and with Tax and Finance,  
10 that those entities think this is going to work  
11 and is going to address the concerns of farmers  
12 while at the same time addressing the need to  
13 ensure that farmworkers are being paid fairly for  
14 their labor.

15 So I do not have every detail.  
16 Perhaps we could reach out to any of those  
17 entities -- probably not tonight -- and ask them  
18 why they're so sure it's going to work. But they  
19 seem to be confident it is.

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

22 THE PRESIDENT: Does the sponsor  
23 yield?

24 SENATOR KRUEGER: Yes.

25 THE PRESIDENT: The sponsor yields.

1                   SENATOR O'MARA:    Do you want to  
2 hold off this vote while we do this due  
3 diligence?

4                   SENATOR KRUEGER:    I don't.

5                   SENATOR O'MARA:    I'm sure you  
6 don't.

7                   SENATOR KRUEGER:    I would like to  
8 get the budget done.

9                   SENATOR O'MARA:    It would be  
10 nice -- through you, Mr. President, if the  
11 sponsor will continue to yield.

12                   THE PRESIDENT:    Does the sponsor  
13 yield?

14                   SENATOR KRUEGER:    Yes.

15                   THE PRESIDENT:    The sponsor yields.

16                   SENATOR O'MARA:    You know, it would  
17 be nice if we had time to get that kind of  
18 information. That we had time for, frankly, the  
19 public to look at these bills to see what they  
20 think about it in the language to -- since we've  
21 only had this bill for about 10 hours online and  
22 we're being asked to vote on it.

23                   It's going to raise \$221 billion  
24 through this one bill. And it's providing some  
25 nice tax breaks, without a doubt. And this is

1 great for the farmers, and I know that they're  
2 going to appreciate this.

3 Can you tell us, through this  
4 program, what kind of auditing is going to be  
5 done to be sure that these wages were actually  
6 paid?

7 SENATOR KRUEGER: Like any business  
8 that pays wages and then has to pay taxes and  
9 submit the evidence of the wages they paid to  
10 whom, and the benefits and the taxes they owe,  
11 the Tax Department will evaluate whether they  
12 think there's any questions in those documents.  
13 And they of course can audit if they think it's a  
14 problem.

15 So I don't think it's particularly  
16 different than any other situation.

17 SENATOR O'MARA: Thank you.

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

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR KRUEGER: Certainly.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR O'MARA: Are there some  
25 descriptions or restrictions on the definition of

1 "farmworker"? Are there certain people that  
2 might work on the farm in the business operations  
3 that this wouldn't apply to? Is this just for  
4 workers out in the fields or milking the cows?  
5 How is that defined on who's -- what workers does  
6 this make eligible for that?

7 SENATOR KRUEGER: Subpart C,  
8 page 17, Section 2, paragraph 42(d): "An  
9 eligible farm employee is an individual who meets  
10 the definition of a 'farm laborer' under  
11 Section 2 of the Labor Law who is employed by a  
12 farm employer in New York State, but excluding  
13 general executive officers of the farm employer."

14 So you can't be an executive  
15 officer.

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

19 THE PRESIDENT: Does the sponsor  
20 yield?

21 SENATOR KRUEGER: Yes.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR O'MARA: If that farmworker  
24 is an undocumented immigrant, is that farmer  
25 entitled to receive this payment back, this

1 credit back?

2 SENATOR KRUEGER: I suppose if  
3 they're excluded in the Labor Law from being  
4 defined as farmworkers, they couldn't fit into  
5 this category.

6 But if they're defined within  
7 Labor Law as being farmworkers, I don't think it  
8 would be a problem.

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

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR KRUEGER: I'm sorry, if --  
14 Mr. President, through you, I believe my  
15 colleague wishes to rise and perhaps --

16 SENATOR O'MARA: She's wanted to  
17 for a while there.

18 SENATOR KRUEGER: Oh, really? I  
19 didn't notice before.

20 SENATOR RAMOS: -- this tax credit,  
21 I can't help myself.

22 But listen, if a worker is  
23 undocumented but happens to have an ITIN number  
24 so that they can do their taxes, then they would  
25 be able to qualify despite not having immigration

1 status.

2 SENATOR O'MARA: Through you,  
3 Mr. President, if Senator Ramos would yield, just  
4 to follow up to that. If that --

5 THE PRESIDENT: Does the Senator  
6 yield?

7 SENATOR RAMOS: I do.

8 THE PRESIDENT: The Senator yields.

9 SENATOR O'MARA: If that farmworker  
10 does not have that I.D. number, then would the  
11 farmer be able to recoup that credit?

12 SENATOR RAMOS: No.

13 SENATOR O'MARA: Okay, thank you.  
14 If Senator Krueger would yield just  
15 for a couple more questions on one other area of  
16 the budget regarding the gasoline tax.

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR KRUEGER: Sure. We're  
20 changing topics, yes.

21 THE PRESIDENT: The sponsor yields.

22 SENATOR O'MARA: Part RR.

23 I just have a question to try to  
24 figure out what looks like at the tail end of  
25 this, at least in the way it's written up for me,

1 on the counties and what they're authorized to  
2 charge.

3 Now, counties are currently  
4 collecting sales tax on either \$2 or \$3 per  
5 gallon, but we're under this authorizing them to  
6 collect the sales tax on \$4 a gallon, am I  
7 reading that correctly? So that would be a sales  
8 tax increase at the county level?

9 SENATOR KRUEGER: This actually  
10 gives more flexibility to the counties to cap how  
11 much tax they're going to collect.

12 Right now -- right now they can  
13 charge the local sales tax on the full price of  
14 the gallon. Under the law we're passing, it will  
15 give them the option to cap how much they are  
16 charging in sales tax based on the dollar amount  
17 of the gallon.

18 So under current law it says you  
19 could choose to cap at \$2 or \$3 a gallon, but  
20 this will allow them to go up to capping it up to  
21 \$4 a gallon. It gives them more options to give  
22 a larger sales tax holiday if they choose to.

23 SENATOR O'MARA: But I guess if  
24 a -- through you, Mr. President, if the Senator  
25 will yield.



1                   THE PRESIDENT:    Does the sponsor  
2   continue to yield?

3                   SENATOR KRUEGER:   Yes.

4                   THE PRESIDENT:    The sponsor yields.

5                   SENATOR O'MARA:    I may be reading  
6   this backwards, but it looks to me like if a  
7   county right now -- say they have a local  
8   4 percent sales tax and they have capped their  
9   sales tax on gas like we did at the state at \$2 a  
10   gallon, so it would be 8 cents, can they now  
11   choose to --

12                   (Cellphone ring tone.)

13                   SENATOR O'MARA:    Time to get up,  
14   all rightie.

15                   (Laughter.)

16                   SENATOR O'MARA:    Can the county now  
17   choose to collect that sales tax at \$4 rather  
18   than \$2, therefore doubling the sales tax they  
19   collect?

20                   SENATOR KRUEGER:   There is only one  
21   county in the state that caps at \$2.  And they  
22   might choose to go up, but the assumption is --  
23   I'm sorry.

24                   Even though there's existing law  
25   that counties can cap, there's nobody doing it

1       except for one county. So this will allow  
2       counties to revisit if they want to cap at 2, at  
3       3, or at 4. So they might not want to apply a  
4       cap to their own ability to tax until gas is  
5       hitting a certain level, but it's not that  
6       they're doing it now, other than Steuben County,  
7       which I think is a fairly small county.

8                SENATOR O'MARA:     Steuben County is  
9       in my district, Senator.

10               SENATOR KRUEGER:    Okay.

11               SENATOR O'MARA:    Through you,  
12       Mr. President --

13               THE PRESIDENT:     Does the sponsor  
14       yield?

15               SENATOR KRUEGER:    Yes.

16               THE PRESIDENT:     The sponsor yields.

17               SENATOR O'MARA:    Then Steuben  
18       County is the only county in the state doing it  
19       right. And that's a good thing. It's a very  
20       large county geographically. And very --

21               SENATOR KRUEGER:    Large amounts of  
22       gas.

23               SENATOR O'MARA:    A very large  
24       farming area. So I'm glad they're doing that. I  
25       wish more counties were.

1                   So at least I have a better  
2 understanding of that. I thank you on that.

3                   And that finishes my questions for  
4 now. I've got to look over my notes; I might  
5 come back. But thank you.

6                   Thank you, Mr. President.

7                   THE PRESIDENT: Senator Borrello.

8                   SENATOR BORRELLO: Thank you,  
9 Mr. President. Will the sponsor yield for some  
10 questions?

11                  THE PRESIDENT: Does the sponsor  
12 yield?

13                  SENATOR KRUEGER: Sure.

14                  THE PRESIDENT: The sponsor yields.

15                  SENATOR BORRELLO: All right.  
16 Let's talk about weed, or at least the revenue  
17 that was projected.

18                  SENATOR KRUEGER: Okay.

19                  SENATOR BORRELLO: When this  
20 first -- this idea of legalizing recreational  
21 marijuana was sold to the people of New York  
22 State, it was sold on the idea that this was  
23 going to be a big revenue generator. In fact,  
24 the original projections were around \$300 million  
25 in tax revenue for the first year.

1                   Now I'm looking at your projections  
2     for fiscal year '23, it's 56 million. And '24,  
3     95 million. Now, I'm sure '23 isn't going to be  
4     a full year, so -- 95 million.

5                   Can you explain to me why these  
6     projections are so dramatically lower than what  
7     was originally sold to the people of New York  
8     State last year?

9                   SENATOR KRUEGER:     Because we're  
10    much slower at getting out of the gate than we  
11    hoped. So we probably won't see any revenue from  
12    marijuana really until the second quarter of the  
13    next fiscal year. So it's -- we passed the bill,  
14    but then we had a governor, who's now gone, who  
15    didn't really want us to go forward, so nothing  
16    else happened. So we got put behind.

17                  Now we're moving quite quickly, and  
18    I'm fairly confident that we will have licenses  
19    approved by the end of '22 with stores being able  
20    to start to be opened in '23. And obviously  
21    you've started a business, you know the first  
22    three to six months aren't really your revenue,  
23    you know, centers. So it's going to take us  
24    longer to get started.

25                  I don't know where those -- the

1 numbers of -- you said 395?

2 SENATOR BORRELLO: Three hundred  
3 million, approximately.

4 SENATOR KRUEGER: Yeah. I'm not  
5 really sure how that was projected.

6 We did see a slight increase in  
7 medical marijuana sales with some additional  
8 revenue from that. What we weren't able to  
9 figure out tonight was how much sales tax has  
10 been collected on the very rapidly growing  
11 industry of hemp and CBD, because we don't --  
12 apparently we don't track over-the-counter  
13 products by the product.

14 But we know, based on sales  
15 patterns, that once we regulated hemp farming and  
16 licensed CBD products, that there's just been an  
17 explosion, so to speak, in the product sales,  
18 usually through -- for CBD-type products, usually  
19 through pharmacies and other equivalent stores.  
20 And then hemp products are being used also now in  
21 industrial purposes as well.

22 And apparently Tax and Finance  
23 doesn't have any easy way to sort out for us how  
24 much sales tax we're raising that way.

25 SENATOR BORRELLO: Thank you.

1                   Mr. President, will the sponsor  
2                   continue to yield?

3                   THE PRESIDENT:    Does the sponsor  
4                   yield?

5                   SENATOR KRUEGER:    Yes.

6                   THE PRESIDENT:    The sponsor yields.

7                   SENATOR BORRELLO:   Through you,  
8                   Mr. President.

9                   You know, a year ago when we  
10                  decriminalized the possession of illegal  
11                  marijuana, you know, it took place actually --  
12                  the possession of illegal marijuana being now  
13                  legal -- it took place about two full years  
14                  before the first legal sale could occur in  
15                  New York State.

16                  Now, that has supercharged the black  
17                  market in New York State.  You've seen the  
18                  sticker shops that are opened up where you buy a  
19                  sticker and they gift you marijuana.  You've seen  
20                  better than a hundred dispensaries open up on  
21                  sovereign Native territories across New York  
22                  State.  That's not an exaggeration, by the way.

23                  But the question is, do you think  
24                  that decriminalizing the possession of illegal  
25                  marijuana two years before we're going to have

1 the first legal sale may have led to lowering  
2 these projections of revenue?

3 SENATOR KRUEGER: Hmm. I'm not  
4 sure how we could have moved forward with a  
5 legalized, regulated system unless we first  
6 decriminalized. Because if it was still  
7 criminal, then we couldn't be doing any of these  
8 things.

9 Now, it is true that there is a  
10 problem with these entities who have decided to,  
11 quote, unquote, charge you an incredible amount  
12 of money for a T-shirt or a sticker and then  
13 offer you free marijuana. Just to be clear, that  
14 is against the law. That is against current law  
15 in New York State. We did not legalize that  
16 activity.

17 And part of our frustration has  
18 been -- because we've been working with OCM,  
19 Office of Cannabis Management, to educate police  
20 departments and DAs around the state that there's  
21 existing law, it's a violation, and they should  
22 be going after these people. And actually my  
23 colleague here Senator Savino has an additional  
24 bill to strengthen the penalties there.

25 We keep telling people, you know,

1     you're never going to get a license from us, once  
2     we have licenses available, because you're so  
3     blatantly violating current law. And now we have  
4     more police departments and DAs who actually are  
5     understanding, yeah, they were reading the law  
6     wrong and that they can do something about that.

7                 So OCM is actually looking for  
8     anyone who sees the pattern and problems in their  
9     community to let them know, and they will go and  
10    sit down with the police and DAs in that  
11    community to talk about what can be done.

12                On the question of superheating  
13    sales on Native American properties, I'm not sure  
14    they were following laws even when it was  
15    illegal. I mean, do you not think marijuana was  
16    being sold on Native American properties before  
17    this year?

18                SENATOR BORRELLO:    Are you asking  
19    me a question?

20                SENATOR KRUEGER:    I'm sorry,  
21    through you, Mr. President -- oops, I did make a  
22    mistake. May I ask my --

23                THE PRESIDENT:    Would the Senator  
24    yield?

25                SENATOR KRUEGER:    -- colleague for



1 an answer?

2 SENATOR BORRELLO: Absolutely.

3 THE PRESIDENT: The Senator yields.

4 SENATOR KRUEGER: Thank you.

5 Do you think there wasn't marijuana  
6 being sold on Native American properties before  
7 this year?

8 SENATOR BORRELLO: To answer your  
9 question, no, not through the dispensaries that  
10 we've seen. Because the reality is they could  
11 have selling this all along. They've been  
12 selling tax-free gasoline and cigarettes for  
13 40-plus years.

14 Why all of a sudden did we have  
15 these dispensaries pop up on Native territories  
16 like mushrooms overnight? It was because we  
17 decriminalized possession. There is no longer a  
18 consequence for someone to buy marijuana on a  
19 Native territory. That's why that has happened.

20 SENATOR KRUEGER: So it's an  
21 interesting question, Mr. President, because I  
22 don't live near any Native American properties.

23 But I can tell my colleague that in  
24 New York City, it was illegal for 75 years; it  
25 wasn't stopping anybody from selling all over the

1 City of New York -- in our parks, by app, to our  
2 children in schoolyards. Marijuana was prolific  
3 and everywhere for way past my life period.

4 And the goal with legalizing  
5 marijuana was both to decrease criminal penalties  
6 for people who never should have been in the  
7 criminal system in the first place, to regulate  
8 so that when you were buying something, you would  
9 know what you were buying and hopefully knowing  
10 it was a safe product.

11 Stopping underage people or making  
12 it tougher for underage people to buy it --  
13 because as the NYPD had talked to me about, it  
14 was harder to buy cigarettes and alcohol in  
15 New York City than marijuana, because you at  
16 least had to get someone to buy it for you or use  
17 a fake I.D. And those fake I.D.s aren't so good  
18 anymore, because we have scanners. So they  
19 agreed that marijuana was far easier to get for  
20 under-21-year-olds than tobacco or alcohol.

21 And so I'm not sure how much of the  
22 perception that now that we've legalized -- but  
23 not totally, because you can't go and buy it  
24 legally anywhere -- whether there's a perception  
25 that it's more accessible or more available, or

1       whether it was always there and now nobody's  
2       really even hiding in the shadows.

3                       But it was always there in every  
4       community in New York State, for way past the  
5       amount of time Senator Borrello or I have been on  
6       this planet.

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

9                       THE PRESIDENT:    Does the sponsor  
10      yield?

11                      SENATOR KRUEGER:    Yes.

12                      THE PRESIDENT:    The sponsor yields.

13                      SENATOR BORRELLO:    So we're well  
14      aware of the fact that there has been an  
15      explosion in sales.  And I realize that there has  
16      been illegal sales going on.  And I like to refer  
17      to it as the gray market, because the reality is  
18      despite whatever measures are being taken, I have  
19      not heard of a single one of these sticker shops  
20      being closed down anywhere in New York State so  
21      far.

22                      And certainly, you know, we can't do  
23      anything on the sovereign Nation territories, so  
24      that's a nonstarter.

25                      But I have heard of some potential

1 negotiations. Are you aware of any negotiations  
2 between the Governor's office and the sovereign  
3 Native American territories to try and regulate  
4 and even collect tax on their sales?

5 SENATOR KRUEGER: I am not aware of  
6 any discussions. Maybe there have been -- we can  
7 certainly reach out to OCM to ask, but I'm not  
8 aware of any discussions.

9 SENATOR BORRELLO: Mr. President,  
10 will the sponsor continue to yield?

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR BORRELLO: So the  
16 projections on revenue, by fiscal year '26 we're  
17 projecting \$245 million in revenue from legal  
18 sales, and \$339 million in fiscal year '27.

19 Now, it's likely that other states,  
20 neighboring states like Pennsylvania, by then  
21 will have legalized marijuana and we will have a  
22 saturation of the legal market by then. And we  
23 will continue to see sales on our Native  
24 territories as well here in New York State.

25 So do you think that those

1 projections are high based on the fact that we're  
2 just basically going to have, you know, a  
3 saturation of the market, most likely?

4 SENATOR KRUEGER: No, I actually  
5 don't think those projections are high, because I  
6 am invited literally on a weekly basis to meet  
7 with businesspeople who are coming to New York,  
8 want to invest in marijuana, are very excited  
9 about the prospects and believe -- or, as they  
10 say: You were already the largest market in the  
11 country, you just didn't have a legal market.  
12 And we see the opportunities for a legal market  
13 here as so much bigger than anywhere else, that  
14 we've really dropped interest in everywhere else.

15 So it is true at some point there  
16 could be a saturation. And I've even been known  
17 to point out that eventually the world will  
18 notice that marijuana isn't particularly scary,  
19 and it's a vegetable, and suddenly it will just  
20 be like carrots. And carrots aren't that  
21 exciting, and there's not that much money to be  
22 made on them.

23 But right now it's a little more  
24 interesting than carrots, and there's an enormous  
25 amount of business opportunity -- at least the

1 business world believes so.

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

4 THE PRESIDENT: Does the sponsor  
5 yield?

6 SENATOR KRUEGER: Yes.

7 THE PRESIDENT: The sponsor yields.

8 SENATOR BORRELLO: So last year  
9 during this debate we discussed the law  
10 enforcement and public health challenges that are  
11 going to be involved with the proliferation of  
12 marijuana throughout New York State. We talked  
13 about the need for drug recognition experts,  
14 which we are sadly very short of. In fact, last  
15 I knew, out of the entire New York State police  
16 system, there are only currently 70 registered  
17 drug recognition experts.

18 And it's universally accepted that  
19 getting a conviction for someone, say, driving  
20 under the influence of marijuana will require  
21 testimony from a drug recognition expert.

22 So based on that, and based on these  
23 far lower projections of revenue, are we going to  
24 be dedicating any more funding to things like  
25 drug recognition experts and other public health

1 issues that are going to be exacerbated by the  
2 proliferation of recreational marijuana?

3 SENATOR KRUEGER: I believe that  
4 there is a commitment of money in the budget for  
5 police -- for the training of more police  
6 officers. And there are different models of  
7 training. Some are more intensive, longer term,  
8 and some are a fairly short-term course.

9 Again, I don't think my colleague  
10 and I necessarily agree that there's been this  
11 mass proliferation of new marijuana use or more  
12 drug-induced driving incidents. But again, the  
13 police have the authority to pull you over, they  
14 have the authority to evaluate you, and they have  
15 the authority to charge you with an assortment of  
16 different driving-while-intoxicated laws that  
17 apply to alcohol and drugs.

18 SENATOR BORRELLO: Mr. President,  
19 on the bill.

20 THE PRESIDENT: Senator Borrello on  
21 the bill.

22 SENATOR BORRELLO: Thank you.

23 Senator Krueger, thank you for your  
24 endurance this evening. I think we all  
25 appreciate that.

1                   You know, when this was sold to the  
2                   people of New York State, this was going to be  
3                   this amazing panacea, economic panacea, that we  
4                   were going to have recreational marijuana in  
5                   New York State. And on Day 1 we decriminalized  
6                   possession. And despite what Senator Krueger has  
7                   said, it has supercharged the black market in  
8                   New York State, there's no doubt about it.

9                   And I don't think we're going to  
10                  meet even these lower projections for the  
11                  revenue. But let's assume for the moment that we  
12                  will. Who's going to actually be paying those  
13                  taxes, this tax -- your tax -- on legalized weed?

14                 Well, I can tell you it's not going  
15                 to be anybody that's close to a Native American  
16                 territory, including the folks on Long Island.  
17                 It's not going to be the New York City  
18                 high-dollar folks that have a house in the  
19                 Hamptons. They're going to drive right by the  
20                 place where they can buy tax-free marijuana  
21                 anytime.

22                 It's not going to be the people in  
23                 Western New York, where I live. I can tell you  
24                 that within a 30-minute drive of my house right  
25                 now, there is no less than a dozen



1       dispensaries -- quote, unquote, dispensaries --  
2       that are selling marijuana right now without  
3       consequence.

4                 It's not going to be the people in  
5       the North Country, I can tell you that, because  
6       they also live close to Native territories. In  
7       fact, there are a lot of people right now in the  
8       North Country that live closer to buying illegal  
9       marijuana than they do to buying groceries.

10                It's not going to be the folks in  
11       New York City that are mobile enough to actually  
12       go and get marijuana in places like upstate  
13       New York. In fact, right now I can tell you that  
14       probably the busiest outlet mall in America is a  
15       place called Woodbury Commons, not far from  
16       New York City, and it is filled with people from  
17       the five boroughs that like to go up there to get  
18       discounts on luxury items. Well, they can drive  
19       a little bit further and they can get a great  
20       discount on weed.

21                So who is going to pay this tax at  
22       the end of the day? Who is going to pay the tax  
23       on marijuana? It is going to be the people with  
24       the least means, living in some of the poorest  
25       neighborhoods in the five boroughs of New York

1 City and the inner cities of upstate New York.

2 That's who's going to pay this tax.

3 The people that already pay too much  
4 for things like milk and meat and things like  
5 that, the basics, because they can't get to other  
6 places where they can actually get more for their  
7 money. That's who's going to pay your tax.

8 So congratulations, folks. For all  
9 your talk about taxing the rich, you've actually  
10 come up with a perfect scheme to tax the poorest  
11 among us with this particular marijuana  
12 legalized -- legalization of recreational  
13 marijuana.

14 So that's why I don't believe these  
15 lower projections are even going to get to where  
16 we need to be. But more importantly, it's going  
17 to cost New York State a lot more in law  
18 enforcement and public health than will ever be  
19 generated by this tax on poor people.

20 Thank you, Mr. President.

21 THE PRESIDENT: Senator Tedisco.

22 SENATOR TEDISCO: Mr. President,  
23 would the sponsor yield for a question?  
24 Senator Krueger.

25 THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR KRUEGER:    Do I ever say no?

3                   THE PRESIDENT:    The sponsor yields.

4                   SENATOR KRUEGER:    Through you,  
5       Mr. President.

6                   SENATOR TEDISCO:    Thank you,  
7       Senator.

8                   One question, Senator.  Now, in this  
9       policy you've put forth here, the break that  
10      you're going to be giving drivers and those who  
11      purchase at the pump in New York State is how  
12      much of a savings per gallon?  Just per gallon.

13                   SENATOR KRUEGER:    Sixteen cents per  
14      gallon.  Eight for the motor fuel tax and eight  
15      for the sales tax.

16                   SENATOR TEDISCO:    Thank you so  
17      much, Senator.

18                   On the bill.

19                   THE PRESIDENT:    Senator Tedisco on  
20      the bill.

21                   SENATOR TEDISCO:    I don't think  
22      there's any debate or any question about the fact  
23      that we agree upon our constituents are facing  
24      the worst inflation in 40 years.  Their  
25      purchasing power for every dollar, whether

1     they're on a fixed income, a pension,  
2     Social Security, their salaries -- whether it's  
3     for groceries, whether it's for paying their home  
4     heating bills, purchasing a vehicle, used or new,  
5     building a house -- lumber, the costs for the  
6     products to build a house.

7                     But I think you'll agree that the  
8     number-one concern we've heard in not just the  
9     past week, not just the past couple of weeks, not  
10    two or three months -- for six, seven or eight  
11    months, as inflation began to rise, it seemed  
12    like every single day at the gas pump our  
13    constituents have been asking us.

14                    And the people sitting here on this  
15    side of the aisle have been responding to them.  
16    Not a week ago, not a month ago, not two months  
17    ago, not three, not -- as said by Senator Serino,  
18    six, seven months ago we were saying, Do  
19    something to the helped beleaguered taxpayers,  
20    our constituents, at the gas pump. Give them  
21    some relief.

22                    My colleagues on the other side of  
23    the aisle, I believe -- and let me tell you, I  
24    appreciate that the fact that you have listened  
25    to us finally as we've cajoled you over the

1 months and advocated for them. And your  
2 constituents have called you, and they were angry  
3 at you, and they were angry at us. And we had to  
4 tell them, we put forth a bill to eliminate the  
5 state sales tax.

6 Not today. When I went to get  
7 gasoline -- and if you did, you know it too --  
8 it's \$4.79 a gallon. Let me repeat that: \$4.79  
9 a gallon.

10 Now again, I appreciate your finally  
11 doing something. Sixteen cents of relief on  
12 \$4.79 I think you'll agree is cold comfort for  
13 the constituents you represent.

14 I've got something better for you.  
15 And because it's seven days late, it doesn't make  
16 any difference if you go back and think about it  
17 and you come out at 3:00 a.m. or 3:00 p.m. or  
18 maybe in a day or two -- you're doing extenders,  
19 we're doing messages of necessity, we don't have  
20 three days. You can evaluate this idea. And I  
21 hope you think about it.

22 I have a bill, myself and  
23 Senator Daphne Jordan, and there's some other  
24 sponsors here who are sponsors on the bill. And  
25 I want you to think about this, and I'll ask my

1 constituents what they think about it. We have a  
2 bill that says to stop it in its tracks when  
3 inflation hits, what is a necessity for upstate  
4 New York. It's not only a necessity, I believe  
5 it's a discriminatory -- discriminative cost for  
6 our constituents.

7           We need to drive our vehicles. We  
8 use them to go to work. We don't get on subways.  
9 We don't have the mass transit levels or public  
10 transportation. We've got to get our kids to the  
11 doctor's, we've got to get our family to the  
12 doctor's. Recreational things. We shop with it.  
13 We use our vehicles.

14           It's kind of a wealth thing, too,  
15 because wealthy people can probably pay 4 or 5 or  
16 \$6 at the pump. Those who are just making ends  
17 meet have some problems.

18           Our bill says don't wait till it's  
19 \$4.79 a gallon at the pump and give them 16 cents  
20 off. Our bill says at \$2.25, as the gas cost  
21 goes up from there, begin to index the state  
22 sales tax with the cost of a gallon of gasoline  
23 going up. So as the gallon of gasoline goes up,  
24 they begin to reduce the sales tax in New York  
25 State.

1                   When it gets to \$3, which I believe  
2                   is prohibitive -- I don't think \$4 is the place  
3                   where -- or 4.20 is where we should start  
4                   thinking about helping the beleaguered taxpayer.  
5                   When it gets to \$3, the 36 cents is off. You see  
6                   the difference? We start helping them out at  
7                   \$2.25. At \$3, it's 36 cents off a gallon.

8                   And it says in place -- unlike your  
9                   bill, which on December 31st, when this  
10                  suspension is gone, it could be \$8 a gallon. And  
11                  then on the 31st are you going to call us in and  
12                  says, it's \$8 a gallon, we've got to suspend it  
13                  another 16 cents?

14                 Our bill doesn't do that. The  
15                 suspension stays in place after it's \$3 and up to  
16                 whatever it becomes. When it comes back to 3 or  
17                 lower, it indexes it back down to 2.25, then it's  
18                 fully back in place. So on the way up to \$3,  
19                 you're still giving some money to the  
20                 infrastructure.

21                 And by the way, it says it fully  
22                 goes to the infrastructure. Don't you think that  
23                 makes more sense, to start when you attack the  
24                 inflation when it begins and you see it every  
25                 week going up another 10 cents, another 20 cents,

1 another 30 cents?

2 And now we've got to the 11th hour,  
3 and it's \$4.79. And you're giving them 16 cents?  
4 I think this is a better idea. And I would ask  
5 you to consider it. Maybe the numbers could be a  
6 little bit different there. But why would you  
7 wait -- and I know we've been working on you  
8 pretty hard through our constituents, because  
9 they've been working on us.

10 Why would you wait to \$4.50 or \$4.79  
11 or \$4.90 -- I don't know what it is at your  
12 place. I was talking to somebody in there and it  
13 was over \$6 where they live. Why would we wait  
14 till there to give them 16 cents off?

15 I mean, I appreciate it. You  
16 finally did something. But I think attacking it  
17 when it starts and saying, Well, before it gets  
18 to 2.30 -- you're not taking that much off, but  
19 it's not that high either. When it gets to 2.40,  
20 you're starting to take more off. When it gets  
21 to 2.50, when it gets to \$3, fully suspend it.

22 So the difference is, this is  
23 something you don't ever have to come back to and  
24 argue about it. I think most of you would agree,  
25 and your constituents, if you said do you like



1     paying \$3 dollars for a gallon of gasoline? Do  
2     you think that's appropriate? They'd say \$3 is  
3     enough. They'd probably say 2.50 is enough. I  
4     know if I said \$1.50 or \$1, we couldn't do that  
5     right now.

6                     I'd love to find a different way to  
7     get revenue for the infrastructure, because I do  
8     think those taxes on a gallon of gasoline for the  
9     drivers in upstate New York is discriminatory.

10                    But I think that's a much better  
11    approach than waiting to where we are right now,  
12    \$4.79, 16 cents. Please, take a look at that.  
13    It's a safety net. It attacks inflation when it  
14    starts.

15                    I appreciate your giving me the  
16    time, Mr. President and for my colleagues. Thank  
17    you very much.

18                    THE PRESIDENT:     Senator O'Mara.

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

21                    If Senator Krueger would yield for a  
22    couple more questions.

23                    THE PRESIDENT:     Senator Krueger, do  
24    you yield?

25                    SENATOR KRUEGER:    I do.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR O'MARA: And I first would  
3 like the record to reflect that in Jim Tedisco's  
4 lengthy career in the Legislature, I think that's  
5 the first time he's ever said "I have one  
6 question" and only asked one question. So --

7 (Laughter.)

8 SENATOR O'MARA: Now, the follow-up  
9 wasn't so timely, but that was good. That was  
10 good. And we all know he drives a fancy car now  
11 that requires premium gas.

12 Senator Krueger.

13 SENATOR KRUEGER: Yes.

14 SENATOR O'MARA: Just a couple of  
15 questions I forgot before on the income tax in  
16 general and the middle-class -- acceleration of  
17 the middle-class income tax.

18 We have significant inflation in  
19 this country right now. Have we done anything in  
20 this revenue bill to account for -- with the  
21 inflation will come increased wages that may bump  
22 people up into higher brackets, called bracket  
23 creep. Have we done anything here to account for  
24 adjusting our brackets, anticipating salaries  
25 increasing, wages increasing?

1                   SENATOR KRUEGER:    So we don't  
2   change the brackets, we change the rate on the  
3   brackets.

4                   So, you know, it is an interesting  
5   question.  Some people's income will go up  
6   because of inflationary impact, although I think  
7   the inflation data doesn't show that it's  
8   actually going up on wages nearly as much as it's  
9   going up on things that we all need to buy.

10                  So I'm not sure how much those do  
11   correlate for us right now.

12                  SENATOR O'MARA:    Thank you,  
13   Senator.

14                  Through you, Mr. President, if the  
15   sponsor will yield.

16                  THE PRESIDENT:    Does the sponsor  
17   yield?

18                  SENATOR KRUEGER:    Yes.

19                  THE PRESIDENT:    The sponsor yields.

20                  SENATOR O'MARA:    Yeah, well,  
21   certainly with inflation, prices go up before  
22   that drives other things in our economy up, such  
23   as wages, which will follow and traditionally  
24   does follow from that.  So I think we're missing  
25   an opportunity to anticipate bracket creep and do

1 something for that.

2 But in regards to our -- the Part A  
3 of this bill, the acceleration of the  
4 middle-class tax cut, you have changed the  
5 methodology of calculating the tax from how it  
6 was calculated throughout different brackets in  
7 the past. And it's a little complex, but it's  
8 Section 601 of the Tax Law.

9 Does the way you're changing the  
10 calculation of the income tax under this  
11 acceleration -- are we still getting the same  
12 reduction in tax, or is it somehow skewing the  
13 numbers?

14 SENATOR KRUEGER: We believe it  
15 would not change what people are getting or owing  
16 in taxes, so we didn't change that.

17 They did change methodology because  
18 there was some concern that the recapture rate  
19 was exceptionally confusing to people. For me,  
20 for example; I'm not even sure what a recapture  
21 rate is. But supposedly -- and this was the  
22 Governor's recommendation -- this will simplify  
23 it but not change the impact of what this rate  
24 reduction is.

25 SENATOR O'MARA: Thank you,

1 Senator Krueger.

2 Mr. President, on the bill for a  
3 moment, if I could.

4 THE PRESIDENT: Senator O'Mara on  
5 the bill.

6 SENATOR O'MARA: Thank you for  
7 that, Senator Krueger.

8 Our finance people have likewise  
9 spoken with the Tax commissioner and gotten a  
10 similar interpretation of that, that it is -- we  
11 are still getting the same effective rate that's  
12 lower, under this acceleration, with the changed  
13 methodology. It's not somehow smoke and mirrors.  
14 So I'm glad we're all on the same page that  
15 that's going to come through the way it does.

16 You know, there are some great tax  
17 breaks in here that we don't often or frankly  
18 ever see in a New York State Budget, with the  
19 real property tax relief, with the acceleration  
20 of the middle-class income tax, the gas tax.

21 But I think there's a lot more we  
22 could and should be doing at this time when the  
23 state coffers are overflowing with billions of  
24 federal COVID aid, billions of surplus revenues  
25 that have come in in the fiscal year that weren't

1 budgeted for. That we shall be doing more for  
2 taxpayers, we should be doing more to relieve  
3 unfunded mandates for local governments so that  
4 they can lower property taxes, which is our  
5 largest thing that makes us stand out in New York  
6 State as far as affordability of living in  
7 New York and owning a home yet paying all these  
8 property taxes.

9           We're not doing anything here other  
10 than another gimmick through a STAR rebate check  
11 that sure, it's going to provide some relief,  
12 \$2.2 billion worth. That's fantastic. But let's  
13 just eliminate the tax altogether and not have  
14 another gimmick, another program that needs to be  
15 administered, that people need to jump through  
16 hoops to get, to do it.

17           We can reduce our gasoline taxes by  
18 more than double what we've proposed here. And  
19 while 16 cents is great, you know, I've got an  
20 app that I use on my phone called Gas Buddy. It  
21 tells you what the prices are at all the stations  
22 around. And if you sign up for the right  
23 program, you get some pretty good deals. I got  
24 one on here right now that I could drive  
25 2.5 miles away and save 25 cents a gallon on my

1 Gas Buddy app. We're offering people 16 cents a  
2 gallon.

3 I -- having two kids in college  
4 still, I'll drive across town to get a cheaper  
5 gas station. I think that's what most of our  
6 constituents and New Yorkers are doing as well.  
7 Why aren't we doing better for New Yorkers than  
8 what the Gas Buddy app is doing for them?

9 Thank you.

10 THE PRESIDENT: Are there any other  
11 Senators wishing to be heard?

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

14 Read the last section.

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

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

19 THE PRESIDENT: Senator Martucci to  
20 explain his vote.

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

23 So hardworking New York families and  
24 businesses are facing unprecedented difficulties.  
25 And I've consistently been on the forefront of

1 pushing in a direction here in Albany that helps  
2 meet the needs of these struggling families and  
3 businesses. And I'm very glad to see that we're  
4 doing something here with a gas tax holiday,  
5 providing an enhanced farm tax credit, and  
6 accelerating the middle-class tax cuts.

7 My constituents are feeling the pain  
8 at the pump. The areas that I represent, the  
9 only way to get around is a car. So this is  
10 going to make a difference. And although, as my  
11 colleagues have called out, I'd like to see this  
12 gas tax repeal go further, we have the ability to  
13 go further, it certainly is a step in the right  
14 direction.

15 I've cosponsored several bills with  
16 colleagues on both sides of the aisle to do just  
17 that, and I'm glad that was included in this  
18 proposal today.

19 The agricultural industry has  
20 suffered in a terrible way due in large part from  
21 bad pieces of legislation that have come from  
22 this statehouse that we stand in. So doubling  
23 the farm tax credit makes a very big difference  
24 for these farmers.

25 And the icing on the cake today is



1     that this tax credit is going to be paid out in  
2     advance, which again is going to be making a  
3     significant difference for our farmers.

4             Restaurants and bars have suffered  
5     as well from COVID. Our former governor not only  
6     closed these businesses but set arbitrary closing  
7     times and reduced capacities and all sorts of  
8     other rules and red tape that made it very  
9     difficult for our restaurants.

10            And so while this state government  
11     has done a lot to hurt these businesses, today  
12     we're taking important steps in the right  
13     direction to help support them.

14            And finally, this bill includes a  
15     acceleration of the middle-class tax cut, which  
16     goes a long way -- you know, last year in our  
17     State Budget we raised taxes. This year we're  
18     working in the right direction by reducing them.  
19     So last year I wasn't able to support the  
20     proposal, but this year I'm glad that we're  
21     taking the opposite approach.

22            Mr. President, whether it's here in  
23     Albany or my district, I'm always talking about  
24     fighting for common sense. And sometimes it's  
25     hard and together we just can't get there. But

1     this bill here today that we take up is going to  
2     take the road that's going to result in better  
3     outcomes for all the people we represent. I'm  
4     confident that it will receive bipartisan support  
5     and, at the end of the day, will be good for all  
6     of the people we represent.

7                     So I hope that we can take this road  
8     more frequently in the future, Mr. President.  
9     For those reasons, I'll be supporting this bill  
10    and voting in the affirmative.

11                    THE PRESIDENT:    Senator Martucci to  
12    be recorded in the affirmative.

13                    Senator Oberacker to explain his  
14    vote.

15                    SENATOR OBERACKER:   Thank you,  
16    Mr. President.

17                    You know, Senator Krueger, earlier  
18    you had spoken about the two things you should  
19    never see being made is sausage and laws. And I  
20    can speak to that, because coming from a family  
21    of Germany sausage-makers, I can tell you making  
22    sausage is far easier -- far easier than coming  
23    up with an on-time budget. So thank you for  
24    that.

25                    (Laughter.)

1                   SENATOR OBERACKER:     Several weeks  
2     ago when gas prices exploded, I joined with  
3     Senator Akshar and introduced legislation to  
4     suspend the gas tax to provide direct, immediate  
5     relief at the pump.

6                   This idea that many have embraced --  
7     and I am extremely pleased to see a hybrid  
8     version of this bill included here in this  
9     budget. The savings under this measure are only  
10    about half of the total I proposed, and that is a  
11    disappointment. I certainly believe more can be  
12    done to relieve the burden that all families are  
13    dealing with every time they leave their home and  
14    start their cars.

15                  Along with the gas tax holiday there  
16    are a number of other tax credits included in  
17    this bill that I believe are positive. Tax  
18    credits that will help families, our hard-pressed  
19    small businesses, and improve the Hire A Vet  
20    program. Many of these credits are ideas that  
21    originated on this side of the aisle.

22                  However, the budget is a week late  
23    and will still spend more than \$220 billion, so I  
24    have some major concerns in what is yet to come.  
25    Unless there are significant changes from earlier

1 proposals, I don't expect to be as supportive on  
2 other budget bills.

3 But on this bill, Mr. President, I  
4 proudly vote aye. Thank you.

5 THE PRESIDENT: Senator Oberacker  
6 to be recorded in the affirmative.

7 Senator Brisport to explain his  
8 vote.

9 SENATOR BRISPORT: Thank you,  
10 Mr. President.

11 I rise because in a state with more  
12 billionaires than anywhere else in America,  
13 childcare providers are making less than the  
14 minimum wage as they fight to keep their doors  
15 open. In one of the wealthiest places in the  
16 world, many seniors and disabled people struggle  
17 to access something as essential as the bathroom  
18 because they can't find the home care they need.  
19 In a state with the highest wealth inequality in  
20 the nation, low-income New Yorkers put off  
21 life-saving trips to the doctor because they  
22 can't afford health insurance.

23 This bill fails to raise the revenue  
24 needed to adequately address a single one of  
25 these crises -- or countless other issues

1 threatening the lives and well-being of our  
2 constituents. That is because doing so would  
3 require insisting that the ultra-wealthy pay  
4 their fair share of taxes, something which this  
5 bill does not do and which our Governor blatantly  
6 refuses to consider.

7               With an election to fund, it's no  
8 mystery why she's catering to the rich. Her  
9 refusal to listen to New Yorkers is a timely  
10 reminder that democracy cannot survive a rising  
11 level of wealth inequality.

12              Our economy, too, cannot survive  
13 this level of inequality. Working-class people  
14 cannot work when they don't have childcare,  
15 adequate healthcare, or stable housing. Most  
16 urgently, our planet cannot survive this level of  
17 inequality. The ultra-rich remain virtually  
18 unchecked in their profit-seeking destruction of  
19 the environment, while the government avoids  
20 challenging anyone with money.

21              We are already seeing the beginning  
22 of fallout. Governor Hochul's refusal to end  
23 Cuomo-era tax breaks for billionaires will take  
24 our state further down this disastrous path.

25              With neither hesitation nor

1       equivocation, I vote nay on this moral travesty.

2                   THE PRESIDENT:     Senator Brisport to  
3       be recorded in the negative.

4                   Senator Gaughran to explain his  
5       vote.

6                   SENATOR GAUGHRAN:    Thank you,  
7       Mr. President.

8                   It's great to follow my wonderful  
9       colleague Senator Brisport to perhaps offer a  
10      different point of view.   But I have the greatest  
11      respect for him.

12                   This is a good bill because we are  
13      not raising taxes.   We are not raising taxes on  
14      the middle class, on the working class.   These  
15      are difficult times.   And this bill, as it has  
16      been said by many of my colleagues -- and I'm  
17      glad we have so much bipartisan support today --  
18      provides tax cuts, tax credits, relief for  
19      homeowners, for taxpayers, for hardworking men  
20      and women, for small businesses.

21                   And in particular, I think it is  
22      vitally important that we pass this bill as it  
23      relates to the gas tax holiday.   Almost all of my  
24      constituents cannot go anywhere without a car.  
25      It is a necessity to drive every single day.   And

1 with the huge rising increase in gas prices, this  
2 is perhaps a small but I say a significant step  
3 that is going to save New Yorkers a lot of money.

4 And could we go more? Well, maybe  
5 we can't, because we also have to make sure that  
6 we're maintaining our highways and our roads.  
7 But I suggest to all my colleagues on both sides  
8 of the aisle there is more we can do. We can  
9 tomorrow call upon all our county officials from  
10 both political parties to go and to take the same  
11 action and enact the maximum cut they are  
12 permitted to by law in their portion of the gas  
13 tax. Because our counties are now getting flush  
14 with sales tax, unfortunately because of  
15 inflation.

16 So tomorrow I will be calling on our  
17 two Long Island county executives --  
18 county Executive Bellone, of Suffolk, and  
19 County Executive Blakeman, of Nassau -- and ask  
20 our county legislatures to do the same thing that  
21 we are doing here tonight and provide relief at  
22 the pump for our taxpayers.

23 I vote in the affirmative,  
24 Mr. President.

25 THE PRESIDENT: Senator Gaughran to

1 be recorded in the affirmative.

2 Senator Ramos to explain her vote.

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

5 I'm voting aye on this bill, but  
6 quite begrudgingly. I like the Empire State  
7 Apprenticeship Tax Credit. I like the small  
8 business tax cut for pandemic-related expenses  
9 and retaining employees. I love the film tax  
10 credit that creates and protects good union jobs,  
11 of course.

12 And of course I support the farmers'  
13 overtime tax credit. Having passed the  
14 Farmworker Fair Labor Practices Act back in 2019,  
15 I had pledged to the farms, to the Farm Bureau,  
16 that we would do everything we could to protect  
17 them. Of course it's in our best interests to  
18 make sure that they are successful so that our  
19 farmworkers are successful, and so that the  
20 burden of the work -- because farm work is hard  
21 work -- is not placed on their backs. So I'm  
22 very happy that we're getting this done.

23 I do, however, feel that in response  
24 to inflation we could always peg the minimum wage  
25 to inflation. I happen to know a Senator who



1 carries a bill to do so. And I believe that we  
2 did not go forward enough in taxing the  
3 wealthiest among us.

4 I mean, when corporations and  
5 billionaires have made an absolute killing  
6 throughout the pandemic -- I mean, before the  
7 pandemic we had 120 billionaires, and today we  
8 have 126 billionaires in the State of New York,  
9 most of whom paid fewer taxes than a lot of us.

10 And we can't pretend to reduce  
11 poverty or even create more millionaires in  
12 New York State unless we tax billionaires so that  
13 they can stop siphoning money out of our  
14 communities.

15 And so particularly on childcare,  
16 we're giving a lot of these same corporations tax  
17 abatements and tax cuts for creating childcare  
18 opportunities for their own employees when in  
19 reality, by paying a payroll tax that actually  
20 even Bloomberg agrees with -- and I believe it  
21 was Fast Company also came out in support of a  
22 payroll tax for the explicit purpose of  
23 childcare -- this would actually allow us to do  
24 the right thing and provide every single child in  
25 New York childcare, regardless of their

1 immigration status. Our sole purpose should be  
2 to keep every single New York child safe.

3 And so there's going to be more time  
4 for me to talk about childcare later, but I do  
5 want to put it into perspective because I don't  
6 think people understand what being a billionaire  
7 actually is. A million seconds is approximately  
8 11.5 days. A billion seconds is 31.5 years.  
9 Nobody needs to be that damn rich when one in  
10 five New Yorkers goes hungry every night, when  
11 homelessness is skyrocketing, when we have such  
12 few opportunities for education and advancement.  
13 And in that way I do believe that our priorities  
14 are really skewed sometimes.

15 And so there is more good in this  
16 bill, and I'm voting aye, but I'm not doing it  
17 happily. I do think we can go further. And I'm  
18 really hoping that next session we actually are  
19 not scared of the rich anymore.

20 Thank you.

21 THE PRESIDENT: Senator Ramos to be  
22 recorded in the affirmative.

23 Senator Hinchey to explain her vote.

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

1                   And amen, Senator Ramos.

2                   But I actually wasn't going to speak  
3           on this bill today, but I feel compelled after  
4           some of the questions and the comments made by  
5           Senator O'Mara.

6                   This is a bill that does a lot of  
7           things. It helps quality of life and cost of  
8           living for New Yorkers across our state with, for  
9           upstate New Yorkers, the gas tax holiday,  
10          \$2.2 billion in new property tax relief, and  
11          expanding the Empire State Child Tax Credit. It  
12          also makes it easier to do work here and do  
13          business here in New York State, from extending  
14          the film tax credit, the restaurant return to  
15          work tax credit.

16                  But as the chair of the Agriculture  
17          Committee, it does a lot for our farmers,  
18          something that we do not talk enough about. And  
19          we are seeing, across the country, changes in  
20          overtime thresholds, we're seeing across the  
21          country changes in farm work. But what no other  
22          state in the country is doing is saying we are  
23          going to help you make these changes, and we are  
24          going to pay you for your new costs in overtime.

25                  Now, we don't know where the wage

1 board's going to net out, but if it goes to 40,  
2 we are covering the costs here in this bill.  
3 That is something that is not happening anywhere  
4 across this country. New York is leading the way  
5 in making sure our farmers stay in business.

6 We also have the Farm Workforce  
7 Retention Tax Credit that has not been talked  
8 enough about that the farm community has been  
9 trying to do for years. It doubles that from  
10 \$600 per employee to \$1200 per employee and  
11 extends it to 2026. That is incredible in and of  
12 itself. But paired with the overtime tax credit,  
13 it's phenomenal.

14 It also has an investment tax  
15 credit, increasing the investment tax credit from  
16 4 percent to 20 percent for on-farm investments.  
17 Agriculture is a critical business in our upstate  
18 communities. It's a \$6 billion industry here in  
19 New York State. We are doing more for our  
20 farmers in this one bill than we have done for  
21 them in years.

22 And so because of that and because  
23 of the other great things we have in this bill --  
24 although yes, I agree, we could do more and we  
25 could go further -- there is some great work in

1       this bill, and for that I vote aye.

2                   THE PRESIDENT:     Senator Hinchey to  
3       be recorded in the affirmative.

4                   Senator May to explain her vote.

5                   SENATOR MAY:     Thank you,  
6       Mr. President.

7                   I want to join my colleagues Senator  
8       Hinchey and Senator Ramos in talking about this  
9       bill and what it does for farmers. Three years  
10      ago I worked with Senator Ramos closely on the  
11      Farmworker Fair Labor Act. We met with farmers  
12      and farmworkers all across this state. We held  
13      hearings in my district about the issue of farm  
14      labor.

15                  And everyone agreed that farmworkers  
16      work really hard and it's dangerous work, often,  
17      and they deserve to be treated fairly. But we  
18      also agreed that farming is a different kind of  
19      business than other businesses. They don't get  
20      to set their own prices. They don't get to  
21      choose their weather. There are a lot of reasons  
22      why farmers face a lot of pressures.

23                  So while we wanted to address the  
24      fact that farmworkers were left out of the  
25      protections that other workers got in the

1 New Deal and since then in this country, we also  
2 have been very mindful of the pressures that  
3 farmers face.

4 So I am very proud that this bill  
5 includes a carefully negotiated response to the  
6 pressures that farmers face when they have to pay  
7 overtime. And so I think this bill does a  
8 tremendous job of bringing together the  
9 compassion and the care for farmworkers that we  
10 have shown, with a real recognition of what  
11 farmers face.

12 And so I am proud to support that  
13 part of this bill. I agree with Senator Ramos  
14 and Senator Hinchey and Senator Brisport that  
15 there are a lot of shortcomings here, but I am  
16 voting aye for the farmers in this bill.

17 Thank you.

18 THE PRESIDENT: Senator May to be  
19 recorded in the affirmative.

20 Senator Lanza to explain his vote.

21 SENATOR LANZA: Thank you,  
22 Mr. President. To explain my vote.

23 I agree with Senator Ramos: A  
24 billion dollars is a lot of money. There's a  
25 billionaire that a lot of people don't talk much

1     about, and that's the New York State government.  
2     When this budget is passed, the New York State is  
3     going to be a \$220 billion billionaire.

4             The New York State government  
5     doesn't earn that money. It takes it from  
6     New Yorkers who work their hands to the bone to  
7     earn it. And you would think after taking all  
8     that money and all those billions, New Yorkers  
9     would get more. And sadly, I don't think they're  
10    going to get more by the time this budget is  
11    passed.

12            At the end of all that,  
13    \$220 billion, the thing that I think scares  
14    New Yorkers the most is the fact that after they  
15    pay more than anyone else across America, they're  
16    still going to live in one of the least safe and  
17    most expensive states. And we've got to change  
18    that.

19            It doesn't look like we're going to  
20    be changing that in this budget. It doesn't look  
21    like we're going to be addressing the fact that  
22    5,000 New Yorkers died last year from drug  
23    overdoses. Those are the things we need to be  
24    addressing. Instead of being critical of people  
25    who work, we ought to be figuring out a way that

1       they can keep more of their money and get a  
2       greater value for the money that New York State  
3       takes from them.

4                       With respect to this bill,  
5       Mr. President, because it delivers tax relief to  
6       working families, I will be voting in the  
7       affirmative. But I'm going to be paying close  
8       attention to what comes next in the subsequent  
9       bills to see whether or not New Yorkers are  
10      finally going to get value for the money that  
11      New York takes from them.

12                      I vote in the affirmative,  
13      Mr. President.

14                      THE PRESIDENT:     Senator Lanza to be  
15      recorded in the affirmative.

16                      Senator Gounardes to explain his  
17      vote.

18                      SENATOR GOUNARDES:   Thank you,  
19      Mr. President.

20                      I too am rising to support this  
21      bill. There's lots of great things in this bill  
22      that I think are worth celebrating. But before I  
23      get to that, I just want to -- you know, I want  
24      to piggyback off of what my colleague Senator  
25      Lanza referenced. He talked about crime and



1 public safety. And I wanted to note the State of  
2 Florida has a higher murder rate per capita than  
3 the State of New York does.

4 So for all this talk about public  
5 safety, about violence and crime, let's just not  
6 forget what the numbers show and what the facts  
7 show. And that for all the talk about  
8 New Yorkers fleeing the state, they are leaving  
9 to go to more crime-ridden places than right here  
10 at home in New York.

11 So I think the facts matter. And we  
12 should really be centering our conversation  
13 around the facts, and let's not forget about the  
14 facts.

15 And this revenue bill I think is  
16 really important. It does a lot of great things  
17 to support working families and our  
18 communities -- the childcare tax credit, the  
19 child tax credit, advancing the middle-class tax  
20 cut, talking about property tax relief for  
21 working families that have been beleaguered,  
22 especially in New York City, by a broken  
23 40-year-plus property tax system.

24 Lots of great things in this bill to  
25 celebrate and to bring home to our constituents,

1     who are asking for our help. They want us to  
2     invest in them and in their potential and their  
3     future.

4                     And some things that, you know, I  
5     think like Senator May said, maybe not so  
6     thrilled with. You know, in my case I think the  
7     gas tax holiday, while saving \$500 million, also  
8     takes money away from our MTA. And for that  
9     amount of money, we could be running subway  
10    service every six minutes during the day, which  
11    is a goal that many of us have come here to  
12    support and push for and advocate for.

13                    But it's okay, because the MTA is  
14    being made whole from state revenues. So the MTA  
15    is not going to lose because of this. But it  
16    just shows us what the state is possible of doing  
17    if we're willing to invest in things the right  
18    way.

19                    But on the whole, this is a good  
20    bill. This will help people back home, this will  
21    help our working families, this will help our  
22    constituents make life more affordable for them  
23    so they can continue to stay in New York, raise  
24    their families in New York, start businesses in  
25    New York, and thrive in New York.

1                   And for that I proudly vote aye.

2       Thank you.

3                   THE PRESIDENT:     Senator Gounardes  
4       to be recorded in the affirmative.

5                   Announce the results.

6                   THE SECRETARY:     In relation to  
7       Calendar 747, those Senators voting in the  
8       negative are Senators Brisport, Helming and  
9       Salazar.

10                  Ayes, 60.   Nays, 3.

11                  THE PRESIDENT:     The bill is passed.  
12                  Senator Gianaris, that completes the  
13       reading of the controversial calendar.

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

16                  Some quick updates.   First, I should  
17       tell my colleagues that the best opening day team  
18       in sports is once again leading, 5-1 in the  
19       seventh inning, the Mets are doing well tonight.

20                  Secondly, there will be an immediate  
21       conference after session, virtually, for the  
22       Majority Conference.

23                  And in terms of scheduling, we are  
24       going to adjourn this session at this time and  
25       allow both conferences to receive and digest and

1 conference the remaining bills that we'll be  
2 taking up starting early in the morning.

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

5 THE PRESIDENT: There is no further  
6 business at the desk.

7 SENATOR GIANARIS: Then I move to  
8 adjourn until tomorrow, Friday, April 8th, at  
9 9:00 a.m.

10 THE PRESIDENT: On motion, the  
11 Senate stands adjourned until Friday, April 8th,  
12 at 9:00 a.m.

13 (Whereupon, at 10:56 p.m., the  
14 Senate adjourned.)

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