NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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10:01 a.m.

REGULAR SESSION

LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning, Madam President.

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

So the Senate will stand at ease.

ACTING PRESIDENT PERSAUD: The Senate will stand at ease.

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

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

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

will be in Room 332.

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

The Senate will stand at ease.

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

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

The Senate will stand at ease.

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

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

THE PRESIDENT: The Senate will return to order. The Senate will return to order.

Senator Gianaris.

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

THE PRESIDENT: The Secretary will read.

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

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

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

Both bills reported direct to third reading.

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Gianaris.

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

THE PRESIDENT: That's exactly

correct.

Do you want me to reread that, Senator Gianaris?

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

THE PRESIDENT: The Secretary will read.

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

SENATOR LANZA: Lay it aside.

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

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

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

THE PRESIDENT: Lay it aside.

The Secretary will read.

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

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

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

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

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

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

THE PRESIDENT: Senator O'Mara.

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

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

THE PRESIDENT: Does the sponsor yield?

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

Thank you.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Yes, thank you.

And good evening --

SENATOR KRUEGER: Good evening.

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

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

(Laughter.)

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

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

(Laughter.)

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

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

SENATOR KRUEGER: I think that's the goal.

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

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

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

THE PRESIDENT: You will get to a question --

SENATOR O'MARA: -- continue to yield.

THE PRESIDENT: Okay, all right. Go ahead.

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

THE PRESIDENT: The sponsor yields.

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

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

What -- what is -- on this bill,

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: The Senator is correct.

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: You are definitely at a disadvantage.

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

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

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

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

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

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

yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: It's quite possible.

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

THE PRESIDENT: Does the sponsor

yield?

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

SENATOR O'MARA: Thank you.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, of course.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

THE PRESIDENT: Senator Martucci.

SENATOR MARTUCCI: Thank you, Mr. President.

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

THE PRESIDENT: Does the sponsor yield?

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

(Laughter.)

SENATOR MARTUCCI: Fair.

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

So yes, certainly.

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

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you, Mr. President.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

(Laughter.)

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

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

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

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

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

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

alcohol-to-go.

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

SENATOR KRUEGER: So the business would be responsible.

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

SENATOR MARTUCCI: Thank you.

Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you.

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

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

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

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

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

is actually carrying a copy of the license with them.

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

On the bill.

THE PRESIDENT: Senator Martucci on the bill.

SENATOR MARTUCCI: So thank you, Mr. President.

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

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

There was a bill in this house

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

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

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

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

lexicon again in this chamber.

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

THE PRESIDENT: Senator Rath.

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

THE PRESIDENT: Will the sponsor yield?

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

(Laughter.)

THE PRESIDENT: The sponsor yields.

SENATOR RATH: Tough to follow.

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

(Laughter.)

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

Are you ready or --

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes, gladly.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

As you know, polling sites are

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

SENATOR MYRIE: Yes.

THE PRESIDENT: He said yes.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

SENATOR MYRIE: Through you,

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

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

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

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

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR RATH: Okay, we're on to

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR RATH: Is this a permanent appropriation?

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

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

THE PRESIDENT: Senator Akshar.

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

Would the sponsor yield? Part F. Part F.

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

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

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

SENATOR KRUEGER: Thank you.

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes,

Mr. President.

THE PRESIDENT: The sponsor yields.

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

Motivation behind the bill.

SENATOR SALAZAR: Behind Part F of PPGG?

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.
THE PRESIDENT: The sponsor yields.
SENATOR AKSHAR: Let's go back to something you just said. I think you mentioned one thousand -- did I hear you wrong? Okay, thank you.
SENATOR SALAZAR: Through you, Mr. President, if the Senator's question is about on average how many each commissioner has of -- there are currently 12 out of 19 commissioners on the board -- there are 14, now, commissioners who are on the board. There are five vacancies on the Parole Board. On average, each commissioner has between 20 to 40 cases at a time.
But in total, per year, they're looking at at least a thousand cases if not thousands of cases.
SENATOR AKSHAR: Mr. President, through you, if the Senator will continue to yield.
THE PRESIDENT: Does the sponsor yield?
SENATOR SALAZAR: Yes.
THE PRESIDENT: The sponsor yields.
SENATOR AKSHAR: So there are a

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The Senator yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

SENATOR AKSHAR: Through you, will

the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR SALAZAR: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

THE PRESIDENT: Senator Akshar on the bill.

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

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

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

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

THE PRESIDENT: Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President.

I'm going to be asking some

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

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Krueger.

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

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

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

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

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

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

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

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

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

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

SENATOR PALUMBO: Would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes indeed.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you.

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

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

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

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

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

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

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

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

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

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

drinks-to-go from X Uber delivery person.

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

SENATOR PALUMBO: Thank you, Senator Krueger.

On the bill, please, Mr. President.

THE PRESIDENT: Senator Palumbo on the bill.

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

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

drunk driving.

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

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

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

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

Thank you.

THE PRESIDENT: Senator O'Mara.

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

If Senator Krueger would yield again on --

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Yes, sir.

THE PRESIDENT: The sponsor yields.

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

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

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

"No, we can't do that."

"Can you bring over 12 cups of wine?"

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

I mean, what's the distinction we're

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

Just on the bill.

THE PRESIDENT: Senator O'Mara on the bill.

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

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

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

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

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

Thank you, Mr. President.

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

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

Senator Ramos to explain her vote.

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

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

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

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

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

Thank you, Mr. President.

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

Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

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

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

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

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

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

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

So I believe a true public power

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

So I vote in the affirmative.

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

Senator Brooks to explain his vote.

SENATOR BROOKS: Thank you, Mr. President.

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

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

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

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

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

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

Thank you.

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

Announce the results.

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

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

Ayes, 43. Nays, 20.

THE PRESIDENT: The bill is passed.

The Secretary will read.

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

THE PRESIDENT: Senator Lanza, why do you rise?

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

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

THE PRESIDENT: Thank you, Senator Lanza.

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

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

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

heard.

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

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Jordan.

I want to remind the house that the

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

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

SENATOR LANZA: Request a show of hands.

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

THE PRESIDENT: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Lanza, why do you rise?

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

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

THE PRESIDENT: Thank you, Senator Lanza.

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

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

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

SENATOR SERINO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Serino.

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

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

SENATOR LANZA: Request a show of hands.

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

THE PRESIDENT: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator O'Mara.

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Thank you, Senator.

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: Yes, we believe it is balanced.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

SENATOR O'MARA: Thank you, Senator.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

Can you explain how that program is going to work?

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

existing STAR rebates?

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Of course.

THE PRESIDENT: The sponsor yields.

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

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

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

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

And so I actually think when we have

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

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

SENATOR O'MARA: Thank you, Senator.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR O'MARA: Does the sponsor yield?

THE PRESIDENT: Does the sponsor yield?

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

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

addresses the concerns of farmers.

SENATOR O'MARA: Thank you.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: No wonder the Farm Bureau likes this.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

was advanced? How is that process going to work?

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: I don't.

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

SENATOR O'MARA: Thank you.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

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

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

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

So you can't be an executive officer.

SENATOR O'MARA: Thank you.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

credit back?

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

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

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

THE PRESIDENT: Does the sponsor yield?

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

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

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

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

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

status.

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

THE PRESIDENT: Does the Senator yield?

SENATOR RAMOS: I do.

THE PRESIDENT: The Senator yields.

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

SENATOR RAMOS: No.

SENATOR O'MARA: Okay, thank you.

If Senator Krueger would yield just for a couple more questions on one other area of the budget regarding the gasoline tax.

THE PRESIDENT: Does the sponsor yield?

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

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Part RR.

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor continue to yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

(Cellphone ring tone.)

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

(Laughter.)

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

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

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

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

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

SENATOR KRUEGER: Okay.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: Large amounts of gas.

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Senator Borrello.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Sure.

THE PRESIDENT: The sponsor yields.

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

SENATOR KRUEGER: Okay.

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

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

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

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

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

I don't know where those -- the

numbers of -- you said 395?

SENATOR BORRELLO: Three hundred million, approximately.

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

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

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

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

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President.

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

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

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

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

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

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

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

We keep telling people, you know,

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

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

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

SENATOR BORRELLO: Are you asking me a question?

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

THE PRESIDENT: Would the Senator yield?

SENATOR KRUEGER: -- colleague for

an answer?

SENATOR BORRELLO: Absolutely.

THE PRESIDENT: The Senator yields.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

But I have heard of some potential

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

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

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

So do you think that those

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

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

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

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

business world believes so.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

SENATOR BORRELLO: Mr. President, on the bill.

THE PRESIDENT: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you.

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

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

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

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

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

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

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

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

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

City and the inner cities of upstate New York. That's who's going to pay this tax.

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Senator Tedisco.

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Do I ever say no?

THE PRESIDENT: The sponsor yields.

SENATOR KRUEGER: Through you, Mr. President.

SENATOR TEDISCO: Thank you, Senator.

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

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

SENATOR TEDISCO: Thank you so much, Senator.

On the bill.

THE PRESIDENT: Senator Tedisco on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

another 30 cents?

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

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

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

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

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

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

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

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

THE PRESIDENT: Senator O'Mara.

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

If Senator Krueger would yield for a couple more questions.

THE PRESIDENT: Senator Krueger, do you yield?

SENATOR KRUEGER: I do.

THE PRESIDENT: The sponsor yields.

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

(Laughter.)

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

Senator Krueger.

SENATOR KRUEGER: Yes.

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

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

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

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

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

SENATOR O'MARA: Thank you, Senator.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

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

something for that.

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

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

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

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

SENATOR O'MARA: Thank you,

Senator Krueger.

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

THE PRESIDENT: Senator O'Mara on the bill.

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

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

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

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

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

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

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

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

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

Thank you.

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

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Martucci to explain his vote.

SENATOR MARTUCCI: Thank you, Mr. President.

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

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

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

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

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

And the icing on the cake today is

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

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

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

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

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

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

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

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

Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Mr. President.

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

(Laughter.)

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

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

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

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

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

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

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

Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

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

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

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

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

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

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

With neither hesitation nor

equivocation, I vote nay on this moral travesty.

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

Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

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

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

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

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

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

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

I vote in the affirmative, Mr. President.

THE PRESIDENT: Senator Gaughran to

be recorded in the affirmative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you.

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

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Mr. President.

And amen, Senator Ramos.

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

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

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

Now, we don't know where the wage

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

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

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

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

this bill, and for that I vote aye.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

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

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

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

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

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

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

Thank you.

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

Senator Lanza to explain his vote.

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

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

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

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

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

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

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

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

I vote in the affirmative, Mr. President.

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

Senator Gounardes to explain his vote.

SENATOR GOUNARDES: Thank you, Mr. President.

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

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

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

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

And this revenue bill I think is really important. It does a lot of great things to support working families and our communities -- the childcare tax credit, the child tax credit, advancing the middle-class tax cut, talking about property tax relief for working families that have been beleaguered, especially in New York City, by a broken 40-year-plus property tax system.

Lots of great things in this bill to celebrate and to bring home to our constituents,

who are asking for our help. They want us to invest in them and in their potential and their future.

And some things that, you know, I think like Senator May said, maybe not so thrilled with. You know, in my case I think the gas tax holiday, while saving $500 million, also takes money away from our MTA. And for that amount of money, we could be running subway service every six minutes during the day, which is a goal that many of us have come here to support and push for and advocate for.

But it's okay, because the MTA is being made whole from state revenues. So the MTA is not going to lose because of this. But it just shows us what the state is possible of doing if we're willing to invest in things the right way.

But on the whole, this is a good bill. This will help people back home, this will help our working families, this will help our constituents make life more affordable for them so they can continue to stay in New York, raise their families in New York, start businesses in New York, and thrive in New York.

And for that I proudly vote aye. Thank you.

THE PRESIDENT: Senator Gounardes to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 747, those Senators voting in the negative are Senators Brisport, Helming and Salazar.

Ayes, 60. Nays, 3.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

Some quick updates. First, I should tell my colleagues that the best opening day team in sports is once again leading, 5-1 in the seventh inning, the Mets are doing well tonight.

Secondly, there will be an immediate conference after session, virtually, for the Majority Conference.

And in terms of scheduling, we are going to adjourn this session at this time and allow both conferences to receive and digest and

conference the remaining bills that we'll be taking up starting early in the morning.

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

THE PRESIDENT: There is no further business at the desk.

SENATOR GIANARIS: Then I move to adjourn until tomorrow, Friday, April 8th, at 9:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Friday, April 8th, at 9:00 a.m.

(Whereupon, at 10:56 p.m., the Senate adjourned.)