

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 April 7, 2022

11 10:01 a.m.

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13
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

19 SENATOR ROXANNE J. PERSAUD, Acting President

20 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT PERSAUD: Reading
14 of the Journal.

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

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good morning,
7 Madam President.

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

13 So the Senate will stand at ease.

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

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

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

20 THE PRESIDENT: Senator Gianaris.

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

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

1 will be in Room 332.

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

5 The Senate will stand at ease.

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

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

12 The Senate will stand at ease.

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

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

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

20 Senator Gianaris.

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

24 THE PRESIDENT: The Secretary will
25 read.

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

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

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

9 Both bills reported direct to third
10 reading.

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

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

16 (Response of "Aye.")

17 THE PRESIDENT: Opposed, nay.

18 (No response.)

19 THE PRESIDENT: The report is
20 accepted.

21 Senator Gianaris.

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

25 THE PRESIDENT: That's exactly

1 correct.

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

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

6 THE PRESIDENT: The Secretary will
7 read.

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

12 SENATOR LANZA: Lay it aside.

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

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

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

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

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (Response of "Nay.")

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

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

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

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

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

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

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

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

19 (Response of "Aye.")

20 THE PRESIDENT: Opposed, nay.

21 (Response of "Nay.")

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

24 SENATOR LANZA: Lay it aside.

25 THE PRESIDENT: Lay it aside.

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

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

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

7 The Secretary will read.

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

12 THE PRESIDENT: Senator O'Mara.

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

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

17 THE PRESIDENT: Does the sponsor
18 yield?

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

21 Thank you.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR O'MARA: Yes, thank you.

24 And good evening --

25 SENATOR KRUEGER: Good evening.

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

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

9 (Laughter.)

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

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

14 (Laughter.)

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

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

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

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

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

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

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

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

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

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

11 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

11 THE PRESIDENT: Does the sponsor
12 yield?

13 SENATOR KRUEGER: Yes, I do.

14 THE PRESIDENT: The sponsor yields.

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

20 SENATOR KRUEGER: The Senator is
21 correct.

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

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR KRUEGER: Yes.

3 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

1 yield.

2 THE PRESIDENT: Does the sponsor
3 yield?

4 SENATOR KRUEGER: Yes, I do.

5 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

1 yield.

2 THE PRESIDENT: Does the sponsor
3 yield?

4 SENATOR KRUEGER: Yes.

5 THE PRESIDENT: The sponsor yields.

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

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

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

14 THE PRESIDENT: Does the sponsor
15 yield?

16 SENATOR KRUEGER: Yes, I do.

17 THE PRESIDENT: The sponsor yields.

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

21 SENATOR KRUEGER: It's quite
22 possible.

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

25 THE PRESIDENT: Does the sponsor

1 yield?

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

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

10 THE PRESIDENT: Does the sponsor
11 yield?

12 SENATOR KRUEGER: Yes.

13 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

17 THE PRESIDENT: Does the sponsor
18 yield?

19 SENATOR KRUEGER: Yes.

20 THE PRESIDENT: The sponsor yields.

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

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

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

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

12 SENATOR O'MARA: Thank you.

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

15 THE PRESIDENT: Does the sponsor
16 yield?

17 SENATOR KRUEGER: Yes.

18 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

19 THE PRESIDENT: Does the sponsor
20 yield?

21 SENATOR KRUEGER: Yes, of course.

22 THE PRESIDENT: The sponsor yields.

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

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

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

9 THE PRESIDENT: Does the sponsor
10 yield?

11 SENATOR KRUEGER: Yes.

12 THE PRESIDENT: The sponsor yields.

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

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

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

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR KRUEGER: Yes, I do.

1 THE PRESIDENT: The sponsor yields.

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

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

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

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR KRUEGER: Yes.

23 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

14 THE PRESIDENT: Senator Martucci.

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

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

20 THE PRESIDENT: Does the sponsor
21 yield?

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

25 (Laughter.)

1 SENATOR MARTUCCI: Fair.

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

4 So yes, certainly.

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

7 THE PRESIDENT: The sponsor yields.

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

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

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

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

1 THE PRESIDENT: Does the sponsor
2 yield?

3 SENATOR KRUEGER: Yes,
4 Mr. President.

5 THE PRESIDENT: The sponsor yields.

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

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

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

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR KRUEGER: Yes.

1 THE PRESIDENT: The sponsor yields.

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

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

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

11 (Laughter.)

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

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

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

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

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

11 THE PRESIDENT: Will the sponsor
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

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

1 alcohol-to-go.

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

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

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

18 SENATOR MARTUCCI: Thank you.

19 Will the sponsor continue to yield?

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR KRUEGER: Yes.

23 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

21 THE PRESIDENT: Does the sponsor
22 yield?

23 SENATOR KRUEGER: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR MARTUCCI: Thank you.

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

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

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

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

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

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

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

5 On the bill.

6 THE PRESIDENT: Senator Martucci on
7 the bill.

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

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

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

25 There was a bill in this house

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

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

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

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

1 lexicon again in this chamber.

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

8 THE PRESIDENT: Senator Rath.

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

11 THE PRESIDENT: Will the sponsor
12 yield?

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

15 (Laughter.)

16 THE PRESIDENT: The sponsor yields.

17 SENATOR RATH: Tough to follow.

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

21 (Laughter.)

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

25 Are you ready or --

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

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

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

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

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

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

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

18 THE PRESIDENT: Does the sponsor
19 yield?

20 SENATOR MYRIE: Yes, gladly.

21 THE PRESIDENT: The sponsor yields.

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

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

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

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

7 THE PRESIDENT: Does the sponsor
8 yield?

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

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

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

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

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

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

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

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR MYRIE: Yes.

16 THE PRESIDENT: The sponsor yields.

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

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

25 As you know, polling sites are

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

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

6 THE PRESIDENT: Does the sponsor
7 yield?

8 SENATOR MYRIE: Yes.

9 THE PRESIDENT: The sponsor yields.

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

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

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

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

1 THE PRESIDENT: Does the sponsor
2 yield?

3 SENATOR MYRIE: Yes.

4 THE PRESIDENT: The sponsor yields.

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

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

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

17 THE PRESIDENT: Does the sponsor
18 yield?

19 SENATOR MYRIE: Yes.

20 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

22 THE PRESIDENT: Does the sponsor
23 yield?

24 SENATOR MYRIE: Yes.

25 THE PRESIDENT: The sponsor yields.

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

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

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

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

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR MYRIE: Yes.

1 THE PRESIDENT: The sponsor yields.

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

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

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

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

10 SENATOR MYRIE: Yes.

11 THE PRESIDENT: He said yes.

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

14 THE PRESIDENT: Does the sponsor
15 yield?

16 SENATOR MYRIE: Yes.

17 THE PRESIDENT: The sponsor yields.

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

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

25 SENATOR MYRIE: Through you,

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

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

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

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

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

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR MYRIE: Yes.

3 THE PRESIDENT: The sponsor yields.

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

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

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

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

21 THE PRESIDENT: Does the sponsor
22 yield?

23 SENATOR MYRIE: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR RATH: Okay, we're on to

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

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

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

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

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

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR MYRIE: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR RATH: Is this a permanent
25 appropriation?

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

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

6 THE PRESIDENT: Senator Akshar.

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

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

11 THE PRESIDENT: Will the sponsor
12 yield?

13 SENATOR KRUEGER: Certainly.

14 THE PRESIDENT: The sponsor yields.

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

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

22 SENATOR KRUEGER: Thank you.

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR SALAZAR: Yes,

1 Mr. President.

2 THE PRESIDENT: The sponsor yields.

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

5 Motivation behind the bill.

6 SENATOR SALAZAR: Behind Part F of
7 PPGG?

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

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

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

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

24 THE PRESIDENT: Does the sponsor
25 yield?

1 SENATOR SALAZAR: Yes.

2 THE PRESIDENT: The sponsor yields.

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

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

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

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

21 THE PRESIDENT: Does the sponsor
22 yield?

23 SENATOR SALAZAR: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR AKSHAR: So there are a

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

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

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

9 THE PRESIDENT: Does the sponsor
10 yield?

11 SENATOR SALAZAR: Yes.

12 THE PRESIDENT: The Senator yields.

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

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

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

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR SALAZAR: Yes.

1 THE PRESIDENT: The sponsor yields.

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

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

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

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

16 THE PRESIDENT: Does the sponsor
17 yield?

18 SENATOR SALAZAR: Yes.

19 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

9 THE PRESIDENT: Does the sponsor
10 yield?

11 SENATOR SALAZAR: Yes.

12 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR SALAZAR: Yes.

15 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

25 SENATOR AKSHAR: Through you, will

1 the sponsor continue to yield?

2 THE PRESIDENT: Does the sponsor
3 yield?

4 SENATOR SALAZAR: Yes.

5 THE PRESIDENT: The sponsor yields.

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

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

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

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR SALAZAR: Yes.

23 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

22 THE PRESIDENT: Senator Akshar on
23 the bill.

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

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

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

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

22 THE PRESIDENT: Senator Palumbo.

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

25 I'm going to be asking some

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

5 THE PRESIDENT: Will the sponsor
6 yield?

7 SENATOR KRUEGER: Yes, I do.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR PALUMBO: Thank you,
10 Senator Krueger.

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

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

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

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

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

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

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

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

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

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

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

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR KRUEGER: Certainly.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR PALUMBO: Thank you,
17 Senator.

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

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

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

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

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

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

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

14 THE PRESIDENT: Does the sponsor
15 yield?

16 SENATOR KRUEGER: Yes indeed.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR PALUMBO: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

8 SENATOR PALUMBO: Thank you,
9 Senator Krueger.

10 On the bill, please, Mr. President.

11 THE PRESIDENT: Senator Palumbo on
12 the bill.

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

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

1 drunk driving.

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

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

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

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

19 Thank you.

20 THE PRESIDENT: Senator O'Mara.

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

23 If Senator Krueger would yield again
24 on --

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR KRUEGER: Yes, sir.

3 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 THE PRESIDENT: Does the sponsor
25 yield?

1 SENATOR KRUEGER: Yes.

2 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

13 Just on the bill.

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

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

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

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

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

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

5 Thank you, Mr. President.

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

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

10 Read the last section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

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

17 Senator Ramos to explain her vote.

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

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

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

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

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

7 Thank you, Mr. President.

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

10 Senator Gaughran to explain his
11 vote.

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

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

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

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

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

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

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

25 So I believe a true public power

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

6 So I vote in the affirmative.

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

9 Senator Brooks to explain his vote.

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

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

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

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

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

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

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

17 Thank you.

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

20 Announce the results.

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

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

3 Ayes, 43. Nays, 20.

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

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

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

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

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

16 THE PRESIDENT: Thank you, Senator
17 Lanza.

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

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

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

1 heard.

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

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

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

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

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

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

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

22 Thank you, Mr. President.

23 THE PRESIDENT: Thank you, Senator
24 Jordan.

25 I want to remind the house that the

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

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

5 SENATOR LANZA: Request a show of
6 hands.

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

11 THE PRESIDENT: Without objection,
12 so ordered.

13 Announce the results.

14 THE SECRETARY: Ayes, 20.

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

18 Senator Lanza, why do you rise?

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

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

24 THE PRESIDENT: Thank you, Senator
25 Lanza.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Thank you, Mr. President.

13 THE PRESIDENT: Thank you,
14 Senator Serino.

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

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

20 SENATOR LANZA: Request a show of
21 hands.

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

1 THE PRESIDENT: Without objection,
2 so ordered.

3 Announce the results.

4 THE SECRETARY: Ayes, 20.

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

8 Senator O'Mara.

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

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

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR KRUEGER: Yes, I will.

16 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

8 THE PRESIDENT: Does the sponsor
9 yield?

10 SENATOR KRUEGER: Yes, I will.

11 THE PRESIDENT: The sponsor yields.

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

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

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

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR KRUEGER: Yes, I do.

23 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

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

7 THE PRESIDENT: Does the sponsor
8 yield?

9 SENATOR KRUEGER: Yes.

10 THE PRESIDENT: The sponsor yields.

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

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

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

24 THE PRESIDENT: Does the sponsor
25 yield?

1 SENATOR KRUEGER: Yes.

2 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

24 THE PRESIDENT: Does the sponsor
25 yield?

1 SENATOR KRUEGER: Yes.

2 THE PRESIDENT: The sponsor yields.

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

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

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

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

19 THE PRESIDENT: Does the sponsor
20 yield?

21 SENATOR KRUEGER: Yes.

22 THE PRESIDENT: The sponsor yields.

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

1 existing STAR rebates?

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

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

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

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR KRUEGER: Of course.

16 THE PRESIDENT: The sponsor yields.

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

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

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

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

25 And so I actually think when we have

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

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

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

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

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR KRUEGER: Yes, I will.

6 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

15 THE PRESIDENT: Does the sponsor
16 yield?

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

19 THE PRESIDENT: Does the sponsor
20 yield?

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

23 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

17 THE PRESIDENT: Does the sponsor
18 yield?

19 SENATOR KRUEGER: Certainly.

20 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR KRUEGER: Yes.

1 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

16 THE PRESIDENT: Does the sponsor
17 yield?

18 SENATOR KRUEGER: Yes.

19 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

11 THE PRESIDENT: Does the sponsor
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

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

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

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

1 addresses the concerns of farmers.

2 SENATOR O'MARA: Thank you.

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

5 THE PRESIDENT: Does the sponsor
6 yield?

7 SENATOR KRUEGER: Yes.

8 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

4 THE PRESIDENT: Does the sponsor
5 yield?

6 SENATOR KRUEGER: Yes.

7 THE PRESIDENT: The sponsor yields.

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

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

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

22 THE PRESIDENT: Does the sponsor
23 yield?

24 SENATOR KRUEGER: Yes.

25 THE PRESIDENT: The sponsor yields.

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

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

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

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

22 THE PRESIDENT: Does the sponsor
23 yield?

24 SENATOR KRUEGER: Yes.

25 THE PRESIDENT: The sponsor yields.

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

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

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

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

16 THE PRESIDENT: Does the sponsor
17 yield?

18 SENATOR KRUEGER: Yes.

19 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

22 THE PRESIDENT: Does the sponsor
23 yield?

24 SENATOR KRUEGER: Yes.

25 THE PRESIDENT: The sponsor yields.

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

4 SENATOR KRUEGER: I don't.

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

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

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

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR KRUEGER: Yes.

15 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

17 SENATOR O'MARA: Thank you.

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

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR KRUEGER: Certainly.

23 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

19 THE PRESIDENT: Does the sponsor
20 yield?

21 SENATOR KRUEGER: Yes.

22 THE PRESIDENT: The sponsor yields.

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

1 credit back?

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

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

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

11 THE PRESIDENT: Does the sponsor
12 yield?

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

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

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

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

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

1 status.

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

5 THE PRESIDENT: Does the Senator
6 yield?

7 SENATOR RAMOS: I do.

8 THE PRESIDENT: The Senator yields.

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

12 SENATOR RAMOS: No.

13 SENATOR O'MARA: Okay, thank you.

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

17 THE PRESIDENT: Does the sponsor
18 yield?

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

21 THE PRESIDENT: The sponsor yields.

22 SENATOR O'MARA: Part RR.

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

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

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

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

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

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

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

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

3 SENATOR KRUEGER: Yes.

4 THE PRESIDENT: The sponsor yields.

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

12 (Cellphone ring tone.)

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

15 (Laughter.)

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

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

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

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

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

10 SENATOR KRUEGER: Okay.

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

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR KRUEGER: Yes.

16 THE PRESIDENT: The sponsor yields.

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

21 SENATOR KRUEGER: Large amounts of
22 gas.

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

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

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

6 Thank you, Mr. President.

7 THE PRESIDENT: Senator Borrello.

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

11 THE PRESIDENT: Does the sponsor
12 yield?

13 SENATOR KRUEGER: Sure.

14 THE PRESIDENT: The sponsor yields.

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

18 SENATOR KRUEGER: Okay.

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

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

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

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

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

25 I don't know where those -- the

1 numbers of -- you said 395?

2 SENATOR BORRELLO: Three hundred
3 million, approximately.

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

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

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

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

25 SENATOR BORRELLO: Thank you.

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

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR KRUEGER: Yes.

6 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

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

25 We keep telling people, you know,

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

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

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

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

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

23 THE PRESIDENT: Would the Senator
24 yield?

25 SENATOR KRUEGER: -- colleague for

1 an answer?

2 SENATOR BORRELLO: Absolutely.

3 THE PRESIDENT: The Senator yields.

4 SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

9 THE PRESIDENT: Does the sponsor
10 yield?

11 SENATOR KRUEGER: Yes.

12 THE PRESIDENT: The sponsor yields.

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

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

25 But I have heard of some potential

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

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

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

11 THE PRESIDENT: Does the sponsor
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

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

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

25 So do you think that those

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

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

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

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

1 business world believes so.

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

4 THE PRESIDENT: Does the sponsor
5 yield?

6 SENATOR KRUEGER: Yes.

7 THE PRESIDENT: The sponsor yields.

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

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

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

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

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

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

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

20 THE PRESIDENT: Senator Borrello on
21 the bill.

22 SENATOR BORRELLO: Thank you.

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

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

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

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

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

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

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

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

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

1 City and the inner cities of upstate New York.

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

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

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

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

20 Thank you, Mr. President.

21 THE PRESIDENT: Senator Tedisco.

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

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR KRUEGER: Do I ever say no?

3 THE PRESIDENT: The sponsor yields.

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

6 SENATOR TEDISCO: Thank you,
7 Senator.

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

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

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

18 On the bill.

19 THE PRESIDENT: Senator Tedisco on
20 the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 another 30 cents?

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

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

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

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

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

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

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

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

18 THE PRESIDENT: Senator O'Mara.

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

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

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

25 SENATOR KRUEGER: I do.

1 THE PRESIDENT: The sponsor yields.

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

7 (Laughter.)

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

12 Senator Krueger.

13 SENATOR KRUEGER: Yes.

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

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

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

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

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

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

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

16 THE PRESIDENT: Does the sponsor
17 yield?

18 SENATOR KRUEGER: Yes.

19 THE PRESIDENT: The sponsor yields.

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

1 something for that.

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

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

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

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

25 SENATOR O'MARA: Thank you,

1 Senator Krueger.

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

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

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

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

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

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

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

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

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

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

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

9 Thank you.

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

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

14 Read the last section.

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

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

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

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

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

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

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

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

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

25 And the icing on the cake today is

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

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

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

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

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

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

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

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

13 Senator Oberacker to explain his
14 vote.

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

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

25 (Laughter.)

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

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

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

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

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

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

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

7 Senator Brisport to explain his
8 vote.

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

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

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

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

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

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

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

25 With neither hesitation nor

1 equivocation, I vote nay on this moral travesty.

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

4 Senator Gaughran to explain his
5 vote.

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

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

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

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

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

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

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

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

25 THE PRESIDENT: Senator Gaughran to

1 be recorded in the affirmative.

2 Senator Ramos to explain her vote.

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

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

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

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

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

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

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

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

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

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

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

20 Thank you.

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

23 Senator Hinchey to explain her vote.

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

1 And amen, Senator Ramos.

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

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

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

25 Now, we don't know where the wage

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

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

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

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

1 this bill, and for that I vote aye.

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

4 Senator May to explain her vote.

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

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

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

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

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

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

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

17 Thank you.

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

20 Senator Lanza to explain his vote.

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

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

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

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

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

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

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

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

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

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

16 Senator Gounardes to explain his
17 vote.

18 SENATOR GOUNARDES: Thank you,
19 Mr. President.

20 I too am rising to support this
21 bill. There's lots of great things in this bill
22 that I think are worth celebrating. But before I
23 get to that, I just want to -- you know, I want
24 to piggyback off of what my colleague Senator
25 Lanza referenced. He talked about crime and

1 public safety. And I wanted to note the State of
2 Florida has a higher murder rate per capita than
3 the State of New York does.

4 So for all this talk about public
5 safety, about violence and crime, let's just not
6 forget what the numbers show and what the facts
7 show. And that for all the talk about
8 New Yorkers fleeing the state, they are leaving
9 to go to more crime-ridden places than right here
10 at home in New York.

11 So I think the facts matter. And we
12 should really be centering our conversation
13 around the facts, and let's not forget about the
14 facts.

15 And this revenue bill I think is
16 really important. It does a lot of great things
17 to support working families and our
18 communities -- the childcare tax credit, the
19 child tax credit, advancing the middle-class tax
20 cut, talking about property tax relief for
21 working families that have been beleaguered,
22 especially in New York City, by a broken
23 40-year-plus property tax system.

24 Lots of great things in this bill to
25 celebrate and to bring home to our constituents,

1 who are asking for our help. They want us to
2 invest in them and in their potential and their
3 future.

4 And some things that, you know, I
5 think like Senator May said, maybe not so
6 thrilled with. You know, in my case I think the
7 gas tax holiday, while saving \$500 million, also
8 takes money away from our MTA. And for that
9 amount of money, we could be running subway
10 service every six minutes during the day, which
11 is a goal that many of us have come here to
12 support and push for and advocate for.

13 But it's okay, because the MTA is
14 being made whole from state revenues. So the MTA
15 is not going to lose because of this. But it
16 just shows us what the state is possible of doing
17 if we're willing to invest in things the right
18 way.

19 But on the whole, this is a good
20 bill. This will help people back home, this will
21 help our working families, this will help our
22 constituents make life more affordable for them
23 so they can continue to stay in New York, raise
24 their families in New York, start businesses in
25 New York, and thrive in New York.

1 And for that I proudly vote aye.

2 Thank you.

3 THE PRESIDENT: Senator Gounardes
4 to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar 747, those Senators voting in the
8 negative are Senators Brisport, Helming and
9 Salazar.

10 Ayes, 60. Nays, 3.

11 THE PRESIDENT: The bill is passed.
12 Senator Gianaris, that completes the
13 reading of the controversial calendar.

14 SENATOR GIANARIS: Thank you,
15 Mr. President.

16 Some quick updates. First, I should
17 tell my colleagues that the best opening day team
18 in sports is once again leading, 5-1 in the
19 seventh inning, the Mets are doing well tonight.

20 Secondly, there will be an immediate
21 conference after session, virtually, for the
22 Majority Conference.

23 And in terms of scheduling, we are
24 going to adjourn this session at this time and
25 allow both conferences to receive and digest and

1 conference the remaining bills that we'll be
2 taking up starting early in the morning.

3 And so with that, is there any
4 further business at the desk?

5 THE PRESIDENT: There is no further
6 business at the desk.

7 SENATOR GIANARIS: Then I move to
8 adjourn until tomorrow, Friday, April 8th, at
9 9:00 a.m.

10 THE PRESIDENT: On motion, the
11 Senate stands adjourned until Friday, April 8th,
12 at 9:00 a.m.

13 (Whereupon, at 10:56 p.m., the
14 Senate adjourned.)

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