

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 8, 2022

11 9:36 a.m.

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13  
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 THE PRESIDENT: The Senate will  
3 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 THE PRESIDENT: In the absence of  
9 clergy, let us bow our heads in a moment of  
10 silent reflection or prayer.

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

13 THE PRESIDENT: Reading of the  
14 Journal.

15 THE SECRETARY: In Senate,  
16 Thursday, April 7, 2022, the Senate met pursuant  
17 to adjournment. The Journal of Wednesday,  
18 April 6, 2022, was read and approved. On motion,  
19 the Senate adjourned.

20 THE PRESIDENT: Without objection,  
21 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: Mr. President,  
7 we're going to begin by calling a meeting of the  
8 Finance Committee in Room 332.

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

12 The Senate will stand at ease.

13 (Whereupon, the Senate stood at ease  
14 at 9:37 a.m.)

15 (Whereupon, the Senate reconvened at  
16 10:01 a.m.)

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

19 Senator Gianaris.

20 SENATOR GIANARIS: There's a report  
21 of the Finance Committee at the desk.

22 Can we please take that up.

23 THE PRESIDENT: The Secretary will  
24 read.

25 THE SECRETARY: Senator Krueger,

1 from the Committee on Finance, reports the  
2 following bills:

3 Senate Print 8001A, Senate Budget  
4 Bill, an act making appropriations for the  
5 support of government;

6 Senate Print 8008C, Senate Budget  
7 Bill, enacts into law major components of  
8 legislation necessary to implement the state  
9 transportation, economic development and  
10 environmental conservation budget.

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 Finance Committee  
15 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: Let's take up  
23 the supplemental calendar, please.

24 THE PRESIDENT: The Secretary will  
25 read.

1                   THE SECRETARY:     Calendar Number  
2     748, Senate Print 8001A, Senate Budget Bill, an  
3     act making appropriations for the support of  
4     government.

5                   SENATOR LANZA:     Lay it aside.

6                   THE PRESIDENT:    Lay it aside.

7                   THE SECRETARY:     Calendar Number  
8     749, Senate Print 8008C, Senate Budget Bill, an  
9     act to amend the Public Authorities 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 of necessity please  
18     signify by saying 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                   That completes the reading of the  
2                   supplemental calendar.

3                   SENATOR GIANARIS:    Move to the  
4                   controversial calendar.

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

7                   SENATOR GIANARIS:    I'm sorry,  
8                   Mr. President, beginning with Calendar Number  
9                   749.

10                  THE PRESIDENT:    The Secretary will  
11                  ring the bell.

12                  The Secretary will read.

13                  THE SECRETARY:    Calendar Number  
14                  749, Senate Print 8008C, Senate Budget Bill, an  
15                  act to amend the Public Authorities Law.

16                  THE PRESIDENT:    Senator Oberacker.

17                  SENATOR OBERACKER:   Thank you,  
18                  Mr. President.

19                  I would like to ask some questions,  
20                  if I could, on the Part MMM.

21                  THE PRESIDENT:    Does the sponsor  
22                  yield?

23                  SENATOR KRUEGER:    Certainly.

24                  THE PRESIDENT:    The sponsor yields.

25                  SENATOR OBERACKER:   And good

1 morning.

2 SENATOR KRUEGER: Good morning.

3 SENATOR OBERACKER: So back in  
4 2019, our former governor introduced the fiber  
5 optic tax. In that same year we had one of my  
6 colleagues -- I wasn't here at that time, but a  
7 colleague nonetheless -- Senator Helming bring  
8 forth legislation to repeal the fiber optic tax.

9 So my first question, does this bill  
10 subject state-supported broadband projects to  
11 prevailing wage requirements?

12 SENATOR KRUEGER: Yes,  
13 Mr. President, it does.

14 SENATOR OBERACKER: Through you,  
15 Mr. President, will the sponsor yield.

16 THE PRESIDENT: Does the sponsor  
17 yield?

18 SENATOR KRUEGER: Yes.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR OBERACKER: Thank you.

21 So does the -- does a project have  
22 to meet a certain threshold, it would be a total  
23 project cost, in order to be subjected to  
24 prevailing wage requirements?

25 SENATOR KRUEGER: No.

1                   SENATOR OBERACKER:   Through you,  
2   Mr. President, would the sponsor continue to  
3   yield.

4                   THE PRESIDENT:    Does the sponsor  
5   yield?

6                   SENATOR KRUEGER:   Absolutely.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR OBERACKER:   Thank you.

9                   So if there's no threshold, is there  
10   any accounting for regional differences in the  
11   cost or the feasibility of the project?

12                  SENATOR KRUEGER:   Through you,  
13   Mr. President, it's my understanding that the  
14   model of prevailing wage in State of New York is  
15   to be regionally driven. So I think that that  
16   would be factored in under this law as well.

17                  SENATOR OBERACKER:   Thank you.

18                  Through you, Mr. President, would  
19   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 OBERACKER:   So with  
25   regional differences and cost feasibility



1 projects, is there any consideration for those  
2 factors that would have an effect on, say, an  
3 overall project being put forth?

4 SENATOR KRUEGER: I'm sorry,  
5 Mr. President, we're not sure we understand the  
6 question. Could I ask the -- my colleague to  
7 rephrase it?

8 THE PRESIDENT: Sure.

9 SENATOR OBERACKER: So with the  
10 idea of prevailing wage and if there is a --  
11 there is no threshold, is that what I'm  
12 understanding to be correct?

13 SENATOR KRUEGER: Yes, there's no  
14 threshold based on project.

15 SENATOR OBERACKER: So through you,  
16 Mr. President, if there is -- if there are -- is  
17 there any accounting? Let me get my -- yes, let  
18 me get my head -- so is there any account for the  
19 regional differences in that cost or feasibility  
20 project as far as that is concerned?

21 SENATOR KRUEGER: So of course this  
22 is being paid for with grant funds from the  
23 state, so we have to believe that the state would  
24 adjust for regional cost differences for  
25 different projects in what they allocate per

1 grant.

2 SENATOR OBERACKER: Thank you.

3 Through you, Mr. President, would  
4 the sponsor continue to yield.

5 THE PRESIDENT: Does the sponsor  
6 yield?

7 SENATOR KRUEGER: Yes.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR OBERACKER: So I'm happy to  
10 see that the fiber tax is being eliminated. And  
11 of course our conference has, on the onset,  
12 opposed this.

13 Do you feel broadband projects are  
14 more feasible in rural and underserved  
15 communities after the passage of this budget?

16 SENATOR KRUEGER: Through you,  
17 Mr. President. Yes, I proudly do.

18 I think we are all very aware that  
19 New York State has been suffering from not having  
20 universal broadband coverage and the recognition  
21 that perhaps the more rural or least densely  
22 populated areas of the State of New York have  
23 been the last to be brought on to ensuring  
24 quality wireless service for themselves, which is  
25 now a necessity of our lives.

1                   And so yes, there was a time where  
2 perhaps we thought that having the tax would  
3 provide adequate resources alone to make sure  
4 that these projects got completed. But as we  
5 know, they have not, and it has been a source of  
6 frustration to I think all of us in the  
7 Legislature.

8                   So we are very, very happy with the  
9 outcome going into this budget and the agreement  
10 made between the Governor and the two houses,  
11 because we are confident that it's both going to  
12 speed up the process by which we complete the  
13 assignment of getting everywhere in New York  
14 State covered with broadband, that it actually  
15 assure decent-paying jobs for people working on  
16 ensuring this broadband is implemented statewide.

17                  And of course the plus as well --  
18 and I think it's one of the reasons that it's an  
19 additionally good investment by the State of  
20 New York -- is you then have people who are  
21 trained in high-tech new forms of communication  
22 who are available to go into the economy that is  
23 basically being driven by newer high-tech models  
24 of the kinds of workers they need.

25                  So we're not only going to be

1 speeding along the process by which we implement  
2 broadband; we'll also be training a new universe  
3 of workers in the exact skill sets that they are  
4 needed in. And so it should be actually helping  
5 for longer-term job continuation while assuring  
6 prevailing wages at the time they're doing this  
7 work for the state.

8 SENATOR OBERACKER: Thank you.

9 Through you, Mr. President, would  
10 the sponsor continue to yield.

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR KRUEGER: I will, but I  
14 just want to highlight I left out an important  
15 sentence.

16 We also provide \$1.4 billion in  
17 funding to help get this done.

18 And now I'm happy to take the next  
19 question.

20 SENATOR OBERACKER: Thank you.

21 So as a former chair of public works  
22 in Otsego County, do we have some sort of an  
23 estimation as to what the added cost of  
24 subjecting these projects to prevailing wage  
25 would actually mean?

1                   SENATOR KRUEGER:    So the Department  
2   of Labor will be determining the math for each  
3   project area. But there's no cost for the  
4   counties.

5                   So perhaps I misunderstood you if  
6   you were asking me about increased costs for the  
7   counties from this project.

8                   SENATOR OBERACKER:   Not per county,  
9   just cost in general.

10                  SENATOR KRUEGER:    So yes, there is  
11   an assumption that we would see perhaps some  
12   increased overall cost, which we account for in  
13   the budget by providing the \$1.4 billion.

14                  But to make it clear this is not a  
15   new cost being passed on to the counties.

16                  SENATOR OBERACKER:   Thank you.

17                  Through you, Mr. President, would  
18   the sponsor continue to yield.

19                  THE PRESIDENT:    Does the sponsor  
20   yield?

21                  SENATOR KRUEGER:    Yes.

22                  THE PRESIDENT:    The sponsor yields.

23                  SENATOR OBERACKER:   So are there  
24   any provisions within this bill related to the  
25   broadband projects or grant eligibility that

1 would restrict this workforce pool in any way,  
2 such as limiting out-of-state contractors?

3 SENATOR KRUEGER: So the bill does  
4 explicitly have preferences for local hires, but  
5 there's nothing that explicitly says you can't  
6 hire someone from out of the region or out of the  
7 state.

8 SENATOR OBERACKER: Thank you.

9 Through you, Mr. President, would  
10 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 OBERACKER: So if we were  
16 to restrict the workforce in this manner, from an  
17 out-of-state to local in this manner, would it  
18 slow the deployment of those into the field and  
19 actually getting further hookups and increased  
20 services, or increasing costs? Is there -- are  
21 we looking at slowing things down and increasing  
22 costs, basically, if we use that model?

23 SENATOR KRUEGER: So I certainly  
24 think the underlying intention of this entire  
25 bill is not to slow this down. In fact, just the

1       opposite. There's been a frustration at how  
2       slowly things have been moving, which is why this  
3       whole package is in the budget.

4               So I'm actually fairly confident  
5       that with the new model and the supplemental  
6       funds that we should see a speeding up of  
7       projects throughout the state.

8               If you're asking the question  
9       does -- well, I'm not sure the question is does  
10      allowing out-of-state or not allowing  
11      out-of-state have an impact on the speed at which  
12      projects get done. Again, it does not outlaw the  
13      hiring of people from other regions, but it gives  
14      preference to hiring local people to do the work.  
15      I think that that is overall an ideological  
16      belief for most of us here, that we want the jobs  
17      to come from the communities to get the people  
18      trained who are living and working in our  
19      communities, to get the people who live and work  
20      in our communities to have good-paying,  
21      prevailing-wage jobs.

22              I don't actually know the math on  
23      whether there are certain areas of the state  
24      where that will be more difficult and they would  
25      be more likely to need to look farther abroad --

1 not abroad per se, but, you know, across the  
2 state line or across a county line. So I don't  
3 know actually if anybody knows that answer.

4 SENATOR OBERACKER: Thank you.

5 Through you, Mr. President, would  
6 the sponsor continue to yield.

7 THE PRESIDENT: Does the sponsor  
8 yield?

9 SENATOR KRUEGER: Yes.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR OBERACKER: Thank you,  
12 Senator Krueger. And I'm kind of glad to hear  
13 that because as the ranking member on Internet  
14 and Technologies -- who does not have broadband  
15 service at my house -- I find it extremely  
16 exciting to hear that. So thank you.

17 My question -- through you,  
18 Mr. President -- so both the Connect All  
19 Deployment Program and Connect All Municipal  
20 Assistance Program require that applicants submit  
21 a workforce plan which shall include information  
22 relating to whether a construction workforce will  
23 be directly employed or subcontracted, the  
24 anticipated size of that workforce required to  
25 carry out the proposed work, a description of



1 plans to maximize use of local or regional  
2 workforce, and a description of the expected  
3 workforce safety standards training to ensure the  
4 project is completed at a high standard.

5 What is the overall purpose of this  
6 plan?

7 SENATOR KRUEGER: So that the state  
8 can actually determine what allotment of funds  
9 may be needed for that specific project to work,  
10 with the locality to address their unique  
11 needs -- because it may differ from municipality  
12 to municipality, county to county -- and to keep  
13 us all informed of how this project is going and  
14 to answer questions like the previous one, how  
15 many workers had to come from farther afield, how  
16 many workers are not New Yorkers.

17 So I think that's just sort of  
18 standard kinds of information it makes common  
19 sense to want to collect, both for determining  
20 through Department of Labor what funds need to be  
21 made available and for us to actually track how  
22 this project is going throughout the State of  
23 New York.

24 SENATOR OBERACKER: Thank you.

25 Mr. President, on the bill.

1                   THE PRESIDENT:     Senator Oberacker  
2     on the bill.

3                   SENATOR OBERACKER:     Thank you,  
4     Senator Krueger, for taking the time to answer my  
5     questions.

6                   You know, as -- representing the  
7     51st Senate District, very rural in its makeup,  
8     and again as one who does not have the ability  
9     nor the service to have broadband at my house, I  
10    feel this is extremely important to rural upstate  
11    New York for many reasons.

12                  We found, coming out of COVID, the  
13    ability to attend classes, telehealth. I'm a  
14    member of my EMS squad, and to be able to just  
15    have the ability to have what we call the "I am  
16    responding" ability on my phone and so on, is  
17    extremely, extremely important.

18                  I'm excited about what has been put  
19    forth. I have some reservations as to how  
20    quickly and how cost-effective this can be put  
21    forward, but I was encouraged to see that this is  
22    an issue that has been long-standing that is  
23    being addressed.

24                  And with that I thank you,  
25    Mr. President.

1 THE PRESIDENT: Senator Stec.

2 SENATOR STEC: Thank you. Good  
3 morning, Mr. President. If the sponsor would  
4 please yield for some questions having to do with  
5 Part QQ, the freshwater wetlands regulations.

6 THE PRESIDENT: Does the sponsor  
7 yield?

8 SENATOR KRUEGER: I do, although  
9 I'm just going to take a double-check.

10 If you don't mind, my colleague  
11 Senator Harckham -- this is near and dear to him,  
12 and he would like to answer these questions.

13 SENATOR STEC: Not at all. Not at  
14 all.

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

17 THE PRESIDENT: Sounds good.

18 SENATOR STEC: Thank you.

19 SENATOR HARCKHAM: Thank you,  
20 Senator Krueger.

21 SENATOR STEC: Thank you. Good  
22 morning, Senator Harckham. How are you?

23 SENATOR HARCKHAM: I'm very well,  
24 thank you, on two hours sleep. Good morning to  
25 you. How are you?

1                   SENATOR STEC:    Good.  I'm better  
2   than two hours, so thank you.

3                   SENATOR HARCKHAM:   This will be  
4   fun.

5                   SENATOR STEC:    Through you,  
6   Mr. President, if the sponsor would yield for a  
7   few questions.

8                   THE PRESIDENT:    Does the sponsor  
9   yield?

10                  SENATOR HARCKHAM:   Absolutely.

11                  THE PRESIDENT:    The sponsor yields.

12                  SENATOR STEC:    All right, thank  
13   you.  On Part QQ I see that we're making some  
14   changes to the permitting process or definitions  
15   of what constitutes freshwater wetlands.  I was  
16   wondering if you could first lead off by just,  
17   you know, summarizing what this changes to where  
18   we are today, and where this will take us, and  
19   then the follow-up question obviously will be why  
20   we're doing this.

21                  SENATOR HARCKHAM:   Sure,  
22   absolutely.  Through you, Mr. President.  
23   Actually, maybe I'll take the second part of your  
24   question first, if that's okay, and then answer  
25   the second part.

1                   The reason we are doing this is --  
2     let's talk about wetlands in the big picture.  
3     Wetlands are nature's filter. They filter out  
4     pollutants. They are a host to thousands of  
5     species, lending biodiversity. They're great for  
6     carbon capture. They protect our water quality.  
7     And most importantly, they help mitigate  
8     flooding.

9                   So for instance, in my district  
10    right now the taxpayers of my district are on the  
11    hook for \$65 million to remove phosphorus from  
12    stormwater. So we are rebuilding artificial  
13    wetlands that have been paved over. And so in  
14    New York State half of the historic wetlands in  
15    New York State have been destroyed, either  
16    through development or paving or dredging.

17                  So the need to protect our wetlands,  
18    especially now with climate change and phosphorus  
19    mitigation -- you'll see, you know, upstate, all  
20    over New York State, our freshwater bodies are  
21    impeded with eutrophication, with blue-green  
22    algae. We can't drink, we can't swim in the  
23    water anymore, and it's because we don't have  
24    sufficient wetland capacity to filter out the  
25    phosphorus. So that's kind of why we're doing

1       it.

2                   The problem with the existing law at  
3       12.4 acres is the maps are kind of haphazard, and  
4       it's challenging for the regulators but, more  
5       importantly, it's challenging for the developers.  
6       So when we passed this bill last year, it was a  
7       different version, as you alluded to. We spent a  
8       lot of time speaking with builders in the  
9       development community because they were looking  
10      for certainty. And they liked the model because  
11      it gave them certainty.

12                  So we arrived at this bill in  
13      compromise with both the second floor and with  
14      our colleagues in the Assembly.

15                  So what is going to happen in this  
16      bill, starting in 2005 {sic} we'll be declaring  
17      and mapping wetlands that are called wetlands of  
18      unusual importance. And those are ones in a city  
19      that can be ruled to have water quality impact,  
20      flooding mitigation. And then in 2008 {sic} is  
21      when the enforcement will start, so -- and then  
22      it will be dropped from the current 12.4 to  
23      7.4 acres.

24                  So with this legislation we're doing  
25      a couple of things. We're providing certainty to

1 the business community, we're providing better  
2 mapping, and we're protecting more wetlands. We  
3 will protect, with this legislation, millions of  
4 acres of wetlands.

5 However, if a wetland is not deemed  
6 to be of unusual importance, it will just be a  
7 general permit, which is a one-page thing and  
8 will not have the kind of focus a wetland of  
9 unusual importance will.

10 SENATOR STEC: Mr. President, if  
11 the sponsor will continue to yield.

12 THE PRESIDENT: Does the sponsor  
13 yield?

14 SENATOR HARCKHAM: Yes, sir.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR STEC: All right, thank  
17 you. I appreciate that intro to what we're doing  
18 here. And I'm encouraged -- I certainly agree  
19 that I think any applicant or developer would  
20 want to have certainty and remove ambiguity in  
21 the process.

22 However, I guess my question is --  
23 is that for years we've been working off of maps.  
24 I have not heard developers say that they like  
25 this proposal -- or farmers, or property owners,

1 or local government in my -- I have over 80 towns  
2 in my district, bigger than Connecticut and  
3 Rhode Island combined. I represent a lot of  
4 rural areas of the state and a lot of wetlands.  
5 So I have not had the same experience with  
6 people's reaction to this proposal as you've  
7 reported.

8 But I guess my question -- my first  
9 question would be: Do you know how many acres  
10 are currently regulated in New York State, you  
11 know, by these maps? And then, under this new  
12 law, how many additional acres would be added to  
13 that? And are we going to see a commensurate  
14 increase in DEC staffing to accommodate all these  
15 new wetlands that we're going to create?

16 SENATOR HARCKHAM: Through you,  
17 Mr. Chair.

18 First I would just like to add one  
19 thing. You had mentioned farmers in your  
20 comments. Agriculture and silviculture are  
21 exempt from this law. So farmers should -- are  
22 able to go about their business, and those who  
23 engage in the growth or harvesting of trees can  
24 go about their business.

25 We do not know exactly right now



1     what the new acreage will be, because new maps  
2     are going to be done in conjunction with  
3     satellite mapping services, fish and wildlife  
4     service, and some of the universities that have  
5     done some of this mapping work.

6                 So right now we have a very  
7     haphazard system of mapping, and sometimes  
8     property owners will have to ask DEC to map a  
9     property in order for them to go ahead and do  
10    their development. This will take a more  
11    proactive approach. We'll be using the latest  
12    technology. And there will be a three-year  
13    period for people to be brought up to speed, to  
14    be educated, and for us as a state to finally  
15    have a complete and accurate set of maps.

16                SENATOR STEC:    If the sponsor would  
17    continue to yield, please.

18                THE PRESIDENT:   Does the sponsor  
19    yield?

20                SENATOR HARCKHAM:   Yes, sir.

21                THE PRESIDENT:    The sponsor yields.

22                SENATOR STEC:    My understanding is  
23    in the mid-1990s there was estimated 2.4 million  
24    acres of wetlands in New York. And some  
25    advocates are projecting that this law will add

1 an additional million acres. So that's  
2 3.5 million acres of wetlands. That's bigger  
3 than Suffolk County. It's half the size of the  
4 Adirondack Park, to give you an idea of how much  
5 of our land would be regulated under this.

6 With that said, making it that much  
7 more difficult to permit, to do any activity in  
8 something that's classified under a wetlands,  
9 isn't there -- wouldn't there be concern that  
10 this is going to impact the goals of the CLCPA  
11 for promoting and pushing the development of  
12 solar? Will opponents to solar farms in their  
13 backyards use this new definition of wetlands as  
14 current opponents use wetlands to oppose  
15 something that they don't want in their  
16 neighborhoods -- solar panels are great so long  
17 as I don't see them, so long as they're not in my  
18 backyard?

19 Are you concerned that an unintended  
20 consequence here of increasing by 50 percent the  
21 number of acres that are protected as newly  
22 defined wetlands is going to have impacts on  
23 other agendas to your climate change agenda?

24 SENATOR HARCKHAM: Through you,  
25 Mr. President, that's a good question. I would

1 say two things.

2 Wetlands are about resiliency.

3 Wetlands are probably one of nature's best carbon  
4 capture mechanisms. So if we're talking about  
5 the goals of the CLCPA, protecting more acres of  
6 wetlands is completely consistent with that. In  
7 fact, I think the figure is 15 percent of our  
8 emissions will be reduced by carbon capture. You  
9 know, most of it will be done through clean  
10 energy, clean transportation, but 15 percent will  
11 still be through carbon capture, and that's what  
12 wetlands are incredible at.

13 The other thing is this is only  
14 wetlands of unusual importance that will have  
15 that extra permitting requirement. And so if  
16 there is a fragile wetland, I would agree with  
17 those opponents, you may not want to site a solar  
18 farm there. That might not be the best location  
19 for it.

20 But I don't think that protecting  
21 wetlands is inconsistent with climate change  
22 goals of the CLCPA.

23 I would further go back to the  
24 resiliency of flooding and the amount of rain and  
25 the storms that we're getting. Five people in

1 Westchester County died during Ida because of  
2 flooding, and that's in large part because we  
3 have lost most of our natural retention. So  
4 where does all that water go? It flows onto the  
5 local highways, and they flood, and we've had  
6 tragic results.

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

9 THE PRESIDENT: Does the sponsor  
10 yield?

11 SENATOR HARCKHAM: Absolutely.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR STEC: Thank you.

14 So back to the area of the maps.

15 Now, it's my understanding that this map that  
16 we're abandoning now has not been updated in  
17 20 years. Which again, that would be certainly a  
18 cause for frustration for landowners and would-be  
19 developers to want to use a resource that the  
20 state has required them to use that hasn't been  
21 updated in 20 years.

22 Now, a lot of technology has changed  
23 in last 20 years. It's my understanding that DEC  
24 has \$400,000 in drone technology that they're  
25 looking to use to look for orphan oil and gas

1 wells. I would think that would be a lot easier  
2 for a drone to spot a wetland, a 15-acre wetland,  
3 than it would be to spot a leaking gas well or a  
4 gas pipe from the air.

5               So my first question on that would  
6 be, wouldn't it be a good use of that resource to  
7 take an investment and make these maps better and  
8 more reliable, rather than, as the legislation  
9 states -- it's just a surrender. Instead of  
10 fixing the maps, the legislation actually reads:  
11 Freshwater wetland maps depict the approximate  
12 location of wetlands and are not necessarily  
13 determinative as to whether a permit is required  
14 pursuant to Section 24-0701 of this article.

15               So the legislation just basically  
16 shrugs its shoulders and says, maps are too  
17 difficult to use, we don't want to use the maps.  
18 But why not use the current technology and invest  
19 in that and produce a set of maps that people can  
20 rely on and point to rather than an individual  
21 biologist's look, depending on is he looking in  
22 March or is he looking in September. Which  
23 biologist is it that's coming there to the site?  
24 Does he see the plant that day, and a different  
25 biologist sees plant -- why aren't we using the

1     technology and making something that's consistent  
2     and repeatable and predictable, as opposed to  
3     arbitrary to an individual DEC staff member that  
4     we may not have enough DEC staff members to  
5     accommodate a 50 percent increase in the amount  
6     of wetlands that we're trying to regulate in the  
7     State of New York?

8                     SENATOR HARCKHAM:     Through you,  
9     Mr. President. I would agree with you, Senator,  
10    that the maps are out of date. But part of the  
11    whole point of this legislation is to update the  
12    maps -- as we said, fish and wildlife service,  
13    satellite data.

14                    And in fact, Section 5 reads: By  
15    January 1, 2025, in addition to any ongoing  
16    aerial photography, soil surveys or field  
17    verification being conducted by the department,  
18    the department shall accept -- shall accept  
19    information from federal government sources,  
20    other state sources, local governments, colleges,  
21    universities, environmental organizations or  
22    other private agencies regarding the localities  
23    of freshwater wetlands.

24                    And a big component of that will be  
25    aerial satellite mapping to update what you

1 accurately state are out-of-date maps.

2 SENATOR STEC: Mr. President, will  
3 the sponsor continue to yield, please.

4 THE PRESIDENT: Does the sponsor  
5 yield?

6 SENATOR HARCKHAM: Yes, sir.

7 THE PRESIDENT: The sponsor yields.

8 SENATOR STEC: Thank you. Through  
9 you, Mr. President. So it is my belief, and I  
10 think the belief of a lot of people that I've  
11 heard from over the years on these attempts to  
12 change the definition of a wetland, that this is  
13 going to have a significant fiscal impact to the  
14 DEC. If so, will their budget reflect that?

15 SENATOR HARCKHAM: Through you,  
16 Mr. President, that's another reason why we're  
17 starting this first three years out and then  
18 another three years out after that, is so that  
19 they can properly staff up.

20 So this is not taking effect  
21 tomorrow. The first phase is 2025, and then the  
22 second phase is 2028. So to your point, that  
23 will give DEC time to staff up.

24 SENATOR STEC: Mr. President, if  
25 the sponsor will continue for a few more

1 questions.

2 THE PRESIDENT: Does the sponsor  
3 yield?

4 SENATOR HARCKHAM: Absolutely.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR STEC: Thank you,  
7 Mr. President. Through you.

8 So turning now to the definition of  
9 "unusual importance." So, I mean, a freshwater  
10 wetlands regardless of size -- regardless of  
11 size -- that possesses one or more of the  
12 following characteristics, and then it lists  
13 several under the letter G.

14 Is a vernal pool that is known to be  
15 productive for amphibian breeding. Maybe a lot  
16 of people don't know what the definition of a  
17 vernal pool is. Could you define "vernal pool,"  
18 please?

19 SENATOR HARCKHAM: Yeah, a vernal  
20 pool is often adjacent to a wetland that is not  
21 wet all of the year, it is wet part of the year.  
22 And it is very often a breeding ground for high  
23 levels of biodiversity, which is why they are  
24 important.

25 But obviously they would need to be



1 adjacent to part of a 7.4-acre wetland parcel.  
2 You know, this is not about going around New York  
3 State with satellites and locating a vernal pool  
4 the size of one of our desks. This would be  
5 associated with one of these wetlands of  
6 7.4 acres or more.

7 SENATOR STEC: Mr. President, if  
8 the sponsor would yield.

9 THE PRESIDENT: Does the sponsor  
10 yield?

11 SENATOR HARCKHAM: Absolutely.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR STEC: Thank you.

14 So a vernal pool is a puddle after a  
15 rainfall. It's not there all the time, and now  
16 it's there. Of any size. So, I mean, a  
17 freshwater wetland regardless of size. So heavy  
18 rain, wet time of the year, there's a puddle  
19 there now -- a puddle the size of this room, a  
20 puddle the size of a kitchen table of any size --  
21 that's a vernal pool, right?

22 SENATOR HARCKHAM: Mr. President,  
23 through you, I would disagree with that and the  
24 science disagrees with that.

25 A vernal pool is not a puddle, it is

1 a seasonal ecosystem in and of itself. You can  
2 have what you referred to as a puddle, and it is  
3 a puddle and it's not regulated. But if there  
4 are areas that have seasonal wetness with certain  
5 levels of the biodiversity, the biologists could  
6 define that as a vernal pool.

7 There's a difference between a  
8 vernal pool and a puddle. And the reason that  
9 the state is getting involved in this is you  
10 remember the federal government got out of this  
11 business.

12 SENATOR STEC: Mr. President, if  
13 the sponsor would yield, please.

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR HARCKHAM: Absolutely.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR STEC: All right, so you  
19 brought up the federal government and the  
20 administration. So what is the current  
21 administration doing? I mean, I understand that  
22 maybe a different administration -- are you  
23 saying that the Biden administration doesn't care  
24 about wetlands?

25 SENATOR HARCKHAM: Not -- through

1     you, Mr. President, this bill is silent on what  
2     President Biden is doing.

3                 This is about working with  
4     stakeholders in New York to protect our wetlands,  
5     which are protecting our water sources, which are  
6     providing water capture for flooding, to mitigate  
7     flooding, and also are great aspects of carbon  
8     capture.

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

11                THE PRESIDENT:   Does the sponsor  
12    yield?

13                SENATOR HARCKHAM:   Absolutely.

14                THE PRESIDENT:    The sponsor yields.

15                SENATOR STEC:    Thank you.   Through  
16    you, Mr. President.

17                So the back half of Section QQ talks  
18    a lot about the penalties -- civil penalties,  
19    criminal penalties, a lot of red lighting of  
20    lower numbers and green lighting increasing the  
21    financial fees that people that are found in  
22    violation of this potentially face, increasing in  
23    some instances from \$7,000 to \$10,000 fines.   And  
24    there's criminal allowances here.

25                So with that in mind, my question

1     would be -- now let's just look at a practical  
2     example. If you're a homeowner in a subdivision  
3     in the Adirondacks or downstate in the  
4     Hudson Valley or in Western New York, and you  
5     want to build a shed or an in-law quarters --  
6     because we have that need in our society today to  
7     have more affordable housing for our seniors.  
8     There's been a lot of discussion on that. But  
9     you want to put in a pool, you want to put in a  
10    shed, you want to put an addition on to allow  
11    your in-laws to stay.

12                 Every time a homeowner does work on  
13    a small lot, you could be within a hundred feet  
14    of a vernal pool, a puddle, a seasonal puddle on  
15    somebody else's property. It's not mapped.  
16    There's no drones coming to look at it. You  
17    could easily find yourself in violation of this  
18    section that subjects you to criminal penalties  
19    and fines of up to \$10,000 for a puddle you don't  
20    even know exists on the other side of the  
21    property line, but it's within 100 feet of your  
22    project site. Is that true?

23                 SENATOR HARCKHAM: Through you,  
24    Mr. President, I would disagree with that  
25    assessment.

1                   Number one, as we said before, it  
2                   needs to be adjacent to a wetland of unusual  
3                   importance of 7.4 acres or more. And then the  
4                   regulators will decide -- if something was done,  
5                   you know, benignly, you don't know, I put a shed  
6                   there -- you know, the object of the law is not  
7                   to penalize people. That's why we have a  
8                   three-year period of education after the mapping.  
9                   We have a three-year phase-in so folks can learn  
10                  if there are significant wetlands in their area.

11                  And if it's not a significant  
12                  wetland, there's not an issue.

13                  SENATOR STEC:    Mr. President, on  
14                  the bill.

15                  THE PRESIDENT:   Senator Stec on the  
16                  bill.

17                  SENATOR STEC:    Thank you. I thank  
18                  Senator Harckham for his advocacy, his efforts  
19                  here, and answering my questions.

20                  I completely agree that the current  
21                  system that we have is not working. I hear that  
22                  from -- in my 20 years in local and state  
23                  government, I've heard complaints about wetlands  
24                  and DEC and the APA and what is and isn't and how  
25                  they get used, how regulations get used as a

1     weapon by one neighbor against another neighbor.  
2     And they're vague enough and the maps aren't  
3     accurate enough. And a biologist comes out and,  
4     depending on the time of year that that biologist  
5     comes out, and depending on which biologist shows  
6     up, maybe it isn't a wetland today. Maybe next  
7     week a different biologist looks at it and now  
8     there's a vernal pool there and it is a wetland.

9                 So there's a lot of frustration out  
10    there with the consistency, the predictability,  
11    the fairness, the transparency of our current  
12    regulations. But of course a 20-year-old map  
13    doesn't help that. And what we're doing here is  
14    we're taking an already cumbersome process and  
15    we're going to make it more restrictive, more  
16    difficult, more expensive and more arbitrary and  
17    more confusing for our property owners, for our  
18    economic developers, for our local governments to  
19    have to enforce this, for our ag community.

20                This is a problem in search of a  
21    solution and -- or a solution, rather, in search  
22    of a problem. I think it's excessive regulation,  
23    which of course New York State is well known for.  
24    And for that reason I firmly oppose this section  
25    of the law.

1 Thank you.

2 THE PRESIDENT: Senator Borrello.

3 SENATOR BORRELLO: Mr. President,  
4 will the sponsor yield for some questions on Part  
5 II?

6 THE PRESIDENT: Does the sponsor  
7 yield?

8 SENATOR KRUEGER: Hello again,  
9 Mr. President.

10 THE PRESIDENT: Hello, Liz --  
11 Senator Krueger.

12 SENATOR KRUEGER: I want to thank  
13 Pete Harckham for handling the wetlands issue so  
14 well for me. Thank you, Pete.

15 Hello.

16 THE PRESIDENT: Does the sponsor  
17 yield?

18 SENATOR KRUEGER: Yes, of course.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR BORRELLO: Thank you.  
21 Through you, Mr. President.

22 Part II addresses the authorizing of  
23 a social equity fund for retail cannabis  
24 dispensaries, and it says the Legislature  
25 modifies the Executive proposal to establish a

1 social equity fund to provide financial  
2 assistance to socially and economically  
3 disadvantaged individuals who want to establish a  
4 retail cannabis dispensary. And it has a figure  
5 of \$50 million.

6 Is this part of the \$200 million  
7 fund that the Governor and the Office of Cannabis  
8 Management had proposed earlier?

9 SENATOR KRUEGER: Through you,  
10 Mr. President, yes, that is correct. Fifty  
11 million is through the state, and 150 million is  
12 through private equity.

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

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR KRUEGER: Yes.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR BORRELLO: So you have  
20 \$150 million that is supposed to come from  
21 private equity firms.

22 And the question I have on that is,  
23 you know, a private investment firm, would they  
24 participate in a program like this which would  
25 actually potentially open themselves up to some



1 liability? Because, you know, marijuana is still  
2 illegal at the federal level.

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

5 So technically the private equities  
6 would invest in the properties, not actually the  
7 businesses. So I think that they feel their  
8 liability is not significant.

9 But it goes back to I think a  
10 discussion we had maybe last night of are we  
11 going to have success with cannabis businesses in  
12 this state. And I answered that based on how  
13 many businesspeople and investors kept reaching  
14 out to talk about how they wanted to get involved  
15 in New York, I was fairly confident that this was  
16 going to be successful.

17 And I think the fact that none of us  
18 are particularly concerned that we won't be able  
19 to find partners for this project reinforces my  
20 belief that the business sector isn't  
21 particularly concerned about the federal  
22 questions or liability.

23 Of course, all new businesses  
24 involve risk. But this model that we've created  
25 under the law, the feedback I continue to get is

1       that people are very, very excited about it and  
2       optimistic and want to invest in New York.

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

5               THE PRESIDENT:     Does the sponsor  
6       yield?

7               SENATOR KRUEGER:     Yes.

8               THE PRESIDENT:     The sponsor yields.

9               SENATOR BORRELLO:     So you said this  
10      is a very profitable business, lots of people  
11      want to get involved.  So wouldn't then naturally  
12      just money flow to these things?  What kind of  
13      guarantees is the state going to give to these  
14      private equity firms that are going to invest  
15      \$150 million?  If it's such a wonderful  
16      opportunity, why do we have to do anything like  
17      this?  Why wouldn't that just naturally flow  
18      there?

19              SENATOR KRUEGER:     So when we passed  
20      this law we made a significant commitment in the  
21      law that New York State was not just going to  
22      start cannabis as a legal recreational business  
23      opportunity, but that we were going to invest  
24      from a social equity perspective.  That we were  
25      going to make sure that the communities where the

1 most harm had been done through our criminal  
2 justice policies around cannabis use and our  
3 criminal justice policies that so  
4 disproportionately did harm to young people of  
5 color -- it was going to be an attempt to reverse  
6 that through investment in businesses in these  
7 communities with these same people.

8 That kind of commitment does require  
9 a jump-start of some assistance of investment.  
10 We all know that it is harder to be a start-up  
11 business in almost any field if you don't have a  
12 background of being successful in business  
13 already, or being undercapitalized. And that's  
14 what we learned from all these different states  
15 that have tried and perhaps failed before us,  
16 that they were not willing to capitalize the  
17 beginning of the start-up businesses.

18 So that's a commitment we made in  
19 the law. And I believe that the model that has  
20 been developed -- and appreciate enormously the  
21 Governor's willingness to jump into this, in  
22 coordination with DASNY, who's the agency that we  
23 all know that we go to with issues of can you  
24 meet the standards of bonds, are you going to be  
25 able to pay things back, or can you handle your

1 finances -- that this was very carefully put  
2 together through a very intensive debate among  
3 the Assembly, the Senate, and the Governor and  
4 the Office of Cannabis Management and the  
5 division of DASNY. And we got to a place where  
6 we're all quite sure that this is the model  
7 that's going to get us there.

8 And so no, I don't think if we just  
9 said, okay, let's see what the market does, that  
10 we would get the investment in the targeted  
11 efforts that we have committed to.

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

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR KRUEGER: Yes.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR BORRELLO: So I understand  
19 all that. But, you know, I think a lot of us saw  
20 this \$200 million as a grant program from the  
21 state. I think that's how it was actually  
22 proposed. It was going to be \$200 million from  
23 the state to give those that were disadvantaged  
24 the ability to open up a dispensary.

25 Now we're saying it's \$150 million

1 of private equity money. I've had experience  
2 with private equity money. I can tell you that  
3 these people are not going to be interested in  
4 something unless New York State is guaranteeing  
5 them -- because this is a high-risk venture. You  
6 just got done saying that we're going to give  
7 this money to people that have never operated a  
8 business or have not been successful,  
9 necessarily -- even though it does say you have  
10 to have two years of experience as a  
11 businessperson, but you've never been in this  
12 business, necessarily.

13 So what are we going to -- what is  
14 the state going to guarantee to these private  
15 equity firms? Because to me, a private equity  
16 firm is taking on this level of risk, it's going  
17 to be credit card rates for this kind of money.  
18 It's not going to be something that a state would  
19 normally do, you know, like we had during  
20 pandemic relief where you had low-interest loans,  
21 things like that. I don't think there's going to  
22 be too many private equity firms looking to give  
23 low-interest loans. So what is the state going  
24 to guarantee them?

25 SENATOR KRUEGER: The state is not

1 going to be guaranteeing anything. And this  
2 isn't perhaps the kind of private equity model  
3 that you've been involved with. This is actually  
4 debt funds. And the investors are actually  
5 investing in the properties that will then be  
6 used for cannabis businesses.

7 So -- and if the cannabis business  
8 is not successful, the state may choose to move a  
9 license to a different business or the entity may  
10 decide to withdraw that property. So I just  
11 don't think there's the same level of risk as you  
12 think.

13 And again, this model allows the  
14 state to put less of its own money in to get to  
15 accomplish the same goals we were hoping, which I  
16 would think the Legislature would be very happy  
17 to learn that we're doing a \$200 million program  
18 but it's only costing us \$50 million.

19 And that again -- and this is why it  
20 was so important, I think, to have our partners  
21 at DASNY at the table. DASNY, this is what they  
22 do for a living, so to speak. And they're very  
23 confident that there won't be a problem getting  
24 the investment they need.

25 SENATOR BORRELLO: Mr. President,

1 will the sponsor continue to yield.

2 THE PRESIDENT: Does the sponsor  
3 yield?

4 SENATOR KRUEGER: Yes.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR BORRELLO: Well, so you're  
7 saying, then, that we're going to have then --  
8 the private equity firms are only going to invest  
9 in the physical property, like a building, but  
10 they are not going to have any equity ownership  
11 in the business itself. Right?

12 SENATOR KRUEGER: Right.

13 SENATOR BORRELLO: Okay. So you're  
14 saying that we want to locate some of -- where  
15 we're going to possibly be locating some of these  
16 dispensaries. We've already seen some of our  
17 high-end suburban areas and, you know, rural  
18 towns have opted out. So the majority will be  
19 located in areas that I would say are -- where  
20 many property values and the value of the resale  
21 aren't going to be that great.

22 So you're going to take a private  
23 equity firm and we're going to have them invest  
24 in property that in the end might not be very  
25 valuable to them, especially when it's not

1     actually a dispensary, when it goes from being a  
2     high-value item, we're going to hope -- a  
3     dispensary business -- to something that's just a  
4     vacant piece of property.

5                     I don't understand where the  
6     incentive is for a VC firm or a private equity  
7     firm to step in and do this, especially at this  
8     level, 150 million.

9                     SENATOR KRUEGER:     So I think the  
10    incentive is the interest rate they would earn on  
11    the loan, but we have capped it so that it cannot  
12    get out of control and everybody agrees that it's  
13    a very reasonable rate.

14                    And again, I think that my colleague  
15    and I just fundamentally disagree with whether a  
16    recreational cannabis business or, frankly, a  
17    medical cannabis business is a sound business  
18    investment. Now, I suspect Senator Borrello  
19    won't choose to invest in cannabis businesses,  
20    and that is his right as a citizen and perhaps an  
21    advisor. I know he's in the liquor business.

22                    SENATOR BORRELLO:     I'm barred,  
23    actually.

24                    SENATOR KRUEGER:     Oh, you're right,  
25    you're barred because you are in the liquor



1 business. See, that's why he doesn't like  
2 cannabis.

3 (Laughter.)

4 SENATOR KRUEGER: I'm sorry, that  
5 was inappropriate. I did not mean a personal  
6 stab in any way, shape or form.

7 But I'm not going to invest in  
8 cannabis either, and I'm not barred from it,  
9 because I'm not in liquor either. So people have  
10 different opinions about what they choose to  
11 invest in.

12 But again, I think the real question  
13 before us is, is this a sound model for the State  
14 of New York? And will it ensure that we are  
15 successful in the goals of statutes we have  
16 already passed? And based on the extended  
17 meetings and conversations of my staff over many,  
18 many weeks, and changes that were made, I am very  
19 confident that this is going to be successful.  
20 And far more relevant than me is the feedback we  
21 are getting from the business community that they  
22 are very positive this is going to be successful.

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

25 THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR KRUEGER:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR BORRELLO:    So I want to go  
5       back to the private equity firms.  You said two  
6       things that I think are important.

7                   Number one, you said you think that  
8       they're going to be excited at investing in the  
9       cannabis business, but they're actually not,  
10      they're actually investing in the properties,  
11      much of which is going to be in areas where,  
12      quite frankly, it's going to be difficult for  
13      them, should the business fail, to be able to get  
14      the return on their investment.  Number one.

15                  But you also said they're going to  
16      cap the interest rates.  What's the cap?  How  
17      much is the cap?

18                  SENATOR KRUEGER:     Eight percent  
19      plus prime.

20                  SENATOR BORRELLO:    Prime plus 8?  
21      Maybe I will invest in it.

22                  (Laughter.)

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

25                  THE PRESIDENT:     Does the sponsor

1     yield?

2                   SENATOR KRUEGER:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR BORRELLO:     So prime plus 8,  
5     which is actually a credit card rate.   I was  
6     right about that.

7                   And you're going to have -- someone  
8     has to own this building.   Is the cannabis  
9     dispensary owner the people that have been  
10    disadvantaged?   Are they going to be the owners?  
11    Who's going to be paying that prime-plus-8 rate?

12                   SENATOR KRUEGER:     It allows for all  
13    options.   So the fund could own the building,  
14    they could just do loans for the construction  
15    work.   The business could own the building.

16                   And by the way, when we put licenses  
17    out for this business model, everyone who applies  
18    for a license does not need to go through this  
19    path.   This is a supplemental path to assist  
20    those who need the help.

21                   So it's quite possible that many  
22    people who go into cannabis businesses, whether  
23    it's farming, manufacturing, postproduction --  
24    you know, there's a whole new world of packaging  
25    and creating packaging for cannabis.   That's a

1 new business model -- and hopefully, for us, an  
2 environmentally sound, non-plastic packaging  
3 model.

4 So there's all kinds of licenses and  
5 different people who will choose to get involved,  
6 and they do not have to go down this path.

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: Okay. So we're  
14 going to do prime plus 8 for these people who are  
15 socially disadvantaged, people that may not  
16 necessarily -- I would say a large percentage of  
17 them will be considered high-risk loans to -- are  
18 we going to make them sign a personal guarantee  
19 of any kind?

20 SENATOR KRUEGER: No,  
21 Mr. President, we are not.

22 SENATOR BORRELLO: So there's --  
23 will the sponsor continue to yield.

24 THE PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR KRUEGER:    Yes.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR BORRELLO:   So this is  
4                   essentially going to be an unsecured loan.  
5                   You're going to attract \$150 million of private  
6                   equity money for an unsecured loan -- well, prime  
7                   plus 8 I guess is, you know, credit card rate, so  
8                   that's an unsecured loan.

9                   But you don't think that there's  
10                  going to be any opportunity for these folks to  
11                  get into massive debt in order to -- and if  
12                  they're not -- either one of two things is going  
13                  to happen. They're going to have to get into  
14                  debt in order to do this at prime plus 8, or  
15                  they're really not going to have any obligation  
16                  to actually succeed, because they don't have any  
17                  personal responsibility.

18                  I mean, do we think that's a good  
19                  business model?

20                  SENATOR KRUEGER:    I think we assume  
21                  some people will fail. If you look at the  
22                  restaurant business, I believe in New York City,  
23                  pre-pandemic, the estimate was that of every  
24                  10 new restaurants that open, nine fail within  
25                  the first year. Am I right, is that the number?

1                   SENATOR BORRELLO:    That's about  
2   right nationally.

3                   SENATOR KRUEGER:    Okay.

4                   So yes, like many businesses,  
5   it's -- there are risks involved.  And lots and  
6   lots of businesspeople, even people who are  
7   successful in certain businesses fail at others.  
8   So we do anticipate a failure rate.

9                   What we wanted to do is to try to  
10   make sure that we helped ensure that for a  
11   universe of people who might otherwise never be  
12   able to try to open these kinds of businesses,  
13   that we were going to be helping to give them a  
14   leg up.  Technical assistance, someone else  
15   handling the lease -- because they might not be  
16   able to get a lease if they were just trying to  
17   do it on their own.  Somebody else handling the  
18   specs of rebuilding something, or even perhaps  
19   building from scratch; we haven't crossed that  
20   off as a possibility either.

21                  We wanted to -- revolving  
22   possibility of revolving loan funds, which have  
23   not been addressed yet.  The idea of technical  
24   assistance through various state agencies.  We  
25   really want to make sure we're giving people the

1 opportunity to succeed.

2 But yes, we're fairly sure some will  
3 fail. And again, they can then hand us back the  
4 license and say I'm done, or they can say this  
5 didn't work but maybe I'll try a different  
6 location, if you would consider that. Or perhaps  
7 they will decide that, I don't know, a  
8 manufacturing plant wasn't the right answer for  
9 them, but some other model in cannabis could be.

10 And again, there's medical  
11 marijuana, there's the CBD, hemp world of  
12 cannabis, and the adult recreational. So the mix  
13 and match of possible products for sale and the  
14 models that can be successful -- I'm not sure  
15 even we know what all the storylines will be yet.

16 But what we're saying as a state is  
17 we're serious about this, we're serious about  
18 trying to help folks who might otherwise never  
19 have a chance to get into these businesses and to  
20 be successful in these businesses. We're going  
21 to reach out to you, we're going to provide you  
22 technical assistance, we're going to be prepared  
23 to make an investment in your start-up, and we're  
24 even going to handle a bunch of the more complex  
25 legal issues such as leasing properties, doing

1 mass construction, reconstruction on properties.  
2 We're going to help you along with that, because  
3 we want you to successful.

4 And I know that this chamber talks  
5 all the time about wanting to help small  
6 businesses. And we all recognize that small  
7 businesses actually are the backbone of economic  
8 development and job creation in the State of  
9 New York. And we often talk about being  
10 frustrated that so much of our economic  
11 development programs and funds go to megaprojects  
12 and people who aren't even here in New York.

13 And with this program, these are  
14 New Yorkers. These are New Yorkers who are  
15 willing to take a risk to become legitimate  
16 businesspeople in their communities and to become  
17 exactly those entrepreneurs, start-ups, small  
18 businesses that I think all of us talk about  
19 almost every day wanting to do more for.

20 So I have to say even if you're  
21 still not sure you love the product of cannabis,  
22 there's so many buttons that are pressed with  
23 this model that I think are exactly what the  
24 State of New York and many of us think we ought  
25 to be doing.



1                   SENATOR BORRELLO:    Mr. President,  
2   on the bill.

3                   THE PRESIDENT:    Senator Borrello on  
4   the bill.

5                   SENATOR BORRELLO:    Senator Krueger,  
6   thank you.  Don't get too comfortable.  I have  
7   more questions on something else, though.

8                   You know, I think most of us thought  
9   this \$200 million was going to be a grant  
10   program.  I think that's how it was sold by the  
11   Office of Cannabis Management.  Quite frankly, I  
12   would consider this a bit of a bait-and-switch.  
13   You're talking about \$150 million at prime plus  
14   8, which is essentially credit card rates.  But  
15   then we're also saying we're going to limit  
16   you -- we're going to increase your risk by not  
17   having personal guarantees.  We're going to limit  
18   what you can invest in.  You actually can't  
19   invest in the business, you're only investing in  
20   the property.

21                   I don't see a lot of private equity  
22   firms jumping up and down for this.  So maybe the  
23   state's going to have to provide a little bit  
24   more guarantee of some kind in order for this to  
25   actually work.  I suspect that's going to be the

1 case.

2 Now, at that interest rate, you  
3 certainly are going to have private equity firms  
4 that are willing to take that risk and have a lot  
5 of failures, because they're going to be making a  
6 lot of profit. But isn't this the same group of  
7 people that we've always been concerned about in  
8 the past that have been taking advantage? I  
9 mean, I'm on the Banks Committee. We talk about  
10 this all the time. People in disadvantaged  
11 communities being taken advantage of with usury  
12 rates in order to get funding for things that  
13 they need.

14 The state's now actually involved in  
15 that. We're actually going to be actually  
16 sanctioning high-rate loans to people in  
17 disadvantaged communities so they might have an  
18 opportunity.

19 So if the state really wanted to  
20 give these folks an opportunity, we'd step up --  
21 the whole 200 million, which was originally  
22 promised. Now, I can tell you that I think I  
23 know why that's not the case. It's because the  
24 projections of revenue have plummeted since this  
25 was proposed last year, from \$300 million to

1     \$56 million. So there's not enough money there  
2     to do this. You'd have to give up essentially  
3     the first three years of the state's return on  
4     their investment, if you will, to fund these  
5     things.

6                     So this all goes back to the main  
7     fundamental question, to me: Is this really  
8     going to be a good deal for New Yorkers? Is this  
9     really going to be the panacea that it was sold  
10    as? I don't think it is.

11                    And if the goal was to do that, then  
12    we'd have better numbers. But if the goal was  
13    just we're going to decriminalize marijuana,  
14    we're going to let people grow it at home, we're  
15    not going to have any consequences for the legal  
16    possession of illegal marijuana -- and that's  
17    what we want as New Yorkers, that's the  
18    progressive way -- then fine, that's what it  
19    should have been sold as. Because now we've got  
20    all this convoluted stuff around this program  
21    that was supposed to be so amazing, it was going  
22    to provide so much revenue, so much economic  
23    opportunity, especially for people in  
24    disadvantaged communities.

25                    Well, at prime plus 8, I don't think

1     it's a great investment for a lot of people. And  
2     I would be concerned that these folks are going  
3     to get themselves in over their head. Because  
4     maybe it's not in this part of it, but there's a  
5     lot of other things to operate the business that  
6     are going to require a lot of money and a lot of  
7     investment, and those are the things that could  
8     bury these people.

9                     Because most businesses do indeed  
10    fail. Nine out of 10 fail in the first five  
11    years. And this is not going to be any  
12    different, especially because New York State has  
13    allowed the illegal market, the black market, to  
14    boom. Which is going to make the profitable  
15    legal business a challenge.

16                    So, Mr. President, I'm skeptical at  
17    best. Thank you.

18                    THE PRESIDENT:    You have more  
19    questions?

20                    SENATOR BORRELLO:   A different --  
21    different topic.

22                    THE PRESIDENT:    That's fine.  
23    Just -- will the sponsor just --

24                    SENATOR BORRELLO:   Will the sponsor  
25    continue to yield?

1                   THE PRESIDENT:    Does the sponsor  
2     yield?

3                   SENATOR KRUEGER:    Surely.

4                   THE PRESIDENT:    The sponsor yields.

5                   SENATOR BORRELLO:   I just want to  
6     speak a little about the bond act.  I have a  
7     couple of questions on the bond act.

8                   So the original bond act that the  
9     Governor proposed was \$3 billion -- I'm sorry,  
10    the environmental bond act, to be specific.  And  
11    this has now been bumped up to 4.2 billion;  
12    correct?

13                  So my first question on this is the  
14    bond act provides a suballocation of about  
15    \$500 million for school buses and infrastructure.  
16    Is there any protection for smaller, poorer  
17    school districts that might need a lot more money  
18    to transform their fleet to electric?

19                  SENATOR KRUEGER:    So yes,  
20    500 million to -- for electric school buses,  
21    non-diesel school buses, yes.

22                  And yes, there's a recognition that  
23    different school districts have different models  
24    now for leasing or owning school buses and that  
25    we'll need to be making adjustments for that.

1           The recognition that there may be  
2           significant economies of scale if the state is  
3           doing its own research and even purchasing of  
4           buses for school districts. So that's open to  
5           that possibility.

6           We're -- 35 percent is committed to  
7           disadvantaged communities -- oh, sorry. Because  
8           we passed that fabulous CLCPA, it requires us,  
9           for any of these climate change actions moving  
10          forward, to require that 35 percent of all  
11          spending is specific to disadvantaged  
12          communities. So that would apply also with the  
13          school buses question.

14          They do not all have to convert  
15          within X number of years. It's just that new  
16          buses that are being purchased or leased have to  
17          be electric by 2027.

18          SENATOR BORRELLO: 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 BORRELLO: So the one-house  
25          budget included funding for municipal buses to be

1     electrified, but it looks like this enacted  
2     budget's going to only be limited to school  
3     buses. But, you know, there's fewer public  
4     transit systems, and they're likely a much higher  
5     source of emissions because they're running 24/7  
6     in many cases.

7                     Wouldn't we try to rather upgrade  
8     them first to zero emissions? Because, you know,  
9     you're talking about tackling 600-plus school  
10    districts in the state. This would be less  
11    entities that are likely producing more  
12    emissions. Wouldn't we be better off doing that  
13    first?

14                    SENATOR KRUEGER:    So I certainly  
15    would have liked to do both, but we had a  
16    limitation on money. Because I think in our  
17    one-house we were doing both, actually. And so  
18    one got knocked out.

19                    But I think there is almost  
20    universal agreement that the importance of making  
21    sure that we have a statewide system of  
22    non-polluting school buses is crucial to every  
23    community in the state.

24                    Now, when you're talking about mass  
25    transit for bus systems overall, we still believe

1 we can be moving forward through the MTA, our  
2 largest regional mass transit system, to move  
3 them to non-polluting buses with not necessarily  
4 having to go through this bond act.

5 SENATOR BORRELLO: Thank you.

6 Mr. President, will the sponsor  
7 continue to yield?

8 THE PRESIDENT: Does the sponsor  
9 yield?

10 SENATOR KRUEGER: Yes.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR KRUEGER: Of course, sorry.

13 SENATOR BORRELLO: So the last  
14 question on this. The bond act also provides  
15 about \$400 million for upgrading buildings to  
16 reduce their carbon output.

17 But NYSERDA also has a similar  
18 program, with an annual budget of 1.7 billion  
19 annually. Wouldn't it make sense to just direct  
20 NYSERDA, which has a much larger fund -- that's  
21 funded by ratepayers, actually, not by taxpayers.  
22 You know, they can return more in the form of tax  
23 credits and so forth. Wouldn't it just be easier  
24 and better for them to just take a fraction of  
25 the percentage and have NYSERDA do it?



1                   SENATOR KRUEGER:    So the money  
2    through the bond act is for capital.  And the  
3    programs through NYSERDA are not generally  
4    capital funds, they are reimbursements to -- or  
5    grants to personal homes or businesses.

6                   So I don't think that the question  
7    is could one replace the other, because the truth  
8    is when you look at our problems of  
9    overcarbonization, it's buildings.  Buildings and  
10   vehicles, those are our two major problems that  
11   we need to be addressing.

12                  And NYSERDA itself has a report  
13   showing that we really need \$10 billion a year of  
14   capital commitments to our climate change agenda  
15   to meet our targets.  So I don't think talking  
16   about reducing one activity versus another is the  
17   direction the state needs to go.  I would  
18   actually argue we need to be moving further  
19   faster.

20                  And I wish that we had more capital  
21   money to put in through both sets of programs to  
22   accomplish our goals.  Because truthfully, the  
23   faster we move to electric vehicles, the faster  
24   we move to decrease carbonization coming out of  
25   our buildings, the sooner we get to the solution

1 to the problem Jim Tedisco and I were discussing  
2 last night: What are we doing about the price of  
3 gas?

4 Because here's the truth. The price  
5 of gas is going to keep going up as we have to  
6 get off of it, and we are being held basically  
7 hostage by dictators of oil companies around the  
8 world, and oil countries around the world, and so  
9 we need to get off of fossil fuels as fast as  
10 possible. We need to be making these  
11 investments, because that's the only way we  
12 actually are going to not just save money for our  
13 consumers, but also save our planet.

14 SENATOR BORRELLO: Mr. President,  
15 on the bill.

16 THE PRESIDENT: Senator Borrello on  
17 the bill.

18 SENATOR BORRELLO: Thanks once  
19 again, Senator Krueger.

20 You mentioned that this whole idea  
21 of going to electrification of everything is  
22 going to be the solution to us decarbonizing.  
23 But I would argue that's just not the case.  
24 Because the reality is New York is importing more  
25 and more power than it ever has from other

1 states. In fact, where I'm from, most of the  
2 electricity -- which used to come locally, that  
3 was produced in New York State by two NRG plants,  
4 both of which were supposed to be repowered with  
5 natural gas, which is a much larger -- much  
6 smaller carbon footprint than coal, those plants  
7 have been shut down and we're now importing power  
8 from a place in Homer City, Pennsylvania, which  
9 is a 60-year-old dirty cut power plant -- dirty  
10 coal power plant.

11 So I would argue that instead of  
12 repowering the plant, which was promised by  
13 Governor Cuomo and then rescinded, it would have  
14 meant a much smaller carbon footprint. But  
15 there's more and more issues like this, because  
16 every day we are building new transmission lines  
17 to import power from largely coal plants. So  
18 really what this is is it's not actually an  
19 attempt to really decarbonize New York, it's just  
20 a shift where the carbon's being produced, where  
21 the pollution and the greenhouse gas emissions  
22 are coming from.

23 But we're told this is global  
24 climate change, so does it matter if the carbon  
25 emissions are being done in New York or in

1 neighboring Pennsylvania or Ohio or Ontario or  
2 wherever else that we're importing power from --  
3 a record amount of power. So really what this is  
4 is a shell game. It's a shell game to pretend  
5 that we're doing something about climate change.

6           And the fact is we don't have the  
7 resources to increase our electricity capacity in  
8 New York State. We've shut down nuclear plants,  
9 we've stopped the import of natural gas and the  
10 powering of natural gas, which is abundant in  
11 New York State. Which, again, would have been a  
12 great way -- a great bridge fuel to bridge us to  
13 eventually, when the technology catches up, to  
14 something that's completely renewable.

15           But we're not doing that. We're  
16 just going to pretend, and we're going to keep  
17 importing more power and we're going to ramp up  
18 places like Homer City, Pennsylvania, that is  
19 spewing pollution into the air, to supply the  
20 power that's needed largely in New York City.  
21 Because where I live, 88 percent of our power is  
22 already clean and green and renewable, because we  
23 have a lot of hydroelectric power. We're the  
24 third-largest producer of hydroelectric power in  
25 America, as a matter of fact.

1                   We're not the problem, quite  
2                   frankly, where I live. The problem is in  
3                   New York City. So either you're going to use  
4                   less electricity or you're going to continue to  
5                   pretend that things like this, this \$4.2 billion  
6                   bond act, is actually going to do something about  
7                   it. Unfortunately, it's not. But we can  
8                   continue to pretend we're doing something about  
9                   it.

10                   Thank you, Mr. President.

11                   THE PRESIDENT: Senator Martucci on  
12                   the bill.

13                   SENATOR MARTUCCI: Thank you,  
14                   Mr. President. On the bill.

15                   So I just want to take a moment to  
16                   call out several provisions in this bill that  
17                   weren't praised. One of them is, at long last,  
18                   the repeal of the DOT right-of-way fee.

19                   You know, broadband connectivity is  
20                   a struggle for so many people, so many people in  
21                   my district. And the pandemic has highlighted a  
22                   lot of things, but certainly the importance of  
23                   being able to work and attend school from home.  
24                   And in the places that I represent and in many  
25                   places that my colleagues represent, broadband

1 still remains a tremendous struggle today.

2 And the DOT right-of-way tax that  
3 was imposed by our former governor was one of the  
4 biggest obstacles to finally closing this gap and  
5 addressing the problem in a big way.

6 I'm a businessperson, and  
7 businesspeople in business study market trends  
8 and look at signals to really determine where  
9 they're going to make investments. And in this  
10 case, in the past, this state and this body have  
11 sent a very clear market signal that broadband  
12 expansion wasn't wanted here, by taxes like this.

13 So today I'm glad because all of our  
14 constituents are going to win. We're going to  
15 walk this back, and we're going to finally put  
16 our money where our mouth is and head in the  
17 right direction.

18 The Republican Conference all voted  
19 against this provision when it was originally  
20 presented in this body several years ago, and  
21 since it was enacted we've been speaking out  
22 strongly against this. So I guess today it sort  
23 of is a degree of vindication. Nothing says mea  
24 culpa like repealing a provision of the law. So  
25 that is certainly a big win.

1 I want to thank my colleagues on  
2 both sides of the aisle. I want to thank  
3 Governor Hochul for finally getting behind this  
4 repeal and getting it done today, and certainly  
5 the tremendous work of Senator O'Mara and  
6 Senator Ortt in particular, who have been leading  
7 on this issue.

8 You know, finally, I want to thank  
9 the broadband providers and the advocates because  
10 I don't think we'd be here today if it wasn't for  
11 key people educating us on this issue. I know  
12 when I came here, I knew very little about it.

13 And specifically Dave Lamendola --  
14 who I know many of us know -- from Verizon has  
15 been leading on this issue, helping folks in this  
16 body understand how important it is that we take  
17 these steps to repeal this. So Dave deserves a  
18 great deal of credit.

19 And others, folks like Paul Zuber  
20 from the Business Council, other pro-growth  
21 groups that have been calling out what a problem  
22 this is. So I think that that's certainly -- all  
23 very good things.

24 I also want to say that the labor  
25 language included here, these are great things.

1     The expansion of PLAs and prevailing wage,  
2     particularly to the green energy projects -- huge  
3     step in the right direction. We should have been  
4     doing this a long time ago. I'm glad to see  
5     we're doing it today.

6                     And while I do associate myself with  
7     the comments of my colleagues with respect to  
8     some problematic issues -- certainly a couple of  
9     concerns that are sort of very technical concerns  
10    about some of the things presented in this  
11    bill -- I do like the overall direction of the  
12    environmental bond act, the fact that we're  
13    making strong strides to protect the environment  
14    and protect open space, and in particular taking  
15    big steps to protect our environment, though I do  
16    hold some concerns with other provisions of this  
17    bill in that respect.

18                    So, you know, I guess I'll end by  
19    saying lobbyists oftentimes get a bad name around  
20    here, and rightfully so. However, in this  
21    particular case there have been several leaders  
22    not only in this chamber but outside of this  
23    chamber that have brought us to this point, and  
24    this is a really great point to be at with  
25    respect to broadband buildout and labor issues



1 and environmental issues.

2 So I thank you for your indulgence,  
3 Mr. President.

4 THE PRESIDENT: Senator Oberacker.

5 SENATOR OBERACKER: Thank you,  
6 Mr. President. I was wondering if I could ask  
7 one more question on the Part MMM to the bill's  
8 sponsor.

9 THE PRESIDENT: Does the sponsor  
10 yield? Senator Krueger, do you yield?

11 SENATOR KRUEGER: Excuse me,  
12 Mr. President. Of course.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR OBERACKER: Thank you.

15 So again, just so that I'm clear,  
16 this question specifically deals with the PLAs.  
17 So on the part that we're talking about, this  
18 bill seems to steer an incredible amount of money  
19 towards projects with PLAs. Can you tell me what  
20 percentage of the construction workforce is or  
21 would be unionized?

22 SENATOR KRUEGER: Through you,  
23 Mr. President, it's not a requirement of the  
24 bill, so we really don't know how much of the  
25 workforce will end up being unionized.

1                   SENATOR OBERACKER:    Thank you.

2                   Through you, Mr. President, would  
3 the sponsor continue to yield.

4                   THE PRESIDENT:    Does the sponsor  
5 yield?

6                   SENATOR KRUEGER:    Yes indeed.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR OBERACKER:    Thank you.

9                   So given that 75 percent of New York  
10 State construction is nonunion, how would the PLA  
11 requirement impact local jobs?

12                  SENATOR KRUEGER:    I'm sorry,  
13 Mr. President, can you show us where there's a  
14 PLA requirement in the bond -- excuse me, in the  
15 broadband proposal?

16                  SENATOR OBERACKER:    So yeah,  
17 through you, Mr. President. Through the  
18 Infrastructure Investment Act, it requires a  
19 projected labor agreement for all projects. And  
20 so I'm just wondering -- my concern is that is  
21 this going to again, in some way, shape or form,  
22 either slow down and/or impact cost-wise the  
23 projects moving forward?

24                  SENATOR KRUEGER:    Could you cite  
25 the page and the section to us? Because we're

1 not sure the reference is to the broadband  
2 section of the bill. Sorry.

3 SENATOR OBERACKER: So through you,  
4 Mr. President, where I'm looking at, this would  
5 be in the Part AA, the Infrastructure Investment  
6 Act, and in Part OO, in the Clean Water, Air and  
7 Green Jobs Bond Act.

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

10 So the first reference is actually  
11 to the section that applies to design-build, not  
12 to the broadband. So let's answer that first.

13 So if in design-build, if the  
14 project is more than \$25 million, they would have  
15 to use a PLA. Otherwise, they could not use the  
16 design-build option for themselves.

17 SENATOR OBERACKER: Thank you.

18 That's all I have, Mr. President,  
19 thank you.

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

22 Seeing and hearing none, debate is  
23 closed.

24 I'm sorry, Senator Mattera, would  
25 you like to speak on the bill?

1                   SENATOR MATTERA:    Yes.  No,  
2   actually I'd like to speak -- yes, speak on the  
3   bill.  No questions.

4                   THE PRESIDENT:    Senator Mattera on  
5   the bill.

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

8                   I'm very, very pleased to be here  
9   today about this bill, especially about the Part  
10  AA with the project labor agreement language.

11                   You know, me as a labor leader for  
12  20 years, being 41 years in Plumbers Local 200,  
13  project labor agreements are so, so important for  
14  all workers.

15                   You know, one thing I've been --  
16  when I go to projects, I see out-of-state  
17  workforce coming into our area and taking our  
18  jobs away.  And I always say local jobs for local  
19  people and how important that is, because that  
20  helps a whole local economy for all of us -- for  
21  people -- for our members and people to go spend  
22  money locally.

23                   This is so, so important that this  
24  project labor agreement is in this bill, and I am  
25  very, very proud to say that I am in favor and I

1 vote aye.

2 Thank you.

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

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

7 Read the last section.

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

10 THE PRESIDENT: Call the roll.

11 (The Secretary called the roll.)

12 THE PRESIDENT: Senator Cleare to  
13 explain her vote.

14 SENATOR CLEARE: I rise in support  
15 of TED Part Q, which contains the sum and  
16 substance of my bill, S8083A, which ensures that  
17 incarcerated individuals are provided with the  
18 affirmative opportunity to secure nondriver  
19 DMV-issued I.D. cards before they are released.

20 The purpose of incarceration is  
21 rehabilitation and growth. Our entire system  
22 should be directed towards those moral ends.  
23 What my bill and Part Q does is proactively solve  
24 a persistent challenge for those reintegrating  
25 into society, supplying them with a state-issued

1 I.D.

2 When you are released from  
3 incarceration, often the world around you has  
4 changed significantly. You now have new  
5 challenges in front of you, obligations to family  
6 and friends, and sometimes post-release  
7 supervision to follow. Navigating the hurdles to  
8 obtain a nondriver I.D. can be a difficult task  
9 for anyone to accomplish, let alone for someone  
10 leaving prison with only the clothes on one's  
11 back.

12 If we are interested in moving  
13 individuals to successful reentry, it only makes  
14 sense that we provide them with a state-issued  
15 I.D. Who better than the state to identify an  
16 individual?

17 An I.D. is needed for so many things  
18 in life -- housing, employment, medical care,  
19 banking, access to social services, and more.  
20 The bill provides -- this bill provides a basic  
21 step towards a healthy new beginning for released  
22 individuals, and I am elated that we are passing  
23 it.

24 Thank you to my floor counsel,  
25 Adriele Douglas. Thank you so much for your hard

1 work on this, and all the other staff for making  
2 it your mission to get this done.

3 Thank you.

4 THE PRESIDENT: Senator Cleare to  
5 be recorded in the affirmative.

6 Senator Ryan to explain his vote.

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

9 So many great things in this section  
10 of the budget, including the wetlands protections  
11 that we have been looking for in New York State  
12 for a generation. So congratulations to the hard  
13 work that went into pushing this across the line.

14 Really happy to see that the WIRED  
15 Broadband Act was included in this section of the  
16 budget. Over 100,000 New Yorkers have no  
17 consistent or no ability to connect to internet.  
18 Two hundred thousand New Yorkers have internet,  
19 but it's not high speed. It's the sort of, you  
20 know, old-fashioned internet that doesn't work on  
21 most days.

22 But with the infusion of federal  
23 money, we have a chance to get it right. This is  
24 our one shot. We've spent a lot of money over  
25 the last few years on trying to improve

1 broadband. Guess what? It really hasn't moved  
2 the needle too much.

3 So with this, we're able to get a  
4 good, consistent connectivity for all  
5 New Yorkers. It's a comprehensive plan, and it's  
6 utilizing the federal money that's come through  
7 the stimulus program, a match with the state  
8 funding in a manner that's going to be both  
9 efficient and transparent.

10 The proposal creates the Advisory  
11 Council on Broadband Development, so it's just  
12 going to work it through. We're not just saying,  
13 you know, here's over a billion dollars, go have  
14 at it. We've done that over the last three  
15 gubernatorial terms, and it hasn't worked.

16 So it's going to be more than  
17 delivering us broadband. We're going to have  
18 hidden benefits in there, right? So there's  
19 transparency in there, and we're going to connect  
20 a lot of homes to broadband. But we're going to  
21 make sure that we can also inject high-road  
22 economic principles into that.

23 You know, what does that mean?  
24 Well, we're going to use the broadband money as  
25 part of training the workforce for tomorrow.



1 High-tech jobs are necessary to connect the  
2 broadband.

3 This doesn't just happen in an  
4 unregulated place; this happens through  
5 regulations. So there will be labor standards  
6 and wage protections associated with this act.  
7 So when this money flows through, it won't be  
8 part of the race to the bottom, where we pay  
9 people the least amount possible to get the work  
10 done, and they may go back to another state --  
11 then we're left with a bad product and no trained  
12 workforce.

13 So this bill is very comprehensive.  
14 It has reporting requirements. There's municipal  
15 authorizations, there's wage standards. And the  
16 best part about it is the full prevailing wages  
17 for both private and private municipal, no  
18 exceptions. We're going to have, at the end of  
19 this, a much better broadband connectivity,  
20 whether you live in a rural area that has no  
21 broadband or you live in an urban area where it's  
22 spotty.

23 This is the step forward. This is  
24 one part of the great budget. And Mr. President,  
25 I'm proud to cast my vote in the affirmative.

1                   THE PRESIDENT:     Senator Ryan to be  
2 recorded in the affirmative.

3                   Senator Harckham to explain his  
4 vote.

5                   SENATOR HARCKHAM:     Thank you very  
6 much, Mr. President.

7                   I join colleagues in saying there  
8 are a lot of good things in this bill. I just  
9 want to focus on a couple. And I want to thank  
10 my friend and colleague Senator Jackson for  
11 reminding me I did indeed have two hours of sleep  
12 and said 2005 and 2008 instead of 2025 and 2028.  
13 So best-laid plans.

14                  I want to thank my colleague for a  
15 spirited debate and for asking some really  
16 pointed questions. And it's true, we have had  
17 deficient maps for the last 20 years, and that is  
18 a point of this entire bill.

19                  The question is, can we afford to do  
20 this? The real point is we cannot afford not to  
21 do this. Our freshwater bodies are compromised.  
22 It's impacting the water quality. My district,  
23 as I mentioned before, which provides half the  
24 drinking water for New York City, our  
25 municipalities are now paying \$65 million to

1       recreate wetlands to protect these reservoirs  
2       that nature used to do.

3               So I'm just so thankful for  
4       colleagues supporting this measure. Also  
5       thankful for Chairman Englebright, in the  
6       Assembly, and for the Governor and everyone's  
7       teams coming together on this.

8               The other thing I want to touch on  
9       are the issue of the electric buses in the bond  
10      act. This is a huge win, especially for the  
11      kids. Kids who ride school buses breathe in  
12      15 times more harmful pollutants than people who  
13      don't ride school buses.

14              Oftentimes this impacts our  
15      environmental justice communities, which have  
16      much higher instances of asthma, respiratory  
17      disease, heart disease -- and it's because of the  
18      diesel fumes and the particulates.

19              But I think we also need to look at  
20      jobs. This is not just about improving our  
21      environment and our climate, which obviously we  
22      are striving to do. We are going to be creating  
23      good-paying jobs right here in New York State.  
24      And electronic technology is cheaper. It is now  
25      cheaper to produce a kilowatt of electricity

1 through wind and solar than it is through  
2 carbon-based technologies.

3 So there are a lot of wins in this  
4 budget, and I'm really proud to support this  
5 section of it. I vote aye.

6 THE PRESIDENT: Senator Harckham to  
7 be recorded in the affirmative.

8 Senator Skoufis to explain his vote.

9 SENATOR SKOUFIS: Thank you very  
10 much, Mr. President.

11 No budget is perfect. This budget's  
12 not perfect. Any of my previous nine budgets  
13 I've been in the State Legislature and have  
14 worked on have not been perfect. And we can  
15 nitpick all day: This item, that item is not  
16 what I want it to be, it does not go far enough.  
17 And we've heard a lot of that over the past  
18 24 hours or so.

19 But let's not lose sight of the fact  
20 that this budget will transform the lives of  
21 millions of average New Yorkers. And  
22 New Yorkers, Americans, citizens do not expect  
23 government to solve all their problems. They  
24 don't want government to solve all their  
25 problems. But they do want government to be

1 responsive, and they want government to try and  
2 help them a little bit with their problems.

3 And so what this budget does will  
4 allow millions of New Yorkers to get better home  
5 care, to get better childcare, to get for the  
6 first time UPK, four-year-olds attending  
7 prekindergarten. Billions of dollars will be  
8 coming to repave roads and repair bridges in the  
9 Hudson Valley. We are going to be providing  
10 relief at the pump, providing relief with income  
11 tax cuts, providing relief with property tax  
12 rebates.

13 These are meaningful, meaningful  
14 items for millions of New Yorkers that helps  
15 restore the trust in state government that's so  
16 desperately needed.

17 And so I'm proud to support this  
18 bill. I'm proud to have the Majority Leader  
19 leading the way, as usual, to make sure that  
20 we're getting these important items across the  
21 finish line.

22 But I want to really focus on one  
23 that has not been talked about all too much, and  
24 that is we have for the first time a provision in  
25 this budget that will audit every single economic

1 development tax incentive in New York State.

2 And I and many colleagues -- this  
3 side of the aisle and that side of the aisle --  
4 every year have gone on and on, rightfully so,  
5 about how we spend billions and billions and  
6 billions of dollars on projects and other  
7 incentives that are not held to account. We have  
8 no idea whether we're getting a return on  
9 investment. We have no idea whether those are  
10 worthwhile investments.

11 And for the first time now, we are  
12 going to know what works, what doesn't work, and  
13 fix what doesn't work on behalf of our taxpayers.

14 I want to thank my colleagues for  
15 their support around that provision. I want to  
16 thank the Majority Leader for an outstanding  
17 budget that will impact, in a very meaningful  
18 way, millions of New Yorkers.

19 I vote aye. Thank you.

20 THE PRESIDENT: Senator Skoufis to  
21 be recorded in the affirmative.

22 Senator May to explain her vote.

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

25 I also will vote aye on this bill.

1 And I want to single out two components of it  
2 that I think are really important.

3 Senator Ryan talked about the  
4 broadband. I want to focus on one piece of that  
5 WIRED Act that supports municipal broadband,  
6 because this is something that has helped  
7 communities around the country, around the world,  
8 to not only assure access but to promote  
9 prosperity in those communities. And I hope that  
10 we will get more municipal broadband in this  
11 state as a result of this bill.

12 And I want to congratulate Senator  
13 Harckham on moving the wetlands bill to this  
14 point, because this is absolutely critical.  
15 Three hundred years ago, on the shore of Onondaga  
16 Lake there was enormous wetland. It was a scene  
17 of incredible biodiversity, and it was the center  
18 of one of the greatest civilizations on earth,  
19 the Haudenosaunee Confederacy.

20 When Syracuse grew up in that area,  
21 the first thing that people did was drain the  
22 swamp. And honestly, Syracuse, much as I love  
23 the city, I think we have regretted it ever  
24 since. Because we still have flooding in those  
25 areas. We still have a whole region around the

1 lake where it's hard to build, it's hard to  
2 develop that area because the ground just isn't  
3 appropriate to it.

4 And if we had -- if the original  
5 developers of Syracuse had recognized the value  
6 of those wetlands, I think our city would look  
7 different, our region would have a different kind  
8 of ecosystem and much more resilience than we  
9 have now. So this bill is going to help us  
10 understand the value of wetlands and make sure  
11 that we preserve them.

12 So I'm again grateful to  
13 Senator Harckham, to the leadership for making  
14 this happen. I vote aye.

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

17 Senator Mannion to explain his vote.  
18 Senator Mannion not to explain his vote.

19 SENATOR MANNION: I will, thank you.  
20 Thank you, Mr. President. I appreciate --

21 THE PRESIDENT: Senator Mannion  
22 will explain his vote.

23 SENATOR MANNION: Yes, I must have  
24 winked or something there, so ...

25 I just want to say this, that in the



1 area that I represent, we have substantial  
2 flooding in an area that is -- in tributaries  
3 that feed the Erie Canal and the surrounding  
4 region. It's a beautiful area. It's a wonderful  
5 area. I was proud to advance a bill last year,  
6 and signed into law, creating the Flood  
7 Mitigation Task Force. And I am hopeful that  
8 many of the dollars that are secured, either in  
9 the clean water section or within the  
10 environmental bond act, goes to helping the good  
11 people of Cross Lake and the Seneca River to make  
12 sure that we protect them in every way that we  
13 can.

14 I proudly, for this reason and  
15 others, vote aye. Thank you, Mr. President.

16 THE PRESIDENT: Senator Mannion to  
17 be recorded in the affirmative.

18 Senator Ramos to explain her vote.

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

21 You know, it's not just the wetland  
22 maps that were wrong, it's also the flood maps.  
23 And that was a hard-learned lesson by my  
24 neighbors in East Elmhurst back in Queens.  
25 Hurricane Ida really took a toll. It was also

1 the epicenter of the epicenter of the pandemic.

2 And seeing that we are actually  
3 allocating funding for our school districts to  
4 have some wastewater infrastructure is actually  
5 going to go a long way to helping protect my  
6 neighbors and their homes. We need all the flood  
7 protection we can get.

8 And, you know, overall the reason  
9 I'm voting aye on this bill is because we are  
10 making a priority out of the infrastructure  
11 upgrades that need to be made. And I think that,  
12 you know, most if not all of us should be in  
13 agreement on that. We are in a desperate need  
14 for a Green New Deal, for green jobs, and they  
15 have to be done the right way.

16 It's not only the infrastructure  
17 that keeps us connected, our roads and bridges,  
18 but it's also broadband. And doing these from a  
19 point of view with project labor agreements,  
20 making sure that we are creating good jobs, union  
21 jobs, which we know are the best vehicle to the  
22 middle class, is critical for environmental  
23 justice communities like the ones I represent in  
24 the Northwest Queens waterfront.

25 So I'm thankful for my leader, I'm

1       thankful for my colleagues. We should be very  
2       proud of what we were able to do in this TEDE  
3       bill. And I vote aye, Mr. President.

4                     Thank you.

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

7                     Senator Hoylman to explain his vote.

8                     SENATOR HOYLMAN:   Thank you,  
9       Mr. President. I rise to explain my vote in the  
10      affirmative.

11                    This bill contains two items that  
12      are of particular importance to my constituents  
13      and the arts community in my district. It's a  
14      \$220 billion budget, but it's sometimes the small  
15      things that matter most to our constituents.

16                    And as the Senator who represents  
17      Broadway and many independent music venues like  
18      the Blue Note, Smalls, The Village Vanguard and  
19      Birdland, I'm very happy to say that this  
20      legislation is going to be creating the Small  
21      Business Seed Funding Grant Program.

22                    And we've secured language in this  
23      bill that will ensure that independent arts  
24      workers, like touring musicians, are able to  
25      meaningfully access this funding.

1                   During the first year of the  
2                   pandemic, the federal government wisely expanded  
3                   unemployment insurance to cover independent  
4                   contractors and gig workers, which was the only  
5                   way many musicians and artists in my district --  
6                   the original gig workers -- were able to survive.

7                   Unfortunately, that program ended  
8                   last year. And while many independent  
9                   contractors in other businesses were able to get  
10                  back to work through virtual means or other  
11                  adaptations to safely operate in COVID, those in  
12                  the entertainment industry, and particularly  
13                  touring musicians, continued to face the  
14                  devastating effects of the Delta and Omicron  
15                  waves.

16                 Unlike many other industries, if a  
17                 single member of a band gets COVID, the rest of  
18                 the band cannot simply pick up the slack. One  
19                 person getting COVID can derail an entire tour,  
20                 resulting in lost revenues and unrecoverable sunk  
21                 costs. That's why we needed special recognition  
22                 for these workers.

23                 This bill is going to allow  
24                 independent arts contractors, including touring  
25                 musicians, to recover costs incurred and revenues

1       lost due to COVID-19 through January 1, 2022.

2               We've also secured commitments from  
3       Empire State Development to clarify and  
4       streamline requirements for the existing Small  
5       Business Recovery Grant Program, which we  
6       established last year, to ensure that touring  
7       musicians and other arts workers can access that  
8       funding.

9               So I want to thank Majority Leader  
10       Andrea Stewart-Cousins, Shontell Smith,  
11       Emma Wallach, and Eric Katz for their assistance  
12       in securing this lifeline, this lifeline for my  
13       constituents.

14              I also want to thank the Hochul  
15       administration and Empire State Development for  
16       working with us to find a solution for these  
17       affected workers, and mostly the Music Workers  
18       Alliance in my district, who led a really  
19       heroic -- and noisy -- advocacy campaign, as  
20       musicians are wont to do.

21              This budget will finally expand the  
22       Entertainment Subsidy Assistance Demonstration  
23       Program also, which helps entertainment workers  
24       afford their COBRA health insurance payments  
25       during episodic employment.

1                   This is something we've all long  
2                   advocated for, and I'm grateful to be able to  
3                   enact this expansion today with my affirmative  
4                   vote.

5                   Thank you, Mr. President.

6                   THE PRESIDENT:    Senator Hoylman to  
7                   be recorded in the affirmative.

8                   Senator Comrie to explain his vote.

9                   SENATOR COMRIE:    Good morning.  
10                  Thank you, Mr. President.

11                  I rise today to vote aye on the TEDE  
12                  bill, and I want to thank the leader and her  
13                  team, Shontell Smith and Eric Katz and all of the  
14                  analysts and all of the staff that made this  
15                  happen.  There are so many great things in there,  
16                  from expanding CHIPS -- where when I first came  
17                  here and Senator Kennedy came to me and said that  
18                  we need to take care of upstate roads -- and  
19                  we're expanding CHIPS funding, we're expanding  
20                  other funding of the highways upstate to allow  
21                  for more tourism, to allow to continue the  
22                  design-build opportunities, which has been a  
23                  great cost saving for agencies across the state  
24                  and for New York City to mandate that.

25                  To extend the investment for our

1 entertainment industry in New York for three  
2 years so that they can have an opportunity to do  
3 long-term planning. To keep up with other states  
4 that are now trying to create entertainment  
5 opportunities and building film studios all  
6 across the country, it's important that we make a  
7 long-term commitment to that industry that is  
8 expanding upstate as well and developing growth  
9 and opportunity.

10 To doing things to make sure that we  
11 create other opportunities such as the waiving of  
12 the I.D. fees that Senator Cleare spoke about,  
13 the gender X option that we're going to allow  
14 people to truly express themselves throughout  
15 this state. There are so many other things.

16 But I just want to talk in detail a  
17 little bit more about what Senator Skoufis said,  
18 which is known as the Database of Deals bill that  
19 we worked on together. I want to thank  
20 Senator Skoufis, Senator May, and the entire  
21 Democratic delegation, because there's something  
22 that we need to do as a legislative body, which  
23 is to make sure that the money that these state  
24 agencies are spending, tens of billions of  
25 dollars, are clearly spent in a way that we can

1 understand it and interpret it -- not two years  
2 later, not after the fact, but actually during  
3 the quarter that they're spending this money.

4 It's important that we understand  
5 how all these state agencies are spending the  
6 money with MWBE, with local contractors, with  
7 in-state contractors, how they're doing the  
8 things that they're spending tens of billions of  
9 New York State dollars for our New York State  
10 residents, and oftentimes we have no contact or  
11 no understanding until way after the contract was  
12 let and we find out that these contracts were let  
13 to people that have no concern or no compassion  
14 or no real purpose in really delivering a quality  
15 product to New York State.

16 So I'm glad that this Database of  
17 Deals bill, as they call it, will open up all  
18 these state agencies to show procurement, to show  
19 the MWBE stats, to show the ability to make sure  
20 that the state is being responsible in their  
21 procurement, that their procurement is going to  
22 be New York-based as much as possible, and that  
23 we are going to have these deals that we can  
24 understand clearly where we're spending our  
25 dollars in New York State.



1                   So I want to thank the leader for  
2     understanding that. There's more that we need to  
3     do in these areas, but this is a great start to  
4     show real transparency on how we're spending our  
5     public dollars.

6                   Mr. President, I proudly vote aye.  
7     Thank you.

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

10                  Senator Kaminsky to explain his  
11     vote.

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

14                  It's been a long time since I've  
15     been in this room with so many colleagues, and  
16     it's really great to see everybody.

17                  The first thing that captured my  
18     attention and stunned me, which I hadn't seen  
19     before, was Senator Tedisco and Senator Hoylman  
20     sitting next to each other. And I see the  
21     makings of a sitcom, like a buddy sitcom.

22                  (Laughter.)

23                  SENATOR KAMINSKY:    It's kind of  
24     like we could solve the world's problems if -- I  
25     don't think they're finishing each other's

1 sentences yet, but we'll get there.

2 (Laughter.)

3 SENATOR KAMINSKY: I rise today to  
4 speak my vote in the affirmative --

5 (Inaudible; laughter.)

6 SENATOR KAMINSKY: -- to speak in  
7 the affirmative for this budget. As the chair of  
8 the EnCon Committee, I'm very proud of the  
9 environmental leaps that this budget helps our  
10 state take. We're going to expand our brownfield  
11 program, do historic wetlands protection -- thank  
12 you, Senator Harckham for your work on that.  
13 We've been wanting to do that for a long time.

14 But I'm really most excited about  
15 the bond act. If you rewind just about  
16 14 months, there was no talk about the bond act.  
17 It wasn't in the Executive Budget, it wasn't  
18 anywhere. And this Senate conference came  
19 together to say that the needs, the  
20 infrastructure needs of our state are too great,  
21 both in terms of building in resiliency that our  
22 communities need -- and as someone who lives in a  
23 community that's an island, where the ocean met  
24 the bay in the middle of Hurricane Sandy and  
25 everything was underwater, boy, do we know how

1 important that is.

2 But also in terms of fighting  
3 climate change, this bond act is really going to  
4 do so much. This conference put it on the map,  
5 we got it into the budget last year, it's an even  
6 increased one next year. When you think of the  
7 needs of our state, from the Adirondacks down to  
8 Queens, they're staggering. We still have lead  
9 pipes in far too many places. We still have  
10 low-lying areas that are prone to flooding where  
11 important infrastructure is. Everyone thinks the  
12 good old days were all so good, but I'd like to  
13 go back to some of those engineers a hundred  
14 years ago and ask them why building the Long  
15 Island Train Station one foot above sea level was  
16 a good idea. But there are all these things that  
17 we have to change.

18 The fact that we're going to be  
19 spending hundreds of millions of dollars to help  
20 convert school buses to electric buses I think is  
21 great. We're making that commitment today. And  
22 of course like Senator Ramos said, we're going to  
23 be doing this by supporting great jobs in areas  
24 that are going to help propel our middle class  
25 and move our state forward. So this bond act is

1 really good news.

2 But as my aunt used to like to say,  
3 it's the little things that count. And I'm  
4 really excited about a little study in this  
5 budget about a bridge in my area called the Loop  
6 Parkway. And the Loop Parkway Bridge was built  
7 in the Great Depression, and it's part of FDR's  
8 economic plan. But because the parts are a  
9 hundred years old, they get stuck in the "up"  
10 position a lot.

11 But here's the crazy part. Even  
12 when it's working on a summer's Saturday, for  
13 example, when thousands of cars are headed to the  
14 beach, when Joe wants to go in his boat, the  
15 bridge opens, once an hour, and thousands of  
16 people watch Joe go through in his boat, and then  
17 it closes and everyone moves on with their life  
18 again.

19 We can do better. We're going to  
20 study that and figure out how to create more  
21 modern infrastructure to better the lives of  
22 Long Islanders.

23 So for big reasons and small, I'm  
24 voting yes on this budget, grateful to be part of  
25 a conference that keeps moving our state forward.

1 And it's good to see everybody again, and I look  
2 forward to seeing the sitcom play out.

3 (Laughter.)

4 THE PRESIDENT: Senator Kaminsky to  
5 be recorded in the affirmative.

6 Senator Kennedy to explain his vote.

7 SENATOR KENNEDY: Thank you very  
8 much, Mr. President.

9 First of all. I rise to support  
10 this section of the bill. I'm very excited about  
11 so many things in this budget and look forward to  
12 discussing them further with all of my  
13 colleagues.

14 I rise to speak on a number of items  
15 in this budget. First let me start by thanking  
16 Majority Leader Andrea Stewart-Cousins for her  
17 leadership and her due diligence; of course the  
18 team for all of their hard work; our colleagues  
19 throughout the course of the last several months;  
20 Deputy Leader Gianaris for his leadership on the  
21 floor and in conference.

22 I want to recognize Governor Hochul  
23 for her partnership in getting us to this point.

24 We are celebrating a lot in this  
25 budget. And in this particular portion of the

1 bill that deals with so many initiatives as it  
2 pertains to transportation -- and as the  
3 Transportation chair, I've got to tell you, I am  
4 really, really enthused by the deliverables that  
5 we are all going to bring to our communities  
6 across New York State and be able to transform  
7 our state from top to bottom.

8           The initiatives that have already  
9 been talked about are great. I want to highlight  
10 a couple that I think are historic and  
11 transformative. We're talking about a  
12 multi-billion-dollar bond act, the environmental  
13 bond act. Included in that bond act are the  
14 electrification of our school buses that are  
15 going to transform all of our communities and  
16 make New York State the leader in the nation as  
17 it pertains to not only environmental justice,  
18 but social justice.

19           School buses today, these diesel  
20 buses are one of the leading pollutants in our  
21 nation. And New York State is saying not only  
22 are we going to play a leading role in  
23 transforming the school buses from diesel to  
24 fully electric, but we're going to expedite that  
25 time frame. So school districts by 2027 --

1       within five years -- are going to be necessitated  
2       to purchase electric school buses.

3                       They can get a two-year waiver. But  
4       by 2035, all school buses in the State of  
5       New York are going to be removed from the carbon  
6       footprint. That is worth celebrating,  
7       Mr. President.

8                       And we're putting our money where  
9       our mouth is. In this environmental bond act,  
10      \$500 million, half a billion dollars, to do so.  
11      Plus the resources brought to the table through  
12      OGS and NYSERDA that are going to help these  
13      school districts with the infrastructure  
14      necessary to help them meet these goals.

15                      So we're helping not only deliver  
16      from an ideological perspective and a financial  
17      perspective, but we're providing the  
18      infrastructure behind the scenes to get our  
19      school districts where they need to be.

20                      With three children in school today  
21      that ride the buses on a daily basis, this is  
22      personal for me as a parent as well. So I  
23      understand the needs of our families across this  
24      state. And I talked about not only the  
25      environmental justice, but the social justice,

1     because families like mine -- particularly  
2     families from disadvantaged communities in urban  
3     communities across our state that have seen  
4     health disparities take shape, particularly  
5     communities of color, because of a lack of  
6     attention to address these issues dealing with  
7     pollutants from our diesel engine school buses --  
8     are having a major victory in our communities  
9     there as well, Mr. President. So I'm excited  
10    about the social justice component here as well.

11                 Speaking of social and environmental  
12    justice, another victory here is the brownfields  
13    agreement. The brownfields agreement that ends  
14    at the end of this year without this agreement  
15    would have caused New York State to move  
16    backwards. It would have caused development to  
17    cease in communities like mine out in Buffalo,  
18    and other urban communities across this great  
19    state, that have seen an industrial past leave  
20    wake to a polluted infrastructure in various  
21    aspects of our communities that developers won't  
22    touch unless we make it economically and  
23    financially feasible for them to do so.

24                 The brownfields agreement that was  
25    put in place between our Majority and the



1 Governor and the Assembly is going to allow for  
2 development to continue to move forward to  
3 transform our community from brownfields to  
4 greenfields. You take a look at a district like  
5 mine, Mr. President, there's more brownfields in  
6 my district than any other district in the state.  
7 This will have a direct impact on development in  
8 Western New York and in every area of New York  
9 State where we're taking back our industrial past  
10 and looking forward to a bright future.

11 So with that -- there's so much more  
12 that I could talk about --

13 THE PRESIDENT: But you won't.

14 SENATOR KENNEDY: -- I'm going to  
15 yield my time, Mr. President.

16 Thank you, and I vote aye.

17 THE PRESIDENT: Senator Kennedy to  
18 be recorded in the affirmative.

19 Senator Reichlin-Melnick to explain  
20 his vote.

21 SENATOR REICHLIN-MELNICK: Thank  
22 you very much, Mr. President.

23 I rise to support this bill for  
24 4.2 billion reasons, because this bill makes  
25 absolutely groundbreaking investments in our

1 economy and in the critical fight against climate  
2 change.

3 Last night we voted on some  
4 important short-term help for people in New York  
5 State -- tax relief that's going to benefit  
6 middle-class and working families. And today we  
7 are making major long-term investments that will  
8 benefit those same families and all New Yorkers  
9 in the years and the decades to come.

10 While there are so many challenges  
11 that New York faces right now, the largest  
12 challenge that we face and that our country and  
13 our world face over this century is the threat  
14 from human-caused climate change. Temperatures  
15 are going up, sea levels are rising, plant and  
16 animal species are going extinct at an alarming  
17 rate. Our weather is more extreme than it's ever  
18 been in the past. And this has costs for our  
19 state and our communities.

20 This budget bill that we're passing  
21 today makes an investment in that future. And I  
22 hope that voters will see that as well and vote,  
23 come November, to pass this environmental bond  
24 act that we are adopting in this bill,  
25 4.2 billion.

1                   And that can go for so many  
2     different projects: \$1.1 billion for flood  
3     reduction; \$650 million for open space and land  
4     conservation, which complements the other part of  
5     this bill, the wetlands protection that we've  
6     just passed, which is going to make a huge  
7     difference in reducing flooding in our  
8     communities that see hundred-year floods every  
9     couple of years these days. These are the sorts  
10    of investments we should be making.

11                  Hundreds of millions of dollars to  
12    adapt our school buses for a clean energy future;  
13    \$650 million for water-quality improvements --  
14    these are the sorts of things that voters sent us  
15    up here to do.

16                  And I am really excited that we are  
17    taking action and, with the support of people at  
18    the polls this November, we'll be able over the  
19    coming years to start using this money to improve  
20    our state, to make a real difference in the fight  
21    against climate change, and to get New York  
22    towards a more sustainable future.

23                  I proudly vote aye.

24                  THE PRESIDENT:     Senator  
25    Reichlin-Melnick to be recorded in the

1 affirmative.

2 Senator Stec to explain his vote.

3 SENATOR STEC: Thank you,  
4 Mr. President. I rise to explain my vote.

5 And while unfortunately there's too  
6 much bad policy in this bill for me to be able to  
7 support it with a yes vote, there are three items  
8 in this budget bill that I advocated for that I  
9 want to highlight.

10 I want to thank my colleagues for  
11 including in this bill Lake Placid -- World  
12 University Games coming up in January of next  
13 year. We made a change in this to allow  
14 out-of-state medical licensure issues to be  
15 cleared up so that these athletes can have --  
16 from around the world can have their medical  
17 providers here. It was a nice easy fix, but I'm  
18 glad it's included in the budget.

19 The other two I think are a little  
20 more significant and certainly important in my  
21 district. The Hudson River Black River  
22 Regulating District. When I was in local  
23 government, the FERC federal government -- there  
24 was a ruling that required the state, these  
25 counties, to be paying hundreds of thousands of

1 dollars a year towards the regulation of this  
2 district in taxes. The state should have been  
3 paying. We've advocated for that for many, many  
4 years, written letters to several colleagues in  
5 here that have worked alongside us. That is  
6 going to improve five counties' situations.

7 Warren County, Washington County,  
8 Saratoga County, Albany County, and Rensselaer  
9 County collectively were paying hundreds of  
10 thousands of dollars a year that they shouldn't  
11 have had to. The state is going to pick that up  
12 in this bill. I'm thankful for that.

13 And then lastly, the elimination of  
14 the fiber tax. I've talked on this floor several  
15 times the last couple of years, written letters,  
16 as have many of us. But that is going to really  
17 make a big difference.

18 In the three years that this tax has  
19 been in place, it's collected about \$8 million,  
20 which is a pittance compared to the \$220 billion  
21 that we're about to spend here this week. But  
22 that \$8 million was holding up building out  
23 broadband in the rural parts of the state, and  
24 that was a big issue certainly in my district and  
25 a lot of upstate districts. The elimination of

1       that fiber tax is long overdue. I'm glad that  
2       it's in this budget.

3               So again, there's some good things  
4       in this bill, but unfortunately, as I mentioned  
5       previously, I won't be able to support the bill  
6       because of the other things that are in the bill.  
7       But I want to thank my colleagues for the work  
8       that was done on these three areas that are  
9       important to the North Country.

10              Thank you.

11              THE PRESIDENT:     Senator Stec to be  
12       recorded in the negative.

13              Senator Gaughran to explain his  
14       vote.

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

17              There is a lot of good in this  
18       bill -- broadband, making sure that we have labor  
19       standards for the men and women that are out on  
20       the frontlines in a whole variety of areas.

21              But I want to particularly just talk  
22       about the environmental bond act. I want to  
23       thank Senator Kaminsky for his leadership on this  
24       issue.

25              This is a big deal. This is going

1 to transform our state, and this is going to  
2 transform, I believe, the area I represent, a  
3 district on Long Island. Because we move forward  
4 with our Climate Act, and now we're making sure  
5 that we're putting our money where our mouth is  
6 to make this actually real: \$1.1 billion for  
7 flood risk reduction. Storm resiliency all over  
8 a lot of my district across the Long Island  
9 Sound. Protecting open space on Long Island.  
10 There still are a lot more parcels that we need  
11 to preserve.

12 And of course climate change is not  
13 only great for our future, but it is also going  
14 to be a huge economic engine as we move forward  
15 to have some really great jobs.

16 And of course \$650 million for water  
17 quality improvements, not just to make sure that  
18 our drinking water is safe but also, again,  
19 across the Long Island Sound and the harbors that  
20 I represent, we could actually now give  
21 communities money for storm resiliency as well as  
22 to make sure that stormwater runoff is no longer  
23 getting into our waterways.

24 So Mr. President, I vote in the  
25 affirmative.

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

3           Announce the results.

4           THE SECRETARY:    In relation to  
5 Calendar 749, those Senators voting in the  
6 negative are Senators Akshar, Borrello, Gallivan,  
7 Griffo, Helming, Jordan, Lanza, Oberacker,  
8 O'Mara, Ortt, Rath, Ritchie, Serino, Stec and  
9 Tedisco.

10           Ayes, 48.   Nays, 15.

11           THE PRESIDENT:    The bill is passed.  
12           Senator Gianaris.

13           SENATOR GIANARIS:   Just to give  
14 members a sense of schedule at this point, we're  
15 going to break for respective party conferences  
16 and return.   These will be brief conferences.  
17 We'll be returning at 1 o'clock to continue our  
18 work with another couple of bills.

19           Please call on Senator Lanza.

20           THE PRESIDENT:    Senator Lanza.

21           SENATOR LANZA:    Mr. President,  
22 there is an immediate meeting of the Republican  
23 Conference in Room 315 of the Capitol.

24           THE PRESIDENT:    There's an  
25 immediate meeting of the Republican Conference in



1 Room 315 of the Capitol.

2 Senator Gianaris.

3 SENATOR GIANARIS: And there will  
4 be an immediate Democratic conference virtually.

5 THE PRESIDENT: There will be an  
6 immediate meeting of the Democratic Conference  
7 virtually.

8 SENATOR GIANARIS: The Senate  
9 stands at ease.

10 THE PRESIDENT: The Senate stands  
11 at ease.

12 (Whereupon, the Senate stood at ease  
13 at 11:59 a.m.)

14 (Whereupon, the Senate reconvened at  
15 1:26 p.m.)

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

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President,  
20 at this time we're going to call two committee  
21 meetings in Room 332. First, the Finance  
22 Committee, followed immediately by a meeting of  
23 the Rules Committee.

24 THE PRESIDENT: There will be a  
25 meeting of the Finance Committee, and then

1 followed by a meeting of the Rules Committee in  
2 Room 332.

3 SENATOR GIANARIS: The Senate  
4 stands at ease.

5 THE PRESIDENT: The Senate stands  
6 at ease.

7 (Whereupon, the Senate stood at ease  
8 at 1:27 p.m.)

9 (Whereupon, the Senate reconvened at  
10 1:46 p.m.)

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

13 Senator Gianaris.

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

17 THE PRESIDENT: The Secretary will  
18 read.

19 THE SECRETARY: Senator Krueger,  
20 from the Committee on Finance, reports the  
21 following bill:

22 Senate Print 8007C, Senate Budget  
23 Bill, enacts into law major components of  
24 legislation necessary to implement the state  
25 health and mental hygiene budget for the

1 2022-2023 state fiscal year.

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

4 THE PRESIDENT: All those in favor  
5 of accepting the report of the Finance Committee  
6 signify by saying aye.

7 (Response of "Aye.")

8 THE PRESIDENT: Opposed, nay.

9 (No response.)

10 THE PRESIDENT: The report is  
11 accepted.

12 Senator Gianaris.

13 SENATOR GIANARIS: Mr. President, I  
14 believe there's a report of the Rules Committee  
15 at the desk. Can we take that up.

16 THE PRESIDENT: The Secretary will  
17 read.

18 THE SECRETARY: Senator  
19 Stewart-Cousins, from the Committee on Rules,  
20 reports the following bill:

21 Senate Print 8748, by Senator  
22 Jackson, an act to amend the Civil Service Law,  
23 the State Finance Law, and the Retirement and  
24 Social Security Law.

25 The bill is reported direct to third

1 reading.

2 SENATOR GIANARIS: Move to accept  
3 the report of the Rules Committee.

4 THE PRESIDENT: All those in favor  
5 of accepting the report of the Rules Committee  
6 signify by saying aye.

7 (Response of "Aye.")

8 THE PRESIDENT: Opposed, nay.

9 (No response.)

10 THE PRESIDENT: The report is  
11 accepted.

12 Senator Gianaris.

13 SENATOR GIANARIS: Let's now move  
14 on to Supplemental Calendar B, please.

15 THE PRESIDENT: The Secretary will  
16 read.

17 THE SECRETARY: Calendar Number  
18 750, Senate Print 8007C, Senate Budget Bill, an  
19 act to amend the Public Health Law.

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

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

24 SENATOR GIANARIS: Move to accept  
25 the message of necessity.

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

4           (Response of "Aye.")

5           THE PRESIDENT:   Opposed, nay.

6           (Response of "Nay.")

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

9           SENATOR GIANARIS:   Mr. President,  
10 can we lay that aside temporarily. We're going  
11 to take up the second bill first.

12          THE PRESIDENT:   Lay the bill aside  
13 temporarily.

14          THE SECRETARY:   Calendar Number  
15 751, Senate Print 8748, by Senator Jackson, an  
16 act to amend the Civil Service Law, the State  
17 Finance Law, and the Retirement and Social  
18 Security Law.

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

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

23          SENATOR GIANARIS:   Move to accept  
24 the message of necessity.

25          THE PRESIDENT:   All those in favor

1 of accepting the message please signify by saying  
2 aye.

3 (Response of "Aye.")

4 THE PRESIDENT: Opposed, nay.

5 (Response of "Nay.")

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

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 751, Senate Print 8748, by Senator Jackson, an  
11 act to amend the Civil Service Law, the State  
12 Finance Law, and the Retirement and Social  
13 Security Law.

14 THE PRESIDENT: Read the last  
15 section.

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

18 THE PRESIDENT: Call the roll.

19 (The Secretary called the roll.)

20 THE PRESIDENT: Senator Jackson to  
21 explain his vote.

22 SENATOR JACKSON: Thank you,  
23 Mr. President.

24 My colleagues, I rise to support  
25 this bill. I'm a proud sponsor of this

1     legislation, S8748, with my counterpart in the  
2     New York State Assembly, Assemblymember Abbate.

3             The state workforce has been poorly  
4     compensated while dedicating themselves to  
5     serving New York communities. This bill is  
6     necessary to implement the term of collective  
7     bargaining agreements between the executive  
8     branch of the State of New York, the Police  
9     Benevolent Association of New York State, which  
10    represents SUNY University Police, EnCon Police,  
11    Park Police, and Forest Rangers, and also the  
12    State of New York and District Council 37, which  
13    represents the New York State rent-regulated  
14    services unit.

15            This legislation highlights the  
16    power of unions in negotiating successful pay  
17    benefits for their members. As a labor person  
18    myself, and as chair of the New York State Senate  
19    Civil Service and Pension Committee, it was  
20    important to me to sponsor this bill. Today  
21    New York shows its commitment to the public  
22    servants across our state, and I'm happy to bring  
23    this forward in support of state union workers.

24            To quote the State PBA president,  
25    Manny Vilar, "This legislation will greatly

1       assist our efforts to recruit and hire the  
2       brightest and best diverse officers to ensure our  
3       members are reflective of the wonderful mosaic  
4       that New York is."

5                       Mr. President, I vote aye.

6                       THE PRESIDENT:     Senator Jackson to  
7       be recorded in the affirmative.

8                       Senator May to explain her vote.

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

11                      I also proudly vote aye and  
12      support -- am grateful to my colleague Senator  
13      Jackson for bringing this bill.

14                      SUNY Police work really hard, and  
15      sometimes in very difficult conditions, and I'm  
16      pleased to support them. But in particular, I  
17      want to support the Park Rangers, whose jobs have  
18      gotten infinitely harder in the last few years as  
19      the numbers of people using our parks have  
20      increased exponentially.

21                      I was paddling on a lake in the  
22      Adirondacks and started talking to a ranger who  
23      was trying to put out an underlying fire that had  
24      been set as a result of somebody making a  
25      campfire and not putting it out properly. And



1 she said she was amazed that she had time to even  
2 do this work because normally she was being  
3 called to rescue people who had gotten themselves  
4 into trouble as they were hiking in the  
5 Adirondacks. She said that her job had just  
6 become almost a nightmare because the pressures  
7 were just enormous.

8 And so we must pay them what they  
9 deserve and support them in their contract. So I  
10 am very happy that we've done this in this  
11 budget, and I vote aye.

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

14 Senator Hinchey to explain her vote.

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

17 And I thank the sponsor for bringing  
18 this bill forward. Our Park Police, our Forest  
19 Rangers, our SUNY Police do such a service in our  
20 communities.

21 But I have the immense privilege of  
22 representing much of the Catskills, one of the  
23 most beautiful places on earth -- also, one of  
24 the places that has seen the most increase in  
25 visitors over the last two years. Which is

1 wonderful; we love people in our community, we  
2 love sharing our incredible open spaces.

3                   However, oftentimes a lot of people  
4 may not know how to access our open spaces and  
5 our trails. They often come for a hike with  
6 flip-flops or try to go to a watering hole that  
7 is actually traversing down a mountain. If you  
8 are watching from our district, you know exactly  
9 where I'm talking about.

10                   And it's our Forest Rangers who are  
11 saving lives, who are rescuing people, who are  
12 making sure that people can access the outdoors  
13 safely. But they have really been undervalued,  
14 and this pay bill is critically important to not  
15 just show that we care about them, we respect  
16 them, we value the work that they are doing, but  
17 that way they can also recruit to fill their  
18 ranks. Because a lot of people are seeking  
19 employment elsewhere, as opposed to going to the  
20 jobs that are protecting our environment, which  
21 dovetails with a lot of the really important work  
22 that we are doing in this chamber.

23                   So I thank the sponsor for bringing  
24 this forward. This is an incredibly important  
25 bill. And I'm really proud to vote aye.

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

3           Announce the results.

4           THE SECRETARY:    Ayes, 63.

5           THE PRESIDENT:    The bill is passed.  
6           Senator Gianaris.

7           SENATOR GIANARIS:   Okay,  
8   Mr. President, can we go back to Supplemental  
9   Calendar A and take up Calendar 750, please --  
10   I'm sorry, 748.   I apologize.

11           THE PRESIDENT:    Calendar Number  
12   748, Senate Print 8001A, Senate Budget Bill, an  
13   act making appropriations for the support of  
14   government.

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

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

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

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

24                               (Response of "Aye.")

25           THE PRESIDENT:    Opposed, nay.

1 (Response of "Nay.")

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

4 SENATOR LANZA: Lay it aside.

5 THE PRESIDENT: Lay it aside.

6 Senator Gianaris.

7 SENATOR GIANARIS: Let's move to  
8 the controversial calendar, please.

9 THE PRESIDENT: The Secretary will  
10 ring the bell.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number  
13 748, Senate Print 8001A, Senate Budget Bill, an  
14 act making appropriations for the support of  
15 government.

16 THE PRESIDENT: Senator O'Mara.

17 SENATOR O'MARA: Yes,  
18 Mr. President, thank you. If Senator Krueger  
19 would yield for just a couple of questions on  
20 this.

21 THE PRESIDENT: Will the sponsor  
22 yield?

23 SENATOR KRUEGER: Yes, I will.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR O'MARA: Senator Krueger,

1       there's a couple of line items in here dealing  
2       with redistricting -- one an amount for LATFOR, I  
3       believe, and another, a \$2 million line, for the  
4       Independent Redistricting Commission that frankly  
5       failed to do its work that it was supposed to do  
6       under the Constitution of New York State.

7                       What is the \$2 million appropriation  
8       for the Independent Redistricting Commission for?

9                       SENATOR KRUEGER:     So my  
10       understanding is that money is for any kind of  
11       litigation that may have to be dealt with and  
12       paid for involving redistricting. And there  
13       obviously is litigation going on right now.

14                      And that there is also the  
15       allowability of continued payment for independent  
16       commissioners, but with the determination being  
17       made not as a given at this time that they would  
18       be paid, because they might not be asked to do  
19       any work, because they might have completed or  
20       failed to do their work already. But they might  
21       be assigned to do additional work. So some of it  
22       might be available for salary and administrative  
23       expenses for staff related to such functions.

24                      SENATOR O'MARA:     Okay. Thank you  
25       for that.

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

3                   THE PRESIDENT:    Does the sponsor  
4                   yield?

5                   SENATOR KRUEGER:    Yes.

6                   THE PRESIDENT:    The sponsor yields.

7                   SENATOR O'MARA:    At this point,  
8                   yes, there is litigation pending regarding the  
9                   redistricting plan.  However, the Independent  
10                  Redistricting Commission has not been named in  
11                  that lawsuit.  So are -- is the portion of this  
12                  that could go to legal fees going to be used to  
13                  represent the Senate and/or the Assembly in  
14                  that -- in the pending case right now where they  
15                  are parties to it?

16                  SENATOR KRUEGER:    No.  I believe  
17                  that would have to be other funds.  It is quite  
18                  possible that this money would not be needed, in  
19                  which case it wouldn't be spent.

20                  SENATOR O'MARA:    Thank you.  That's  
21                  all I have.

22                  THE PRESIDENT:    Senator Lanza.

23                  SENATOR LANZA:    Thank you,  
24                  Mr. President.  Would the sponsor yield for some  
25                  questions.

1                   THE PRESIDENT:    Does the sponsor  
2     yield?

3                   SENATOR KRUEGER:    Sure.

4                   THE PRESIDENT:    The sponsor yields.

5                   SENATOR LANZA:    Thank you,  
6     Mr. President.   Through you.

7                   During COVID an eviction moratorium  
8     came into effect in the State of New York, and  
9     many people -- through either need or  
10    otherwise -- relied upon that eviction  
11    moratorium.   And rents have been unpaid and  
12    backing up and backing up.

13                  And we're coming out of that now,  
14    and as we know, unfortunately, there are many and  
15    will be many more eviction procedures.

16                  Does this budget include any  
17    additional funding for housing courts so that  
18    they will be in a position to deal with those?

19                  SENATOR KRUEGER:   Through you,  
20    Mr. President, no, there is no additional money  
21    for housing court in this bill.   There are other  
22    funds to support avoiding evictions by having  
23    supplemental rent payments available in a  
24    different bill.

25                  It is true that now that the

1 official emergency period is over, we are seeing  
2 a growth in the number of eviction cases being  
3 brought. Although depending on who you talk to,  
4 they are not as many as we anticipated or they  
5 are shockingly large numbers.

6 But the courts did not ask us for  
7 additional funds for housing court.

8 SENATOR LANZA: Mr. President,  
9 would the sponsor yield.

10 THE PRESIDENT: Does the sponsor  
11 yield?

12 SENATOR KRUEGER: Yes, I will.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR LANZA: Through you,  
15 Mr. President.

16 Does this budget provide any  
17 additional funding for technology upgrades for  
18 New York City housing courts in order to enable  
19 tenants to participate in remote proceedings at  
20 the courthouse?

21 SENATOR KRUEGER: There is funding  
22 for technical upgrades by the courts. New York  
23 City's housing courts would be eligible to apply  
24 for some of that funding.

25 But I don't know if there's any



1 specific proposals before the court  
2 administration at this time.

3 SENATOR LANZA: Mr. President,  
4 would the sponsor yield?

5 THE PRESIDENT: Does the sponsor  
6 yield?

7 SENATOR KRUEGER: Yes.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR LANZA: Through you,  
10 Mr. President. Could you tell us the amount of  
11 that funding and whether or not that is  
12 additional funding over last year?

13 SENATOR KRUEGER: I'm being told it  
14 is the same amount as last year. And they're  
15 checking what that amount is for us.

16 I do also, though, in response to  
17 the earlier question about the growing number of  
18 evictions, want to point out that there is  
19 additional funding in this budget to cover legal  
20 services representation for tenants in housing  
21 court. And the City of New York also has  
22 expanded -- specific to New York City,  
23 obviously -- its funding for legal representation  
24 of people at housing court.

25 SENATOR LANZA: Mr. President,

1 would the sponsor yield.

2 THE PRESIDENT: Does the sponsor  
3 yield?

4 SENATOR KRUEGER: Yes.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR LANZA: So whatever the  
7 amount is, it is not an increase over last year.

8 Could you tell us whether or not  
9 there is additional funding to enable community  
10 justice centers to hear housing court cases in  
11 order that court overcrowding might be  
12 alleviated?

13 SENATOR KRUEGER: Through you,  
14 Mr. President, the Office of Court Administration  
15 did not ask us for additional funds for any new  
16 technical improvements to the courts beyond what  
17 they were already working on.

18 And we don't believe they've asked  
19 us for additional authority to expand housing  
20 court sites to other courts.

21 SENATOR LANZA: Mr. President,  
22 would the sponsor yield.

23 THE PRESIDENT: Does the sponsor  
24 yield?

25 SENATOR KRUEGER: Yes.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR LANZA: Through you,  
3 Mr. President. It has been widely reported and  
4 we all know that our court system in this state  
5 are just -- you know, is being stretched to the  
6 breaking point. And I think everyone can agree  
7 that there are insufficient numbers of  
8 Supreme Court justices in New York.

9 Does this budget do anything to  
10 address that problem, either by adding new  
11 Supreme Court justices or by proposing an  
12 amendment to the State Constitution that would  
13 allow more Supreme Court justices than the  
14 Constitution presently allows?

15 SENATOR KRUEGER: Through you,  
16 Mr. President. So last year we did take action  
17 to expand the number of Supreme Court justices by  
18 14, and this year's budget provides the funding  
19 to make sure that the 14 are in place and paid  
20 for.

21 So yes, there's a growth of 14  
22 Supreme Court judges.

23 SENATOR LANZA: Mr. President,  
24 would the sponsor yield.

25 THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR KRUEGER:    Yes.

3                   THE PRESIDENT:    The sponsor yields.

4                   SENATOR LANZA:    Through you,  
5       Mr. President.  So to be clear, we're not going  
6       beyond the original 14 that were approved last  
7       year.

8                   SENATOR KRUEGER:    Yes.  We  
9       processed the authorization last year, and this  
10      year they will be in place.

11                   We would need additional legislation  
12      to further increase the number of Supreme Court  
13      judges -- which my colleague might wish to  
14      sponsor.

15                   SENATOR LANZA:    Mr. President,  
16      would the sponsor yield.

17                   THE PRESIDENT:    Does the sponsor  
18      yield?

19                   SENATOR KRUEGER:    Yes.

20                   THE PRESIDENT:    The sponsor yields.

21                   SENATOR LANZA:    Through you,  
22      Mr. President, I do sponsor such legislation.  
23      And the point I'm trying to make clear is that  
24      that legislation does not exist in this piece of  
25      the legislation.  Is that true?

1                   SENATOR KRUEGER:    Correct, it is  
2   not in this budget.

3                   SENATOR LANZA:    Thank you,  
4   Mr. President.  And thank you, Senator Krueger.

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

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

9                   Read the last section.

10                  THE SECRETARY:    Section 5.  This  
11   act shall take effect immediately.

12                  THE PRESIDENT:    Call the roll.

13                  (The Secretary called the roll.)

14                  THE PRESIDENT:    Announce the  
15   results.

16                  THE SECRETARY:    In relation to --

17                  THE PRESIDENT:    Senator Hoylman to  
18   explain his vote.

19                  SENATOR HOYLMAN:   Thank you,  
20   Mr. President.  Thank you to my colleague  
21   Senator Krueger for leading this.

22                  I just wanted to let my colleagues  
23   know that there was a recent report by the  
24   New York City Bar Association and the Fund for  
25   Modern Courts exposing the disproportionate

1 negative impact of the COVID-19 pandemic on the  
2 Family Court in New York City. Among the  
3 critiques of the report, the author stated that,  
4 quote, The caseload is far too large to be  
5 handled by the 56 statutorily authorized Family  
6 Court judges alone. There are currently 56  
7 statutorily authorized Family Court judgeships in  
8 the city, which was last increased in 2014 and  
9 remains, quote, inadequate to the meet the  
10 demand, according to the report.

11 So I want to let my colleagues know  
12 that today I've introduced legislation to  
13 increase the number of statutorily authorized  
14 judges to 60 to help address this crushing  
15 caseload in Family Court, increasing the number  
16 of Family Court judges in New York City from 56  
17 to 60.

18 I vote aye. Thank you.

19 THE PRESIDENT: Senator Hoylman to  
20 be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 748, those Senators voting in the  
24 negative are Senators Akshar, Borrello, Gallivan,  
25 Griffo, Helming, Jordan, Martucci, Oberacker,

1 O'Mara, Ortt, Rath, Ritchie, Serino, Stec,  
2 Tedisco and Weik.

3 Ayes, 47. Nays, 16.

4 THE PRESIDENT: The bill is passed.  
5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,  
7 before we move on, can we take a moment to pause  
8 and recognize a distinguished leader in our  
9 midst. We have with us the Bronx Borough  
10 President, Vanessa Gibson, if we could please  
11 extend the courtesies of the house to her.

12 (Standing ovation.)

13 UNIDENTIFIED MALE SENATOR: Wow.

14 (Laughter.)

15 THE PRESIDENT: Senator Gianaris.

16 SENATOR GIANARIS: Thank you,  
17 Mr. President.

18 Can we now go back and remove the  
19 temporary lay-aside on Calendar 750, please.

20 THE PRESIDENT: The Secretary will  
21 read.

22 THE SECRETARY: Calendar Number  
23 750, Senate Print 8007C, Senate Budget Bill, an  
24 act to amend the Public Health Law.

25 SENATOR LANZA: Lay it aside.

1 THE PRESIDENT: Lay it aside.

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

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

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 750, Senate Print 8007C, Senate Budget Bill, an  
9 act to amend the Public Health Law.

10 THE PRESIDENT: Senator O'Mara.

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

13 I have a few questions on the bill.  
14 I'm not sure if it's going to be Senator Rivera  
15 or Senator Krueger. If they would yield for some  
16 questions.

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR RIVERA: I will yield,  
20 Mr. President.

21 THE PRESIDENT: The sponsor yields.

22 SENATOR O'MARA: Thank you,  
23 Senator Rivera.

24 Certainly I think as we stand here,  
25 hopefully emerging from a global pandemic that



1     has virtually shut down all aspects of our life  
2     for a couple of years -- and the main heroes for  
3     all of this have been our healthcare workforce,  
4     that did an unbelievable service to all  
5     New Yorkers and frankly across the nation and  
6     around the globe for that.

7                     I'm concerned here that the proposal  
8     in Part D which established -- would have  
9     established the healthcare workforce bonuses, is  
10    being denied -- the Governor's proposal is being  
11    denied in this bill. Do we -- why is that not  
12    being included in this bill?

13                    SENATOR RIVERA: Through you,  
14    Mr. President, it is -- as you are well aware,  
15    Senator O'Mara, having been here for a couple of  
16    years, sometimes the mix-and-match means that  
17    things that might -- are supposed to be in  
18    certain bills are in other bills. That Part D,  
19    which refers to workers' bonuses, is not on this  
20    bill. It will be on another bill that we will be  
21    debating later today.

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

25                    THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR RIVERA:     Yes,  
3       Mr. President.

4                   THE PRESIDENT:     The sponsor yields.

5                   SENATOR O'MARA:     What are the  
6       specific reasons for it not being included in the  
7       health bill, since it deals with healthcare  
8       workers?

9                   SENATOR RIVERA:     Through you,  
10      Mr. President, are you familiar with the Beach  
11      Boys? They have a great song called "God Only  
12      Knows".

13                   (Laughter.)

14                   SENATOR RIVERA:     I would suggest --  
15      suggest you listen to it. It's a great song.  
16      It's a great song, Mr. President.

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

20                   THE PRESIDENT:     Does the sponsor  
21      continue to yield?

22                   SENATOR RIVERA:     Indeed.

23                   THE PRESIDENT:     The sponsor yields.

24                   SENATOR O'MARA:     I appreciate that.  
25      And that song title goes for a great many things

1       around here.

2                       So another area, Part B of the  
3       budget that has been rejected from the Governor's  
4       budget regarding the Interstate Medical Licensure  
5       Compact that would authorize, I think, an  
6       easier -- an easier transition in time, such as  
7       we had in the pandemic when there's hotspots  
8       around the country, enabling healthcare workers  
9       to go from point to point.

10                      I think most states in the country  
11       are engaged in this Interstate Medical Licensure  
12       Compact. New York is not. And we certainly need  
13       it at times, healthcare workers from across the  
14       country to come to New York to assist us when we  
15       were suffering more than others at the time. And  
16       I think we sent healthcare workers to other  
17       states from here.

18                      So why are we not proceeding to make  
19       that access easier for professionals licensed in  
20       other states to do work here?

21                      SENATOR RIVERA: Through you,  
22       Mr. President. It was one of many issues that we  
23       could not reach three-way agreement on, and so it  
24       was ultimately intentionally omitted from the  
25       enacted budget.

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

4                   THE PRESIDENT:    Does the sponsor  
5   continue to yield?

6                   SENATOR RIVERA:    Yes, I will.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR O'MARA:    Part A, which  
9   establishes Nurses Across New York -- I guess  
10   NANY is what we're calling it, with only two Ns  
11   rather than three, and no references to the nanny  
12   state that we live in.

13                   But providing for loan repayments  
14   for registered nurses, registered professional  
15   nurses and I guess this -- the final agreement  
16   added to include licensed practical nurses for  
17   loan repayments for their education to be in the  
18   field.

19                   Now, these are healthcare workers,  
20   individuals that have already made the decision  
21   to go into healthcare, to go into that field,  
22   whether they're graduated or just recently.

23                   Is this just for students that have  
24   graduated that are currently working? Is this  
25   for students that are in school now? And is it

1 prospective for encouraging individuals to go  
2 into the nursing field, at least, in the future?

3 SENATOR RIVERA: Through you,  
4 Mr. President. This is a -- by the way, that --  
5 the bit about the nanny state, I knew you were  
6 going to do that. I just -- I knew you were  
7 going to do that.

8 But in all seriousness,  
9 Mr. President, this one is a plan that -- I'm  
10 sorry, a proposal that is very similar to one  
11 that we have on Doctors Across New York. And it  
12 would be a fund available to folks who are either  
13 currently nurses, folks who will be nurses in the  
14 future, who will be LPNs in the future or are  
15 LPNs currently, who are -- who can apply to the  
16 fund to have the -- to receive scholarships.

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? Sponsor, do you yield?

22 SENATOR RIVERA: Yes, I will.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR O'MARA: The -- I wasn't  
25 closer on that response, whether this will apply

1 to an individual who is not in nursing school  
2 right now, if they go into the school, is this  
3 going to be prospective in providing relief to  
4 them on their loan repayments for the service  
5 they provide?

6 SENATOR RIVERA: Through you,  
7 Mr. President. This one -- and thank you for  
8 seeking that clarification, Senator O'Mara. It  
9 refers both to individuals who are seeking an  
10 education as an LPN or a nurse, et cetera, and  
11 are serving in -- and are going to be ultimately  
12 doing their service in underserved areas. So it  
13 both refers to folks that are going to school as  
14 well as folks who are seeking loan repayments,  
15 having already gone to school. So both of those  
16 things will be from the same fund.

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 RIVERA: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR O'MARA: I guess I'm still  
25 not clear on somebody that's not in school now

1 and they decide to go to school next year, will  
2 they be eligible for this type of loan repayment?

3 SENATOR RIVERA: Through you,  
4 Mr. President, yes.

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

8 THE PRESIDENT: Does the sponsor  
9 yield?

10 SENATOR RIVERA: Yes, I will.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR O'MARA: Is there a dollar  
13 amount -- I realize this is not an appropriation  
14 bill, but is there a limit on the fund that will  
15 be available for the forgiveness of these loans?

16 SENATOR RIVERA: Through you,  
17 Mr. President, there is currently \$2.5 million  
18 that's allocated for this program for this budget  
19 year.

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 RIVERA: Yes.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR O'MARA: And what's the  
3 ramification if that fund is exhausted?

4 SENATOR RIVERA: Through you,  
5 Mr. President. First of all, that will be a good  
6 thing, because that will mean that both folks  
7 will be seeking scholarships and will be -- and  
8 will have some help in paying back their loans.  
9 And it just means that if it is successful --  
10 hopefully it is -- next year we come back and we  
11 get at least that much, maybe a little bit more.

12 SENATOR O'MARA: Thank you,  
13 Mr. President. If the sponsor will continue to  
14 yield.

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR RIVERA: Yes,  
18 Mr. President.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR O'MARA: This is helpful  
21 for those going into these nursing categories.

22 What if any other items are in this  
23 health budget that is going to help with our  
24 workforce shortages in the healthcare field?

25 SENATOR RIVERA: Through you,



1 Mr. President, there is -- as was mentioned  
2 earlier, there's a couple of items that are not  
3 in this bill that we will be discussing later.  
4 And certainly the workforce bonus -- the workers'  
5 bonus is one of the ones that we could certainly  
6 say it will be helpful in that regard.

7 And also in Part C that allows --  
8 that refers to scope of practice, particularly  
9 for allowing pharmacists to operate  
10 limited-service laboratory services for COVID and  
11 influenza tests, that will expand a little bit.

12 Also as far as the elimination of  
13 the need for nurse practitioners to file practice  
14 protocols with SED, that is something else that  
15 is in that part. As well as allowing nurse  
16 practitioners to operate without collaborative  
17 agreements after obtaining 3600 hours of service.

18 So all those things are -- all those  
19 things are in there.

20 And also -- through you,  
21 Mr. President, there's also some changes we made  
22 to telehealth services in the State of New York.  
23 As folks are aware, during the pandemic there was  
24 a rise in the use of telehealth, obviously having  
25 access to your doctor or other medical

1 practitioner virtually, and we felt that it  
2 needed to be expanded. So there are some changes  
3 that are included in here to make sure that we  
4 can secure access for more folks across the  
5 state.

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

9 THE PRESIDENT: Does the sponsor  
10 yield?

11 SENATOR RIVERA: Yes, I will,  
12 Mr. President.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR O'MARA: A couple of those  
15 things you mentioned are expansions of current  
16 programs for currently active people in the  
17 healthcare industry. But I don't see how they  
18 help us recruit more people into the healthcare  
19 field that are needed.

20 SENATOR RIVERA: Through you,  
21 Mr. President. Certainly this is not a challenge  
22 that is unknown. It is going to be a continuing  
23 challenge to make sure that we can hire the folks  
24 that we need.

25 I would say that there's also a

1 change that we will discuss later as well that  
2 relates to the rise, in particular, for salaries  
3 for a particular class of worker in home care  
4 services.

5 I would say that this is kind of  
6 a -- it's an ongoing challenge. There might be  
7 not be enough in this budget, really, to be able  
8 to address it. But we do believe that the --  
9 what I mentioned earlier, whether it's a scope of  
10 practice issue, the bonus that we will discuss  
11 later, as well as all of these things -- and as  
12 well as the Nurses Across New York program that  
13 we just discussed earlier. All those things are  
14 kind of pieces in the larger challenge of being  
15 able to recruit and keep enough people in the  
16 healthcare industry to make sure that we can  
17 serve New Yorkers.

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

20 On the bill briefly, Mr. President.

21 THE PRESIDENT: Senator O'Mara on  
22 the bill.

23 SENATOR O'MARA: I certainly agree  
24 with you, Senator, that we should be doing a lot  
25 more for recruiting individuals into our

1 healthcare system to provide these services that  
2 are really stretched. And certainly following a  
3 pandemic, there's a lot of workforce burnout and  
4 concern over losing workforce because of that  
5 going forward.

6 I don't see enough being done in  
7 this budget -- certainly not in this bill -- to  
8 help retain the workers that are there or to  
9 encourage more individuals to come into the  
10 healthcare field. I know we have another member  
11 here that's going to talk a little bit about  
12 the -- what I would call an anemic increase to  
13 the cost-of-living adjustment for human service  
14 programs. Those are the direct service providers  
15 and those -- many of those who are on the  
16 lowest-paid rungs of providing healthcare  
17 services to the citizens of New York, such as our  
18 I/DD community, those direct service providers.

19 This really anemic 5.4 percent  
20 increase is only slightly more than the 4 percent  
21 that we just gave ourselves in the legislative  
22 budget. These are workers that continue to earn  
23 wages below the minimum wage -- not below the  
24 minimum wage, below the fast food worker wage,  
25 particularly across upstate New York where those

1 lowest levels will, with this bump, only be up to  
2 about \$13.90 an hour, over a dollar less than  
3 working at McDonald's -- which is I think a huge  
4 insult to them, for starters, but a big deterrent  
5 for individuals going into these more important  
6 fields than flipping burgers at McDonald's.

7 That we should be providing a  
8 greater increase to those individuals to be able  
9 to encourage that work, reward that work where  
10 that field in the industry are losing workers to  
11 fast food establishments because of a higher  
12 wage, which is just the wrong message to be  
13 trying to get individuals to do this very  
14 important work.

15 Thank you, Mr. President.

16 THE PRESIDENT: Senator Borrello.

17 SENATOR BORRELLO: Thank you,  
18 Mr. President. Would the sponsor yield for some  
19 questions on Part M.

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR RIVERA: Yes,  
23 Mr. President, I will yield.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR BORRELLO: Thank you,

1 Mr. President, through you.

2 Thank you, Senator Rivera. I think  
3 there's one thing you and I both have in common,  
4 and that's no love lost of our former governor.  
5 And thanks to his poor and often deadly  
6 decisions, he came close to decimating the  
7 nursing home industry in New York State. And  
8 certainly we know he unfortunately killed a lot  
9 of those residents with his poor decisions.

10 And then after that, he chose to  
11 punish the nursing home industry because of the,  
12 you know, of their willingness to stand up and  
13 say: What you did was wrong, and it hurt people.

14 So with that being said, there's a  
15 lot of ground that has been lost for those that  
16 care for our most vulnerable citizens.

17 And this Part M, I'm just -- my  
18 first question is, you know, besides these  
19 technical amendments, is there any further delay  
20 in the implementation of penalties for violations  
21 of the minimum staffing law and/or the 740 {sic}  
22 revenue law in this budget?

23 SENATOR RIVERA: Through you,  
24 Mr. President, could you repeat the final part of  
25 that question? The way that you're talking about

1 Part M --

2 SENATOR BORRELLO: Sure. You got  
3 technical amendments here.

4 SENATOR RIVERA: Yes.

5 SENATOR BORRELLO: Besides that, do  
6 we have any further suspension of the fines for  
7 violating either the minimum staffing laws or the  
8 740 provisions? Because, you know, as you are  
9 probably well aware, the Governor did suspend  
10 those because of the ongoing pandemic, and then  
11 she let those expire recently.

12 SENATOR RIVERA: Through you,  
13 Mr. President. (Pause.) Through you,  
14 Mr. President. So there is a small technical  
15 change that we did. As we said, there's  
16 technical changes all across this part. And this  
17 is all in reference to some -- as you said, some  
18 proposals that we've approved in the past that  
19 relate to nursing homes, since we -- I'm sure  
20 that we can all agree that we want to make sure  
21 that those that are taking care of our most  
22 vulnerable are held to a very high standard.

23 One of the things that we did do is  
24 that we prorated the amounts that folks -- so  
25 that it would not refer to the entire year if

1       there is a facility that is found to not be in  
2       compliance. So there is a little bit of a  
3       relief, if you will, for some of these  
4       facilities.

5                   SENATOR BORRELLO:     Thank you.

6                   Mr. President, will the sponsor  
7       continue to yield?

8                   THE PRESIDENT:     Does the sponsor  
9       yield?

10                  SENATOR RIVERA:     Through you,  
11       Mr. President, particularly if he wants to talk  
12       about the predecessor, I'd -- I would yield  
13       happily always, but particularly in that  
14       instance.

15                   (Laughter.)

16                  THE PRESIDENT:     The sponsor yields.

17                  SENATOR BORRELLO:     Thank you,  
18       Mr. President.

19                  As you know, these facilities have  
20       faced years of Medicaid cuts. Our former  
21       governor was very good at cutting those  
22       reimbursements. And right now, as a matter of  
23       fact, I'd say the average is around \$211 per day  
24       that we reimburse through Medicaid to nursing  
25       homes, which is about a \$55 a day shortfall from



1 the actual cost of care, on average.

2           Meanwhile, I will point out that two  
3 years after the Medicaid Redesign Team  
4 identified -- and I also identified the egregious  
5 waste, fraud and abuse in the Medicaid  
6 non-emergency transportation funding, where we  
7 pay taxi drivers to drive people to non-emergency  
8 medical appointments. In my area, just one trip  
9 to a doctor's office, paid for by Medicaid, can  
10 be up to \$350, round trip. So we're paying a  
11 taxi driver \$350 to drive someone to a doctor's  
12 appointment, and meanwhile we're paying a nursing  
13 home, with all of the expenses involved in caring  
14 for people, \$211 a day.

15           My question is, is there anything  
16 we're going to do about that? Is there any  
17 further funding in this budget to help our  
18 nursing homes that are struggling?

19           SENATOR RIVERA: Through you,  
20 Mr. President, yes, there is.

21           First of all, there were cuts that  
22 we restored from years past, across-the-board  
23 Medicaid cuts that our esteemed predecessor --  
24 the departed, as I refer to him -- actually  
25 imposed. We got those back, so that is obviously

1 something that is across the board, so it means  
2 that it also relates to nursing homes.

3 And there's also -- there is a pool  
4 of capital money that we wanted to make sure that  
5 there were particular chunks that were available  
6 for nursing homes. So there's I believe  
7 25 million that is in this budget for capital  
8 improvements. There would be a fund that they  
9 would be able to get money from to be able to  
10 make capital improvements in nursing homes.

11 So both of those things are in this  
12 budget.

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

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR RIVERA: Yes,  
18 Mr. President.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR BORRELLO: So that  
21 \$25 million for capital funding, how will that be  
22 allocated to facilities? Is it available to  
23 not-for-profits, for-profits? How is that going  
24 to be distributed? How do you qualify for  
25 that to access that funding?

1                   SENATOR RIVERA:    Through you,  
2   Mr. President, there would have to be -- there's  
3   a series of criteria that exists. For the most  
4   part we're talking about decisions that will be  
5   made by the Department of Health, but it  
6   refers -- there's particular criteria that is  
7   created in this piece of legislation to make sure  
8   that all -- that the providers that have the most  
9   need get potential access.

10                   But the process for the -- so the  
11   general criteria is in here. But obviously, as  
12   what happens with most of this, we will have to  
13   wait for the creation of the regulation after the  
14   budget is passed. And we, I can assure you, will  
15   be very closely watching the administration and  
16   the Department of Health as they develop this --  
17   as they implement the criteria to make sure  
18   that -- like we will do, for example, when  
19   referring to hospitals or other types of health  
20   facilities that we create funding for, we want to  
21   make sure that as the criteria that we establish  
22   in the budget -- once it's approved, as it is  
23   implemented, that the money actually goes to  
24   those that actually have the most need for the  
25   funding.

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

3                   THE PRESIDENT:    Does the sponsor  
4     yield?

5                   SENATOR RIVERA:    Yes,  
6     Mr. President.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR BORRELLO:    So we're talking  
9     about capital funding here.  As a result -- you  
10    know, obviously you say the most need,  
11    distressed -- maybe distressed nursing homes.  
12    But are they going to have to at least meet a  
13    certain minimum standard in order to qualify for  
14    money for capital improvements?  We're not  
15    talking about care, we're talking about capital.

16                   You know, in other words, would a  
17    one-star nursing home be able to qualify for  
18    this?  Or would you have to have a certain  
19    standard of quality of care before you'd be able  
20    to qualify for this money?

21                   SENATOR RIVERA:    Through you,  
22    Mr. President, it would be -- it would be hard to  
23    say.  It is likely, possible, that even a  
24    one-star facility, as far as quality, at a  
25    particular moment would be eligible.

1                   I mean, remember, we're talking  
2                   about projects that are meant to make that  
3                   facility better able to provide care. So it is  
4                   possible -- we'd have to look at the particular  
5                   situation. I couldn't tell you in every single  
6                   instance. But there's a possibility that there  
7                   might be a facility that while not having a very  
8                   high quality rating before the project is done,  
9                   might actually make the case that the project is  
10                  necessary to actually help them provide better  
11                  care.

12                 So it is possible that such a thing  
13                 might happen, but I couldn't tell you in every  
14                 single instance.

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

17                 THE PRESIDENT: Does the sponsor  
18                 yield?

19                 SENATOR RIVERA: Yes,  
20                 Mr. President.

21                 THE PRESIDENT: The sponsor yields.

22                 SENATOR BORRELLO: That's a fair  
23                 response. I understand that.

24                 But, you know, we have a lot of  
25                 operators out there that just aren't good

1 financial people, they're not good planners. As  
2 a result, they haven't funded reserves to ensure  
3 that their facilities are properly maintained.  
4 And then we have others that are far more  
5 responsible, provide a higher level of care.

6 Are we going to give preference to  
7 those who have proven that they are good stewards  
8 of their finances and certainly good stewards of  
9 the residents that they care for?

10 SENATOR RIVERA: Through you,  
11 Mr. President, what we're talking about is the --  
12 those who can demonstrate the most need. So it  
13 is possible that -- I mean, let's say the -- and  
14 again, I can't make a guarantee one way or  
15 another on any of these facilities. But let's  
16 say that one of these folks who is, as you said,  
17 a good steward, does everything that they need to  
18 do. It's quite likely that they're able to find  
19 funding elsewhere, you know. But it is also  
20 possible that this might actually fit into their  
21 plan to provide even better care for their  
22 patients.

23 So it is kind of impossible to tell,  
24 at this moment, except to say -- to refer -- and  
25 I could certainly -- if you'd give me a little

1 bit, I can actually look at the criteria that's  
2 actually in the budget proposal that's in front  
3 of us and read it to you into the record. But  
4 outside of that criteria, we will really have to  
5 wait for the Department of Health to actually  
6 implement this criteria and actually be able to,  
7 you know, to determine on a case-by-case basis as  
8 best fits the criteria.

9 SENATOR BORRELLO: Thank you.

10 Mr. President, on the bill.

11 THE PRESIDENT: Senator Borrello on  
12 the bill.

13 SENATOR BORRELLO: First of all,  
14 thank you, Senator Rivera, for the engagement.

15 You know, I think there are quite a  
16 few industries that were really impacted by this  
17 pandemic and also are now being further impacted  
18 by mandates that are really going to have a  
19 horrible impact not just on the facilities, but  
20 on the residents.

21 When you start talking about these  
22 minimum staffing levels, this requirement that we  
23 have put in place -- that the Governor wisely  
24 suspended and then all of a sudden let it go --  
25 what it means is, according to the nursing homes

1       associations, is that right now here in New York  
2       we're short about 12,000 healthcare professionals  
3       just to fill the minimum requirements. Twelve  
4       thousand people. Where are we going to get them  
5       from?

6                       So what's going to happen? Well,  
7       they have a requirement, thanks to the State of  
8       New York. So they're going to have to shut down  
9       beds, shut down wings, shut down facilities.  
10      This is not theory. I've spoken with nursing  
11      home owners who have said these are tough  
12      decisions they're going to have to make.

13                     Now, when you live in a rural area  
14      like mine, you can't just go down the street and  
15      find another facility for your loved one. You  
16      may have to take them back into your own home and  
17      care for them yourselves. You may have to put  
18      them in a facility that's a long way away. For  
19      people who have memory care issues, this can be  
20      very disruptive, traumatic. And we've really  
21      done nothing in this budget to address that, and  
22      it's rather tragic.

23                     I think we need to really look at --  
24      seriously look at who are we trying to satisfy  
25      here, who are we trying to please with the



1     740 rule and with these staffing rules? It's not  
2     the residents. It's not the people that want to  
3     be cared for, that need to be cared for, it's  
4     special interest groups.

5                 Now, you can dress this up as we're  
6     going to provide better care. Yes, we could  
7     mandate to have 24-hour service for every single  
8     resident in New York State. That would be the  
9     absolute best care you could get. And there'd be  
10    about five people in New York State that would  
11    actually be cared for. That's the problem.

12                We are at a point where we do not  
13    have the people to do this. And we've added fuel  
14    to that fire by mandating it the way we have.

15                Senator Rivera made a very  
16    interesting reference to the Beach Boys song. I  
17    have one for you from my favorite old-old-school  
18    rap group from the '80s, the Fat Boys --

19                (Laughter.)

20                SENATOR BORRELLO:    -- "Crushin'."  
21    You're going to be crushin' these folks,  
22    unfortunately.

23                So I say that with tongue in cheek,  
24    but the reality is this is going to be difficult,  
25    and I think we need to find a way to help these

1 people survive.

2 Thank you, Mr. President.

3 THE PRESIDENT: Thank you.

4 Senator Serino.

5 SENATOR SERINO: Thank you,  
6 Mr. President. And through you, Mr. President,  
7 would the sponsor yield for some questions.

8 THE PRESIDENT: Does the sponsor  
9 yield?

10 SENATOR RIVERA: Only if I am  
11 guaranteed another '80s hip-hop reference,  
12 Mr. President.

13 (Laughter.)

14 SENATOR RIVERA: In all  
15 seriousness, I do --

16 THE PRESIDENT: The sponsor yields.

17 SENATOR RIVERA: I do yield.

18 SENATOR SERINO: Thank you,  
19 Senator Rivera.

20 My question has to do with Lyme and  
21 tick-borne diseases. As you know, I'm always  
22 talking ticks. So does this final budget include  
23 any new funding for research, education or  
24 prevention initiatives to help stop the spread of  
25 Lyme and tick-borne diseases?

1                   SENATOR RIVERA:    Through you,  
2   Mr. President, yes, this is -- just for the  
3   record, Senator Serino is dogged when it comes to  
4   this, and I appreciate it. Because obviously she  
5   cares deeply about this issue. I can tell  
6   because she's -- every year, this is something  
7   that she cares deeply about.

8                   I can tell you -- through you,  
9   Mr. President, I can tell Senator Serino that we  
10  accepted extensions to various due dates to  
11  working groups' and task forces' reports that we  
12  have dates. We have mentioned that they're in  
13  there, we accepted those. And we accepted an  
14  inclusion of roughly \$70,000 from the -- that was  
15  in the original budget, the Executive proposal,  
16  we accepted that.

17                  SENATOR SERINO:    With no  
18  disrespect, \$70,000 is absolutely nothing.  
19  That's what the Governor puts in every single  
20  year. We were up to a million dollars --

21                  THE PRESIDENT:    Senator Serino, I'm  
22  sorry, are you on the bill?

23                  (Overtalk.)

24                  SENATOR SERINO:    On the bill.  
25  Sorry.

1                   THE PRESIDENT:    On the bill, go  
2 ahead.   Go ahead.

3                   SENATOR SERINO:   We were up to a  
4 million dollars.   We asked for 1.5 million,  
5 right?   Which I'm sure you heard the other day I  
6 said is less than 1 percent.

7                   This is a health crisis.   I have  
8 children coming into my office with arthritic  
9 Lyme, adults with neurological symptoms.   They  
10 can't work anymore.   What do we do for them?   You  
11 know, and I feel like every year we're having  
12 this conversation.   So I'm just -- I'm really,  
13 really disappointed that we're not putting that  
14 money in.   As I said, we asked for the  
15 1.5 million that would really help New Yorkers.

16                   And it's not just, you know, upstate  
17 New York.   All of you guys.   Think about it.   The  
18 past couple of years people have been coming up  
19 to the Hudson Valley and to the Adirondacks, and  
20 you don't have to be in the woods to get a tick  
21 on you, I can tell you that.   My husband stood on  
22 the blacktop and had four ticks on him in just a  
23 matter of minutes.   You know?   It's horrible.

24                   So I'll go on to my next question if  
25 I can.   Through you, Mr. President --

1                   THE PRESIDENT:    Does the sponsor  
2     yield?

3                   SENATOR SERINO:    -- does the  
4     sponsor yield?

5                   SENATOR RIVERA:    Yes,  
6     Mr. President.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR SERINO:    Okay.  Senator  
9     Rivera, does this budget include any funding for  
10    the state to undergo a full review of the  
11    pandemic response as relates to COVID-19 deaths  
12    in the nursing homes or any other  
13    pandemic-related actions?

14                   SENATOR RIVERA:    Through you,  
15    Mr. President, it does not.

16                   SENATOR SERINO:    Through you,  
17    Mr. President.

18                   THE PRESIDENT:    Does the sponsor  
19    yield?

20                   SENATOR RIVERA:    Yes,  
21    Mr. President.

22                   THE PRESIDENT:    The sponsor yields.

23                   SENATOR SERINO:    Can I ask why not?  
24    This -- you know, this is something that I think  
25    a lot of us were talking about.  The Governor

1 even said that she was open to looking back.

2           You know, you think of any time that  
3 we have a tragedy or any kind of a disaster, what  
4 do we do? We do an investigation. And I think  
5 COVID-19 taught us it's not a matter of if, it's  
6 a matter of when. And I just think we owe it to  
7 these families, 15,000 families that are waiting  
8 for answers. And it's like a real slap in the  
9 face for them not to get that.

10           And I know that everybody had -- you  
11 know, I know you guys were talking about it too.  
12 And I just don't understand why we're not doing  
13 that now, when we have the perfect opportunity  
14 to.

15           SENATOR RIVERA: Through you,  
16 Mr. President. The reality is that I agree in  
17 many instances with my colleague, and this is  
18 certainly one of them as it relates to making  
19 sure that we have to be able to look back and  
20 really have a clear view of what happened or not  
21 happened.

22           But I can tell you, as it relates to  
23 any type of study, it was not something that was  
24 ultimately discussed. Not -- we could not reach  
25 a three-way agreement on anything regarding that.

1                   But I will tell you that -- through  
2                   you, Mr. President -- that I certainly am  
3                   supportive of whatever efforts we can make to  
4                   make sure that we are clear on where the  
5                   responsibility lies for things that happened that  
6                   led to the demise of so many New Yorkers.

7                   There's some things that we've  
8                   already done. We probably should do more, I  
9                   agree with my colleague on that one. But as it  
10                  relates to what is included in the budget, it is  
11                  not something that a three-way agreement could be  
12                  reached.

13                 SENATOR SERINO:    On -- on this  
14                 Mr. President, just --

15                 THE PRESIDENT:    Senator Serino on  
16                 the bill.

17                 SENATOR SERINO:    We have to -- no,  
18                 I still have another question, I'm sorry.

19                 THE PRESIDENT:    Oh, I'm sorry.

20                 SENATOR SERINO:    I'm sorry, I said  
21                 it incorrectly. Just I hope that we'll continue  
22                 that conversation, because we still have till the  
23                 end of the year.

24                 My other question is, you know,  
25                 mental health has been a huge topic --

1 Senator Krueger, right, through all our  
2 Finance -- the hearings, everything, throughout  
3 the budget process. And there was bipartisan  
4 agreement that we're in desperate need of  
5 services for our children.

6 So how many new residential  
7 treatment beds for youth will be created in this  
8 final budget, and where are they located?

9 SENATOR RIVERA: Through you,  
10 Mr. President, I do yield. The question was  
11 asked. And one second, please.

12 Through you, Mr. President, that is  
13 something that is not currently in this bill. It  
14 will be discussed later. There's some final  
15 details and determinations that need to be made  
16 on future bills that will include that  
17 information, but it is not in the bill before us.

18 SENATOR SERINO: Mr. President --

19 THE PRESIDENT: Does the sponsor  
20 yield?

21 SENATOR RIVERA: Yes,  
22 Mr. President.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR SERINO: So we will -- so  
25 are there youth beds, then, in another part of



1 the budget, is that what we -- there are? Do we  
2 know, is that --

3 SENATOR RIVERA: Mr. President,  
4 through you. There will be new beds, but at this  
5 time it is not finalized. When it is, we will be  
6 able to provide that information. But it is not  
7 finalized and not in the bill before us.

8 SENATOR SERINO: Through you,  
9 Mr. President --

10 THE PRESIDENT: Does the sponsor --

11 SENATOR SERINO: -- will the  
12 sponsor yield?

13 THE PRESIDENT: You want the  
14 sponsor -- does the sponsor yield?

15 SENATOR RIVERA: Yes,  
16 Mr. President.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR SERINO: So it's not  
19 finalized, but is it in another -- because the  
20 Governor mentioned that there were going to be a  
21 thousand beds for mental health yesterday at the  
22 hearing. So did she not have a discussion with  
23 you guys? Is it like -- it's something that  
24 we're all talking about, and our kids need the  
25 help more than ever. So is it going to come up

1 later on this evening where I'll have the  
2 opportunity to talk about it again?

3 SENATOR RIVERA: Through you,  
4 Mr. President, we will have -- we will have some  
5 numbers. We do not have final numbers at this  
6 point.

7 And yes, I was also aware of that  
8 wonderful press conference that happened while we  
9 were in conference.

10 We do not have final numbers right  
11 now, and it is not in the bill before us.

12 SENATOR SERINO: Through you,  
13 Mr. President, I have one more question.

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR RIVERA: Yes,  
17 Mr. President.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR SERINO: Senator Rivera, is  
20 there any one-time COVID relief funding in this  
21 budget bill, or any others, for adult care  
22 facilities and assisted living residences?  
23 Because as you know, advocates were pushing for  
24 75 million for these facilities -- and that was  
25 statewide -- which provide critical care for some

1 of our most vulnerable residents.

2 So just wondering, do we see that  
3 anywhere here?

4 SENATOR RIVERA: Through you,  
5 Mr. President, there is -- that 75 million did  
6 not make it. However, there is a \$1.6 billion  
7 pool that they would have access to.

8 SENATOR SERINO: Through you,  
9 Mr. President, another question.

10 THE PRESIDENT: Does the sponsor  
11 yield?

12 SENATOR SERINO: So who --

13 SENATOR RIVERA: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR SERINO: Who else has that  
16 pool? Because that could be -- go to a lot of  
17 different places. This was going to be  
18 specifically for their needs.

19 SENATOR RIVERA: Through you,  
20 Mr. President, it is true that there are -- that  
21 it is a lot of different types of facilities --  
22 this is what happens when you're old, folks.  
23 Look at this. See my glasses up here so I can  
24 actually read closer?

25 This 1.6 billion will be available

1 to hospital residential healthcare facilities,  
2 adult care facilities, diagnostic treatment  
3 centers, children's residential treatment  
4 facilities, et cetera, et cetera.

5 So this is Part K. So the full list  
6 of those folks who are eligible for that  
7 1.6 billion pool is in that part. So it is -- it  
8 is true that it is a lot of them, but 1.6 billion  
9 is not peanuts. So although the 75 million that  
10 is dedicated to them did not make it to the final  
11 budget, the enacted budget, there is a  
12 \$1.6 billion pool that they can have access to.

13 SENATOR SERINO: Through you,  
14 Mr. President, because I don't know if this --

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR RIVERA: Yes,  
18 Mr. President.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR SERINO: So for the  
21 assisted care facilities, would there be a  
22 difference in the wording there between  
23 not-for-profit and for-profit? Like -- are they  
24 all open to that funding?

25 SENATOR RIVERA: Through you,

1 Mr. President, there is -- both for-profits and  
2 nonprofits would both have access to the same  
3 pool.

4 SENATOR SERINO: Access to the  
5 funding, okay. Because 19 facilities have  
6 already closed. So that was my concern, in order  
7 to keep them going. And the average person  
8 that's in an assisted living facility is 85 years  
9 old with multiple comorbidities.

10 So thank you. That's all my  
11 questions. Thank you.

12 THE PRESIDENT: Senator Martucci.

13 SENATOR MARTUCCI: Thank you,  
14 Mr. President. Will the sponsor yield for a  
15 question? It's on Part DD, so I'm not sure who  
16 would -- it's with respect to the human services  
17 cost of living.

18 SENATOR RIVERA: Through you,  
19 Mr. President, yes.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR MARTUCCI: Excellent, thank  
22 you. Through you, Mr. President.

23 My first question is as I was  
24 reviewing the Governor's Executive Budget  
25 proposal as well as the one-house budget

1 proposals from both the Senate and the Assembly,  
2 the Governor and the Senate proposed a  
3 5.4 percent increase. The Assembly, on the  
4 contrary, provided an 11 percent increase. I see  
5 in the final adopted language here the language  
6 is included for a 5.4 percent increase.

7 In my review, it certainly seemed  
8 like putting those three documents together, that  
9 was sort of maybe a floor, an increased floor.  
10 And I was thinking perhaps maybe the sponsor  
11 could share a little bit of logic as to how you  
12 arrived at that number and why perhaps it wasn't  
13 a bit higher.

14 SENATOR RIVERA: Through you,  
15 Mr. President, the reason for the 5.4 -- this was  
16 actually the Executive's initial proposal. And  
17 although there were different proposals on the  
18 table, as we were making decisions towards the  
19 end, that is ultimately what we decided on. And  
20 we decided to accept the Executive's proposal of  
21 just a 5.4 percent COLA for the first year.

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

24 THE PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR RIVERA:    Yes,  
2   Mr. President.

3                   THE PRESIDENT:    The sponsor yields.

4                   SENATOR MARTUCCI:   Thank you.

5                   So I'm sure the sponsor is aware  
6   right now inflation is at a 40-year high,  
7   7.4 percent, somewhere in around that range.  
8   We've heard from countless folks in this field,  
9   direct service providers and others that, as my  
10   colleague Senator O'Mara called out, are really  
11   on the frontlines of healthcare and personally  
12   service care, but on the bottom rung,  
13   unfortunately, of the pay ladder.

14                   Is it your position that a  
15   5.4 percent COLA is a raise in a year where  
16   there's a 7.4 percent inflation rate?  
17   Especially, again, because we're dealing with  
18   some of the individuals who are at the very  
19   bottom rung of the income ladder and are, again,  
20   folks that have not seen an increase, a  
21   significant increase in a very, very long time.

22                   SENATOR RIVERA:    Mr. President,  
23   what I am saying is that that is at this point,  
24   through the three-way negotiations, the best that  
25   we could get.

1                   SENATOR MARTUCCI:    Will the sponsor  
2                   continue to yield.

3                   THE PRESIDENT:     Does the sponsor  
4                   yield?

5                   SENATOR RIVERA:     Yes,  
6                   Mr. President.

7                   THE PRESIDENT:     The sponsor yields.

8                   SENATOR MARTUCCI:   Thank you,  
9                   Senator.

10                   So my final question, then, is I'm  
11                   sure you're aware that the Majority held a  
12                   hearing that I participated in last year where it  
13                   brought together, in particular, direct service  
14                   providers, DSPs, to talk about the staffing  
15                   crisis that exists in the I/DD community, an  
16                   insufficient number of qualified folks to provide  
17                   those critical personal services to individuals  
18                   with disabilities.

19                   Was any of the testimony that came  
20                   from that hearing with respect to how we solve  
21                   this workforce crisis taken into consideration  
22                   during this process in which the 5.4 percent COLA  
23                   was determined?

24                   SENATOR RIVERA:     Through you,  
25                   Mr. President.    I would say that in instances



1     like this, certainly everything that we here as  
2     policymakers kind of takes -- we take into  
3     account as we go into those final negotiations.

4                 But sometimes three-way agreements  
5     are very hard to reach. The fact that we are  
6     here on the, what, eighth day of this month, so  
7     just seven days late to the -- to our budget  
8     should tell you a little bit about that.

9                 And in this case all I can say is  
10    that that is ultimately -- all those things might  
11    have been in the brains and the minds of all  
12    those folks who were negotiating, but ultimately  
13    this is the best that we could come up with in  
14    this particular situation.

15                SENATOR MARTUCCI:    Mr. President,  
16    on the bill.

17                THE PRESIDENT:    Senator Martucci on  
18    the bill.

19                SENATOR MARTUCCI:    So I'll start by  
20    thanking Senator Rivera for answering my  
21    questions.

22                I mean, look, our direct service  
23    providers, our DSPs who take care of individuals  
24    with intellectual and developmental disabilities,  
25    and those that work in human services, have long

1     been neglected in this state. For many, many  
2     years they've been neglected. And as a result of  
3     that neglect, we found ourselves -- I said this  
4     before and I'll say it again right now on this  
5     floor -- we've found ourselves on the edge of a  
6     cliff. We are not at a crossroads, but the edge  
7     of a cliff with respect to how we support  
8     individuals in our state with developmental  
9     disabilities and others that need these critical  
10    human services.

11                   And, Mr. President, I don't think we  
12    have a greater responsibility than to care for  
13    folks like that in our society and make sure that  
14    we're doing everything we can to help support  
15    them. And these direct services are only as good  
16    as the people who provide them. And we're not  
17    going to be able to support these individuals  
18    that need these services so terribly when the  
19    best we can come up with, in a year like this, a  
20    year with 40-year record inflation, 7.4 percent,  
21    and a year where gas prices are skyrocketing and  
22    other things, that we come to the table with  
23    5.4 percent.

24                   Many of these folks, most of these  
25    folks will be making less than they did last

1 year. Senator O'Mara called it out before when  
2 he was talking about minimum wage, upstate  
3 minimum wage: \$13.20. So we'll start by saying  
4 this shouldn't be a minimum wage job. The jobs  
5 that I'm talking about shouldn't be minimum wage  
6 jobs. But unfortunately, many of them are.

7                   And then when we add that  
8 5.4 percent, we don't even get to 14 bucks. And  
9 that's why people aren't choosing this line of  
10 work. Not because they don't love it -- they  
11 love it a lot. They love the people they care  
12 for. The problem is they can make more money  
13 virtually working anywhere else. And in a budget  
14 flush with cash, we should be working this year  
15 to help the people who need the support the most,  
16 the people who are at the bottom end of this  
17 economic ladder, the people that have served on  
18 the frontlines of this pandemic, and the people  
19 that are taking care of the most vulnerable in  
20 our state.

21                   We had an opportunity to do that  
22 here. This is a really, really big, big missed  
23 opportunity.

24                   And the last thing I'll say is this.  
25 The reason I'm voting no when the time comes is

1     because I think back to that hearing and the many  
2     advocates that I've heard from during this entire  
3     process. And when you hear the stories, when you  
4     hear the stories of someone that can't go to the  
5     bathroom because their DSP didn't show up at  
6     their home that day so they're in their  
7     wheelchair all day, unable to go to the bathroom,  
8     or folks that can't make medical appointments  
9     because no one's there to take them -- or the way  
10    that lives have been altered because, again,  
11    there are an insufficient number of people to do  
12    this work -- this was our opportunity to do it.  
13    This is a missed opportunity to do it. And I'm  
14    terribly disappointed in that, Mr. President.

15                 We could have and we should have  
16    done better. And I know that my colleagues on  
17    this side of the aisle, many of whom I had an  
18    opportunity to talk with before I walked in here,  
19    feel that exact same way. We're tremendously  
20    disappointed in this proposal. And as I said,  
21    when the time comes, for that and other reasons,  
22    I won't be voting in the affirmative today.

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

25                 Seeing and hearing none, debate is

1 closed. The Secretary will ring the bell.

2 There is a substitution at the desk.

3 The Secretary will read.

4 THE SECRETARY: Senator Krueger

5 moves to discharge, from the Committee on

6 Finance, Assembly Bill Number 9007C and

7 substitute it for the identical Senate Bill

8 8007C, Third Reading Calendar 750.

9 THE PRESIDENT: The substitution is  
10 so ordered.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number  
13 750, Assembly Print Number 9007C, Assembly Budget  
14 Bill, an act to amend the Public Health Law.

15 THE PRESIDENT: Read the last  
16 section.

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

19 THE PRESIDENT: Call the roll.

20 (The Secretary called the roll.)

21 THE PRESIDENT: Senator Mattera to  
22 explain his vote.

23 No -- do you want to?

24 SENATOR MATTERA: Yes.

25 THE PRESIDENT: Okay.

1                   SENATOR MATTERA:    Thank you,  
2   Mr. President.   On the bill.

3                   You know, this is very upsetting to  
4   me because all of our healthcare workers that  
5   were here for our families for over two years --  
6   our heroes were here for over two years and lost  
7   jobs.   I would have loved to have seen something  
8   in this bill that was there for our heroes.

9                   They're essential workers.   The  
10   pandemic hits, they were there for our families  
11   and protected us from harm's way.   And there is  
12   nothing in this bill that protected these people  
13   that worked hard for us and with a pandemic that  
14   none of us have seen in our lifetime.   No  
15   unemployment insurance.   Where is that in this  
16   bill?   Any kind of money that they were there for  
17   our families, that they were there for these  
18   people?   Nothing at all.

19                  I am here today to say I wish that  
20   this was thought out a little bit more for the  
21   people, our essential workforce, our heroes.   And  
22   you know what?   They were forgotten about.   And  
23   I'm going to say it again.   Not even unemployment  
24   insurance for these people.   We lost talent,  
25   talent that had to move out of state.   Talent

1     that, guess what, had to find a new occupation.  
2     Talent that, you know what, that are our  
3     neighbors, our friends, our families that lost  
4     their jobs.

5                 So Mr. President, I will be voting  
6     no on this bill for that main reason that, guess  
7     what, nobody thought about our heroes. And you  
8     know what? They went from heroes to zeroes. But  
9     they'll also be our heroes in my heart.

10                Thank you very much.

11                THE PRESIDENT:    Senator Mattera to  
12     be recorded in the negative.

13                Senator Savino to explain her vote.

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

16                I rise in support of this bill. And  
17     while it may not be perfect, I've never met a  
18     budget bill that is.

19                This is my 18th year in the Senate,  
20     my 32nd year in government, starting in the  
21     social service field. And I will tell you for  
22     the entire time I have served in government, the  
23     State of New York has treated the human service  
24     sector like crap. It always has. And over the  
25     course of my 32 years, we have shifted more and

1 more of the responsibility to the nonprofit  
2 sector, which is one of the reasons why they have  
3 driven down wages and shifted the burden.

4 And so I won't be here next year,  
5 but perhaps some of you who will be here will  
6 rethink that. Because that is what's driving  
7 people out of this profession. We are forcing  
8 people to do this work without adequate  
9 compensation. Think about that. If you want to  
10 recruit and retain people, think about how to  
11 raise their wages and stop starving these  
12 nonprofit agencies. Because after all, they're  
13 just a pass-through for Medicaid.

14 But there are good things in this  
15 budget bill, and I want to focus on one of them.  
16 Because you know what? Sometimes when we get  
17 here, we forget about the people that helped get  
18 us elected. When I ran for office in 2004, I  
19 knocked on the door of a family, a young couple,  
20 Joe and Rosina Trimarchi. They had a young  
21 daughter, her name was Alexia. She was born  
22 profoundly disabled. She had spastic quad  
23 cerebral palsy, seizure disorder, GIRD, shunted  
24 hydrocephalus, and had a G-tube. She lived at  
25 home because she had 24-hour care, four



1 independent private-duty nurses, and had that at  
2 home with her every day since.

3 She's 21 now, and for the past few  
4 years her mother and father have lived in dread  
5 fear that the day would come when she would age  
6 out of what's being called a medically fragile  
7 child. And why is that important? Because  
8 private-duty nurses get a much higher rate for  
9 medically fragile children than they do for  
10 medically fragile adults. And they knew that the  
11 day would come when she hit age 23, when they  
12 would lose the nurses that they depended on, that  
13 made it possible for Alexia to stay at home with  
14 her.

15 In this budget bill, in Part O, we  
16 fix that. And I want to say a special thank you  
17 to Jonathan Lang, because you worked on this for  
18 the past couple of years.

19 And so tonight, Alexia, Joe and  
20 Rosina Trimarchi and other families around the  
21 state who have medically fragile children who are  
22 going to age out can sleep peacefully. So if  
23 nothing else, we have accomplished something for  
24 really profoundly affected children today.

25 I vote in the affirmative. Thank

1       you, Mr. President.

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

4                   Senator Ramos to explain her vote.

5                   SENATOR RAMOS:     Thank you,  
6       Mr. President.   I'm voting in the affirmative,  
7       but I really couldn't pass up the opportunity to  
8       call out the audacity of, you know, the folks on  
9       the other side of the aisle to rise and speak on  
10      behalf of workers and better pay. I have never  
11      seen them or run into them at rallies for our  
12      nurses. I didn't see you guys participate in any  
13      of our fight for fair pay for home care workers.

14                   I mean, I agree that this bill  
15      doesn't go far enough -- not as far enough as I  
16      would like. I mean, we just went through an  
17      entire pandemic, one of the biggest catastrophes  
18      of our lives. My constituents are expecting me  
19      to deliver on the New York Health Act. That  
20      would help us with Lyme disease and sickle cell  
21      and anything you name.

22                   That is how we're able to save our  
23      health industry, is actually by taking insurance  
24      out, insurance companies out of the equation, and  
25      at the very least be able to support coverage for

1 all, because it does matter that the person  
2 sitting next to us on the bus isn't sneezing.  
3 We've learned that now.

4 So I really do think that, you know,  
5 with all of the decades of austerity and of  
6 disinvestment in our hospital system, even, when  
7 the other side of the aisle was in charge of this  
8 body -- I mean, in the last 20 years five  
9 hospitals have closed in Queens alone. And that  
10 was what did us in during the pandemic.

11 So it's going to take years, it's  
12 going to take billions of dollars for us to  
13 reverse the damage that so many of you have done  
14 to our healthcare system. And I really do hope  
15 that the day arrives soon where we can make the  
16 New York Health Act a reality in New York State.

17 Thank you.

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

20 Senator Rivera to explain his vote.

21 SENATOR RIVERA: Ditto on  
22 everything that the sister just said,  
23 particularly about the New York Health Act.

24 Just -- I quickly want to say  
25 certainly thank you to all my colleagues who

1        chimed in. It is true, Mr. President, that this  
2        is far from a perfect budget bill. It's far from  
3        a perfect budget. We'll certainly be talking  
4        about it more during the day.

5                        I would say, however, that there's  
6        some steps that are taken here -- the reason why  
7        I'm voting in the affirmative on this one,  
8        there's some positive steps that we're taking to  
9        kind of fix the austerity of the last 10 or 11  
10       years. The departed, as I often refer to him,  
11       and the administration that he led for so long,  
12       took the healthcare system and particularly  
13       those -- the healthcare that serves the most  
14       vulnerable, whether it's nursing homes, whether  
15       it's distressed hospitals, whether it's  
16       high-needs communities, and he treated them with  
17       disdain.

18                       And I'm glad to say that we're kind  
19       of turning the corner. But much like a big  
20       battleship, you cannot turn it on a dime. And so  
21       there's some steps forward that we're having  
22       here. I will -- just a couple of things that I  
23       want to underline. Unfortunately, the global  
24       cap, which is something that we have spoken about  
25       many times on this floor as being something that

1 is unnecessary, still is with us. All right,  
2 I'll give you one more year. We've got to  
3 definitely talk about it.

4 We did, however, come back, as I  
5 said, from the across-the-board cuts that we had  
6 done before on Medicaid, and we put a little bit  
7 more on top of that. We did identify money for  
8 distressed hospitals, and we're going to be  
9 working in the next couple of bills -- in the  
10 next couple of months, I should say, to really  
11 make sure that that gets to the right folks that  
12 have the most need.

13 We did do some changes on  
14 telehealth, which is important.

15 So we've done -- I think,  
16 Mr. President, that we have done a little bit of  
17 what we need to do to kind of right the ship on  
18 this. But it is certainly not the last time that  
19 I will be on this floor talking about how we need  
20 to really come back from the austerity and the  
21 disinvestment that the last decade gave us. And  
22 certainly not the last time, Mr. President, that  
23 I stand up to talk about how necessary the  
24 New York Health Act is. So hopefully we will do  
25 that very soon.

1                   Thank you, Mr. President. I'll be  
2                   voting in the affirmative.

3                   THE PRESIDENT: Senator Rivera to be  
4                   recorded in the affirmative.

5                   Senator Akshar to explain his vote.

6                   SENATOR AKSHAR: Mr. President,  
7                   thank you.

8                   I certainly wasn't going to rise,  
9                   but "audacity"? Spare me the theatrics. How  
10                  about "hypocrisy"?

11                 You know what, you have an  
12                 opportunity to take care and address all these  
13                 issues that you speak of. It's not here yet, but  
14                 it will be on our desks: you're going to give a  
15                 billion dollars to a football team to build a  
16                 stadium. So you know what? It is hypocrisy at  
17                 its best to point your finger and blame the  
18                 people on this side of the aisle for your  
19                 shortcomings and your failures.

20                 You had an -- you've had plenty of  
21                 opportunities this year, 10 billion extra dollars  
22                 from the federal government. And you know what?  
23                 Back at home where I come from, the people that I  
24                 represent in a very small town, Owego, a  
25                 15-year-old girl just killed herself. They have

1       30 kids in their school who are on a three-month  
2       waitlist to get services, mental health services.

3               So spare me the theatrics. Don't  
4       point your finger and blame people on this sides  
5       of the aisle. You ought to look in a mirror.

6               Mr. President, I vote no.

7               THE PRESIDENT:     Senator Akshar to  
8       be recorded in the negative.

9               Senator Mannion to explain his vote.

10              SENATOR MANNION:    Thank you,  
11       Mr. President. I rise today in support of this  
12       bill.

13              I'd like to thank our staff,  
14       including Jonathan Lang, Chris Higgins and  
15       others. I'd like to thank Senator Rivera and  
16       Leader Stewart-Cousins for her advocacy on a  
17       number of issues, but one particular issue is the  
18       CDPAP program, a consumer-directed program. And  
19       what is really important about it being in this  
20       bill is that services are provided for people in  
21       their homes to make sure that they can live  
22       independently, as independently as possible, and  
23       stay in their homes without going into a nursing  
24       home.

25              And beyond that, what this -- the

1 language assures is that there will be regional  
2 providers that know the systems in the area best,  
3 that know the networks in the area best, and more  
4 importantly know the individuals themselves and  
5 their needs because they have a close  
6 relationship with them.

7 And as a result, I'm proud to  
8 support this part of the bill, but really the  
9 bill entirely. It took a lot of work to get to  
10 this point. And I can tell you that not just the  
11 organizations that are involved but, more  
12 importantly, the people who need to be served by  
13 these organizations are very appreciative that  
14 their regional local providers that know them  
15 best will be providing the service.

16 And as chair of the Disabilities  
17 Committee, I have to say this. I appreciate the  
18 comments that had occurred before. We went over  
19 a decade without any cost-of-living adjustment,  
20 and last year we fought hard for a 1 percent  
21 cost-of-living adjustment. One percent. I held  
22 a hearing, as Senator Martucci referenced, and we  
23 listened to the concerns of individuals. We  
24 listened to the concerns of providers and  
25 advocates. And we listened to the concerns of



1 DSPs.

2 We have a vacancy rate that is  
3 unacceptable. And we have a turnover rate that  
4 is challenging. And the reason it is challenging  
5 is because this work is delicate, it's based on  
6 trust.

7 So what do we have in this budget?  
8 We have historic increases in a cost-of-living  
9 adjustment at 5.4 percent. But I, as chair of  
10 the Disabilities Committee, Senator Brisport, who  
11 is chair of Children and Families, Senator  
12 Harckham, who works with the O agencies such as  
13 OASAS, and Senator Brouk, who's chair of  
14 Mental Health, we will continue to advocate for  
15 these agencies. The fight is not over.

16 Remember that this is historic that  
17 we have this cost-of-living adjustment. There is  
18 much work to be done. We will continue to do  
19 that work, and we will be back in the fight.

20 I vote aye.

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

23 Senator Krueger to explain her vote.

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

1                   There are reasons to vote for this  
2 bill, there are reasons to vote against this  
3 bill. And I just want to say I appreciate my  
4 colleagues' -- on both sides -- passions about  
5 this. Because what is clear is that many of us  
6 do agree in this room, on both sides of the  
7 aisle, that we need to invest more in our human  
8 services, in our workers, in the people we all  
9 care about, we all have in our districts, and  
10 that the state needs to do better.

11                   I do believe that on total, this  
12 bill is a better bill for health and human  
13 services than I have seen in many a year and  
14 makes a first down payment on some of the work we  
15 have to continue to do.

16                   I also respect my colleagues' -- on  
17 both sides of the aisle -- passion about how we  
18 should get there. One of my colleagues, or more,  
19 would argue that we should get there by raising  
20 taxes. Other colleagues would argue that we  
21 shouldn't pay for football fields. I actually  
22 agree with both of you.

23                   But we're not there this year, so we  
24 can't get it all. And so we need to continue  
25 working together even when we get angry at each

1 other, recognizing what we have been able to do  
2 and what we have not been able to do, and  
3 remembering while this is technically the budget,  
4 it's not the end of the process at all.

5 And every single one of us knows how  
6 you advocate and you organize to push your own  
7 agenda. And that's, by the way, why we all  
8 decided to run for office, because we believe in  
9 the democratic process. We believe that if we go  
10 into government trying to meet the goals we have  
11 set for ourselves and what we hear is needed by  
12 the people we are trying to represent, we are  
13 going to get it better.

14 But we're not done. But again, I  
15 just wanted to say, because people are a little  
16 hot and tired, that I'm actually happy for the  
17 dialogue and even the fight.

18 I vote yes, Mr. President. Thank  
19 you.

20 THE PRESIDENT: Senator Krueger to  
21 be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar 750, those Senators voting in the  
25 negative are Senators Akshar, Borrello, Boyle,

1     Gallivan, Griffo, Helming, Jordan, Lanza,  
2     Martucci, Mattera, Oberacker, O'Mara, Ortt,  
3     Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
4     Weik.

5                     Ayes, 43.   Nays, 20.

6             THE PRESIDENT:    The bill is passed.

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

9             SENATOR GIANARIS:   Mr. President,  
10    just by way of updating our members, there are  
11    four remaining bills before the budget is  
12    complete. They are in the process of being  
13    finalized. So we are going to stand at ease for  
14    a short while, while that process gets done, and  
15    our colleagues across the aisle have time to  
16    conference the bills once they are ready.

17                     So the Senate will stand at ease.

18             THE PRESIDENT:    The Senate will  
19     stand at ease.

20                     (Whereupon, the Senate stood at ease  
21     at 3:11 p.m.)

22                     (Whereupon, the Senate reconvened at  
23     7:13 p.m.)

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

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President,  
3 there will be an immediate meeting of the Finance  
4 Committee in Room 124.

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

8 SENATOR GIANARIS: The Senate  
9 stands at ease.

10 THE PRESIDENT: The Senate will  
11 stand at ease.

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

14 (Whereupon, the Senate reconvened at  
15 7:47 p.m.)

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

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President,  
20 there's a report of the Finance Committee at the  
21 desk.

22 Please take that up.

23 THE PRESIDENT: The Secretary will  
24 read.

25 THE SECRETARY: Senator Krueger,

1 from the Committee on Finance, reports the  
2 following bill:

3 Senate Print 8006C, Senate Budget  
4 Bill, enacts into law major components of  
5 legislation necessary to implement the state  
6 education, labor, housing and family assistance  
7 budget for the 2022-2023 state fiscal year.

8 The bill reports direct to third  
9 reading.

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

12 THE PRESIDENT: All those in favor  
13 of accepting the report of the Finance Committee  
14 signify by saying aye.

15 (Response of "Aye.")

16 THE PRESIDENT: Opposed, nay.

17 (Response of "Nay.")

18 THE PRESIDENT: The report is  
19 accepted.

20 Senator Gianaris.

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

23 THE PRESIDENT: The Secretary will  
24 read.

25 THE SECRETARY: Calendar Number

1       752, Senate Print 8006C, Senate Budget Bill, an  
2       act to amend the Education Law.

3               SENATOR AKSHAR:    Lay it aside.

4               THE PRESIDENT:    Before we lay it  
5       aside, is there a message of necessity at the  
6       desk?

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

9               SENATOR GIANARIS:   Move to accept  
10      the message of necessity.

11              THE PRESIDENT:    All those in favor  
12      of accepting the message process signify by  
13      saying aye.

14              (Response of "Aye.")

15              THE PRESIDENT:    Opposed, nay.

16              (Response of "Nay.")

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

19              SENATOR GIANARIS:   I believe it's  
20      laid aside, Mr. President.

21              THE PRESIDENT:    The bill is laid  
22      aside.

23              SENATOR GIANARIS:   Let's move to  
24      the controversial calendar.

25              THE PRESIDENT:    The Secretary will

1 ring the bell.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 752, Senate Print 8006C, Senate Budget Bill, an  
5 act to amend the Education Law.

6 Senator Akshar, why do you rise?

7 SENATOR AKSHAR: Mr. President, I  
8 believe there's an amendment at the desk. I  
9 waive the reading of that amendment and ask that  
10 you recognize Senator Palumbo to be heard.

11 THE PRESIDENT: Thank you,  
12 Senator Akshar.

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

16 SENATOR AKSHAR: Accordingly,  
17 Mr. President, I appeal the ruling of the chair  
18 and ask that Senator Palumbo be recognized.

19 THE PRESIDENT: The appeal has been  
20 made and recognized, and Senator Palumbo may be  
21 heard.

22 SENATOR PALUMBO: Thank you,  
23 Mr. President, for allowing me the opportunity to  
24 the appeal the ruling of the chair.

25 As we sit here today with the



1 Education, Labor and Family Assistance Budget  
2 bill, we do have incorporated within this bill an  
3 amendment to -- and further changes to the bail  
4 reform statute. Now, this is the third iteration  
5 of the bail reform statute, and with respect to  
6 germaneness, the proposed amendment will repeal  
7 the so-called bail reform statute in its  
8 entirety.

9 So when we sit here -- and obviously  
10 we're addressing just simply the germaneness, and  
11 I'll get to the bill itself in a little bit -- I  
12 don't think we can actually say with a straight  
13 face that it's not germane to changes to the bail  
14 reform statute.

15 And now by way of history, in 2019,  
16 in the budget, bail reform was adopted. It took  
17 effect on January 1, 2020. And quite clearly, it  
18 was dangerous and became more dangerous by the  
19 day. And after a significant backlash,  
20 significant people were released from custody,  
21 people could not have been held on -- for  
22 example, manslaughter in the second degree. I  
23 was in the other house at the time, during the  
24 2019 budget, and I specifically argued that  
25 charges such as drunk driving and killing someone

1       were ineligible for bail.

2               So clearly, there was no choice, and  
3       the two houses, the two majorities, felt the need  
4       to immediately make changes. And they made some  
5       not very significant changes. But they did add a  
6       few things, like when someone loses their life,  
7       the judge could consider bail.

8               But again, having a laundry list of  
9       crimes that are ineligible for bail, the judge  
10      has no discretion to decide dangerousness, to  
11      decide anything of any real significance that  
12      would otherwise ensure that person's return to  
13      court, because they were specifically ineligible  
14      crimes. So that was version two.

15              And then we sit in this chamber  
16      today making yet another round of changes,  
17      because clearly, in my opinion, and I think in  
18      the opinion of most New Yorkers, we are less safe  
19      as a result.

20              So when I suggest that this is not  
21      only germane, that this bill, repealing it and  
22      starting from scratch is the answer, I think it's  
23      without question that we all agree. Otherwise,  
24      we wouldn't be standing here making yet another  
25      change that in my opinion, having read Part UU of

1     this ELFA bill, doesn't do much. In fact, it  
2     doesn't come anywhere close to fixing the  
3     problem.

4                 So the reason why we need full  
5     repeal -- and I might add one thing. Because  
6     some of my colleagues have said, and publicly,  
7     that we're going to go back to the Stone Age,  
8     we're going to go back -- this is terrible, that  
9     if we want to even consider repealing the current  
10    bail statute -- well, actually, we're going to go  
11    back to December 31, 2019. We're not going back  
12    to the Stone Age, we're going just a few years  
13    back. And then we can talk about doing it right.  
14    Because there were some changes that possibly  
15    could have been done, for sure, but not like  
16    this. And not like version two. And, quite  
17    frankly, not like the one we're about to debate  
18    and vote on today.

19                So with all due respect,  
20    Mr. President, I do appeal your ruling. I do  
21    believe this bill is certainly germane. And I  
22    think if we can get past the germaneness, we  
23    should ultimately have a vote on the floor,  
24    because that is what we need to do to help our  
25    New Yorkers be more safe.

1 Thank you.

2 THE PRESIDENT: Thank you,  
3 Senator Palumbo.

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

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

9 SENATOR AKSHAR: Request a show of  
10 hands.

11 SENATOR GIANARIS: We've agreed to  
12 waive the showing of hands and record each member  
13 of the Minority in the affirmative,  
14 Mr. President.

15 THE PRESIDENT: Without objection,  
16 so ordered.

17 Announce the results.

18 THE SECRETARY: Ayes, 20.

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

22 Senator Palumbo, why do you rise?

23 SENATOR PALUMBO: Mr. President, I  
24 believe there's an amendment at the desk. I  
25 waive the reading of that amendment and I ask

1       that you recognize Senator Borrello to be heard,  
2       please.

3                   THE PRESIDENT:     Thank you,  
4       Senator Palumbo.

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

8                   SENATOR PALUMBO:   Accordingly,  
9       Mr. President, I appeal the ruling of the chair  
10      and ask that Senator Borrello once again be  
11      recognized.

12                  THE PRESIDENT:     The appeal has been  
13      made and recognized, and Senator Borrello may be  
14      heard.

15                  SENATOR BORRELLO:   Mr. President, I  
16      rise to appeal the ruling of the chair. This is  
17      indeed germane because the bill in chief -- the  
18      bill at hand amends the Mental Hygiene Law, and  
19      both relate to mental health treatment.

20                  We should, as legislators, be  
21      interested in protecting everyone in New York.  
22      We should be concerned about the rise in mental  
23      illness that has plagued our state, especially  
24      during the pandemic. This amendment would make  
25      Kendra's Law permanent. Kendra's Law has been

1 effective but underutilized in addressing those  
2 with severe mental illness, while still  
3 addressing them during assisted outpatient  
4 treatment. It has helped them get the help they  
5 need while also ensuring there's not the stigma  
6 of getting mental health treatment.

7           We've talked a lot about what we can  
8 do to curb violence, and that's what we're going  
9 to talk about tonight a little bit more. But  
10 those who need help should be able to get that  
11 help, and those professionals that can evaluate  
12 someone and determine what kind of help they can  
13 get, should have that opportunity. And that is  
14 what Kendra's Law does.

15           This should not be something that we  
16 should have to wring our hands over to ensure  
17 that it's going to be renewed, or have it held  
18 hostage as part of a negotiation. It should  
19 indeed be permanent, and that's what this  
20 amendment would do.

21           So, Mr. President, I appeal your  
22 ruling, and I hope you rule in my favor.

23           Thank you.

24           THE PRESIDENT: Thank you, Senator  
25 Borrello.

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

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

6                   SENATOR PALUMBO:     Request a show of  
7                   hands.

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

12                  THE PRESIDENT:     Without objection,  
13                  so ordered.

14                  Announce the results.

15                  THE SECRETARY:     Ayes, 20.

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

19                  Senator Ortt.

20                  SENATOR ORTT:     Thank you,  
21                  Mr. President.     Would the sponsor yield.

22                  THE PRESIDENT:     Does the sponsor  
23                  yield for questions?

24                  SENATOR KRUEGER:    Yes, sir, I do.

25                  THE PRESIDENT:     The sponsor yields.

1                   SENATOR ORTT:    Through you,  
2   Mr. President.

3                   SENATOR KRUEGER:   Excuse me.   If I  
4   might ask the sponsor which section he's going to  
5   start with questions on.

6                   SENATOR ORTT:    Section UU.

7                   SENATOR KRUEGER:   Then if you do  
8   not mind --

9                   SENATOR ORTT:    I do not.

10                  SENATOR KRUEGER:   -- we have  
11   someone else who's going to be the sponsor for  
12   this section.

13                  SENATOR ORTT:    Fair enough.

14                  SENATOR KRUEGER:   Senator Bailey  
15   will be representing us.   Thank you.

16                  THE PRESIDENT:    Does the sponsor  
17   yield?

18                  SENATOR BAILEY:   Absolutely.

19                  THE PRESIDENT:    The sponsor yields.

20                  SENATOR ORTT:    Thank you.   Through  
21   you, Mr. President.

22                         Does the sponsor consider the  
23   changes in this section of the bill that we're  
24   voting on tonight a rollback or repeal of the  
25   cashless bail that was passed by this body in



1 2019?

2 SENATOR BAILEY: Through you,  
3 Mr. President, the modifications that were made  
4 in Part UU of this bill were changes that were  
5 made to clarify statutes that were existing, to  
6 make it easier for judges to understand and  
7 determine the nature of the proceedings and to  
8 also make sure that -- in the prior instance of  
9 what we did, we wanted to make sure that we  
10 clarified what bail was about. And bail was  
11 about a return to court.

12 In clarifying some of the language,  
13 we wanted to make sure that we were -- we're  
14 looking to do everything that we can to make it  
15 easier for judges to understand what the intent  
16 of the Legislature was.

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

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR BAILEY: Sure.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR ORTT: So I want to -- just  
25 so I understand. Through you, Mr. President.

1                   So that would be a no, the sponsor  
2 would not view these clarifications as a repeal  
3 or rollback of any of the provisions of the  
4 cashless bail law of 2019.

5                   SENATOR BAILEY:   Through you,  
6 Mr. President, different people have different  
7 verbiages and different ways of saying things,  
8 Mr. President.

9                   SENATOR ORTT:    Through you,  
10 Mr. President, if the sponsor would continue to  
11 yield.

12                  THE PRESIDENT:   Does the sponsor  
13 yield?

14                  SENATOR BAILEY:   Certainly.

15                  THE PRESIDENT:    The sponsor yields.

16                  SENATOR ORTT:    Through you,  
17 Mr. President.   What is the sponsor's way of  
18 saying it here?

19                  SENATOR BAILEY:   Through you,  
20 Mr. President.   I answered the Senator in my  
21 initial response to his initial question.

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

25                  THE PRESIDENT:    Does the sponsor

1       yield?

2                   SENATOR BAILEY:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR ORTT:     Through you,  
5       Mr. President, does the sponsor believe that the  
6       cashless bail -- again, the cashless bail law  
7       that was passed in 2019 by the Majority in this  
8       house -- has resulted in an increase in crime  
9       here in New York or has contributed to an  
10      increase in crime here in the State of New York?

11                  SENATOR BAILEY:     Through you,  
12      Mr. President, no.

13                  SENATOR ORTT:     If the sponsor would  
14      continue to yield.

15                  THE PRESIDENT:     Does the sponsor  
16      yield?

17                  SENATOR BAILEY:     Yes.

18                  THE PRESIDENT:     The sponsor yields.

19                  SENATOR ORTT:     Through you,  
20      Mr. President. If not, then why, for the second  
21      time, are we attempting to fix this law? This is  
22      the second time that this body has taken up the  
23      cashless bail that was passed in 2019, the second  
24      time we've taken up trying to fix it. So we  
25      passed it in 2019, we tried to -- we came up with

1       some fix in 2020, and now here we are again.

2               So if it hasn't increased crime,  
3       then what has brought us back here to clarify or  
4       to try and fix it for yet a second time --  
5       really, a total of three times that we've passed  
6       laws related to bail in this body since 2019.

7               SENATOR BAILEY:    Through you,  
8       Mr. President.  As a legislator, I think our job  
9       is to ensure -- especially through the process of  
10      chapter amendments.  We modify bills based upon  
11      chapter amendments a number of times.

12              So as legislators, if we see  
13      something, we are -- we must make sure we take a  
14      look at that and do what we need to do that.

15              What we did here is make sure --  
16      again, in my initial response to the first  
17      question -- was to ensure that there was  
18      clarifying language so that judges were able to  
19      interpret the statutory construction that we  
20      created around the laws of 2019 when we passed  
21      that at that time.

22              SENATOR ORTT:    Will the sponsor  
23      continue to yield?

24              THE PRESIDENT:    Does the sponsor  
25      yield?

1                   SENATOR BAILEY:     Certainly.

2                   THE PRESIDENT:     The sponsor yields.

3                   SENATOR ORTT:     Through you,  
4     Mr. President.   So the sponsor said when you see  
5     something, when we see something, we have to make  
6     changes or attempt to make amendments.

7                   So what have we seen as a result of  
8     cashless bail from 2019 that has resulted in us  
9     coming back and trying to amend it?

10                  SENATOR BAILEY:    Through you,  
11     Mr. President, we have seen that certain judges  
12     were not exactly clear on what the intent of the  
13     Legislature was, and we decided to clarify that  
14     accordingly.

15                  SENATOR ORTT:     Will the sponsor  
16     continue to yield?

17                  THE PRESIDENT:     Does the sponsor  
18     yield?

19                  SENATOR BAILEY:    Absolutely.

20                  THE PRESIDENT:     The sponsor yields.

21                  SENATOR ORTT:     Through you,  
22     Mr. President, were there any changes to cashless  
23     bail as part of the Executive Budget?

24                  SENATOR BAILEY:    Through you,  
25     Mr. President, the Executive did not include

1       those initially.

2                   SENATOR ORTT:     Will the sponsor  
3       continue to yield?

4                   THE PRESIDENT:    Does the sponsor  
5       yield?

6                   SENATOR BAILEY:    Yes.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR ORTT:     Were there changes  
9       at all in the 30-day amendments?

10                  SENATOR BAILEY:    Through you,  
11       Mr. President, no.

12                  SENATOR ORTT:     Will the sponsor  
13       continue to yield?

14                  THE PRESIDENT:    Does the sponsor  
15       yield?

16                  SENATOR BAILEY:    Absolutely.

17                  THE PRESIDENT:    The sponsor yields.

18                  SENATOR ORTT:     Were there changes  
19       or amendments in the Senate or Assembly one-house  
20       budgets?

21                  SENATOR BAILEY:    Through you,  
22       Mr. President, no.

23                  SENATOR ORTT:     Will the sponsor  
24       continue to yield?

25                  THE PRESIDENT:    Does the sponsor

1       yield?

2                   SENATOR BAILEY:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR ORTT:     So there was nothing  
5       about this in the Executive Budget, there was  
6       nothing about this in the 30-day amendments,  
7       there was nothing about this in the Senate or  
8       Assembly one-house budgets.  And as of March  
9       15th, Senator Stewart-Cousins, the Majority  
10      Leader, said that "I think the Governor has been  
11      very clear that the bail reforms that we did were  
12      right."

13                   So I'm curious if the sponsor could  
14      tell me, when did the Majority -- when did the  
15      Majority Conference decide that something had to  
16      be done, that these changes had to be made or  
17      attempted to be made to the cashless bail laws of  
18      2019?  Because as of March 15th, they were saying  
19      that -- their leadership was saying they're good,  
20      there was nothing in any part of this budget  
21      process until right now, here, tonight.

22                   So I'm just curious as to when this  
23      decision was made by the Majority to make changes  
24      to cashless bail.

25                   SENATOR BAILEY:     Through you,

1 Mr. President. As the good Senator knows, that  
2 legislating is an evolving conversation. And  
3 conversations were continued to be had,  
4 through and including the time that the Senator  
5 mentioned.

6 SENATOR ORTT: Will the sponsor  
7 continue to yield?

8 THE PRESIDENT: Does the sponsor  
9 yield?

10 SENATOR BAILEY: Absolutely.  
11 Absolutely.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR ORTT: Through you,  
14 Mr. President, I did not -- surely there must be  
15 an answer in there, a time frame -- last week,  
16 two weeks ago, a month ago, last night. There  
17 had to be a moment when the conference, when the  
18 Senator decided something had to be done. I'm  
19 curious if he can tell me or share that with me.

20 SENATOR BAILEY: Through you,  
21 Mr. President, as I previously stated, these  
22 conversations are rapid, they are fast and  
23 furious, and they continue through and including  
24 this period of time. There were a number of  
25 conversations had with a number of parties up to



1       this date when the bill-in-chief is before the  
2       house.

3                   SENATOR ORTT:     Will the sponsor  
4       continue to yield?

5                   THE PRESIDENT:    Does the sponsor  
6       yield?

7                   SENATOR BAILEY:   Yes.

8                   THE PRESIDENT:    The sponsor yields.

9                   SENATOR ORTT:     Rapid and evolving,  
10      certainly.

11                   What stakeholders were -- through  
12      you, Mr. President, what stakeholders were  
13      involved in the legislation Part UU that is  
14      before us tonight? What specifically -- what law  
15      enforcement agencies were consulted or involved  
16      in conversations as this legislation was rapidly  
17      and evolvingly crafted?

18                   SENATOR BAILEY:   Through you,  
19      Mr. President -- I've been sorry to say I haven't  
20      been doing it through you, Mr. President. Thank  
21      you for that.

22                   District attorneys, defenders,  
23      police organizations, including but not limited  
24      to the State Troopers, the NYPD, the Yonkers  
25      Police Department. And from my understanding, a

1 host of other conversations that members of our  
2 incredible staff, specifically Dorothy Powell --  
3 I wanted to make sure we make that for the  
4 record -- were having with members of law  
5 enforcement.

6 So yes, law enforcement was  
7 consulted in these rapidly evolving  
8 conversations, Mr. President.

9 SENATOR ORTT: Will the sponsor  
10 continue to yield?

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR BAILEY: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR ORTT: Through you,  
16 Mr. President, just so I can get clarification,  
17 the NYPD or the NYPBA was consulted as part of  
18 this?

19 SENATOR BAILEY: Through you,  
20 Mr. President, yes.

21 SENATOR ORTT: On the bill,  
22 Mr. President.

23 THE PRESIDENT: Senator Ortt on the  
24 bill.

25 SENATOR ORTT: Well, first, I'll

1 start with the last question there.

2 I think that might be news to the  
3 NYPBA, based on the statement I saw today from  
4 PBA President Pat Lynch.

5 SENATOR BAILEY: Through you,  
6 Mr. President, the Senator asked NYPD. That was  
7 my understanding. I personally have been dealing  
8 with members of the NYPD, including the police  
9 commissioner. That was the -- I just wanted to  
10 make sure we clarified that for the record.

11 SENATOR ORTT: Thank you. Thank  
12 you. Through you, Mr. President.

13 THE PRESIDENT: Senator Ortt on the  
14 bill.

15 SENATOR ORTT: So here we are,  
16 third time since 2019, talking about bail. And I  
17 want to be pretty clear and I think we've -- our  
18 conference has been clear on this issue from 2019  
19 till today.

20 I think we were pretty clarifying in  
21 our comments back in 2019 when we said this law  
22 would result in more victims, this law would  
23 result in dangerous criminals being on the  
24 street, in more crimes. All of which has been  
25 borne out. All of which has happened.

1                   And despite attempts to cosmetically  
2     fix this, here we still are -- crime rates,  
3     violent crime rates skyrocketing across New York  
4     City and across New York State. And despite all  
5     those statistics, only today we're here jamming  
6     this into a bill known as Education and Labor,  
7     because obviously bail has something to do with  
8     education or labor.

9                   But I'm going to read a poll from  
10    Siena: 56 percent of folks from -- 56 percent of  
11    New Yorkers said that bail, cashless bail, was  
12    bad for New York. Compared to 30 percent who  
13    said that it was a good thing. That's why we're  
14    here tonight. Public polling and public poll  
15    numbers are why we're here, not public safety.

16                  I want to read another quote from a  
17    colleague of mine who said: "If you're coming  
18    for bail reform, be specific or be quiet. It  
19    will save you the embarrassment when the truth  
20    comes out."

21                  Well, the truth is -- that  
22    New Yorkers know and we all know -- is that bail  
23    reform has been a disaster. That's the truth.  
24    And it is embarrassing when we have to keep  
25    trying to fix something because we broke it.

1     That is pretty embarrassing. And it's  
2     embarrassing when you're trying to look like  
3     you're fixing something but you can't look like  
4     you're fixing something too much or you'll lose  
5     your base.

6                     So it's a tough position that the  
7     Majority finds themselves in. And it certainly  
8     is embarrassing for New Yorkers that we are here.  
9     But New Yorkers aren't fooled, we're not fooled,  
10    police officers aren't fooled, and victims aren't  
11    fooled. This -- as the Governor said herself, I  
12    think tonight, we're not going backwards when it  
13    comes to bail. Well, if we're not going  
14    backwards, we're going in the wrong direction.

15                    So thank you very much,  
16    Mr. President.

17                    THE PRESIDENT:     Senator Palumbo.

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

20                    Would Chairman Bailey yield for a  
21    few more questions on Part UU, please.

22                    THE PRESIDENT:     Does the sponsor  
23    yield?

24                    SENATOR BAILEY:     Most certainly,  
25    Senator Palumbo.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR PALUMBO: Thank you,  
3 Chairman. And I wanted to ask some questions  
4 about the specific language of the bill. But I  
5 just wanted to follow up a little bit on Leader  
6 Ortt's previous question.

7 So would you yield for a question?  
8 Did you already yield? I'm sorry.

9 SENATOR BAILEY: Yes.

10 SENATOR PALUMBO: You know, just to  
11 follow up, I wasn't really clear on the reasons  
12 why we're making these changes. Did you say it  
13 was for clarification for judges? Can you please  
14 just repeat that for me?

15 SENATOR BAILEY: Mr. President, to  
16 clarify the earlier clarification, yes, it is to  
17 make sure that the statute was clearer and easier  
18 for judges to be able to interpret in determining  
19 their decisions when there is a matter before  
20 them.

21 SENATOR PALUMBO: Would you  
22 continue to yield, please.

23 SENATOR BAILEY: Absolutely.

24 THE PRESIDENT: Will the sponsor --  
25 the sponsor yields.

1                   SENATOR PALUMBO:    Senator, with  
2    regard, then -- because you were here for the '19  
3    initial adoption, right, and the changes in the  
4    budget of 2020. Why were there changes made in  
5    the budget of 2020 to the original iteration of  
6    the bail reform statute?

7                   SENATOR BAILEY:    Through you,  
8    Mr. President. As I mentioned earlier, as  
9    legislators, when we review something and we see  
10   that there could be changes made to it, we act  
11   accordingly and make those changes.

12                  SENATOR PALUMBO:   Will the Senator  
13   continue to yield, please?

14                  THE PRESIDENT:    Does the sponsor  
15   yield?

16                  SENATOR BAILEY:    Yes.

17                  THE PRESIDENT:    The sponsor yields.

18                  SENATOR PALUMBO:   So in that  
19   regard, then, was that just to clarify those  
20   changes in 2020? Or was that because it was --  
21   there was an increase in crime as a result of the  
22   original bill?

23                  SENATOR BAILEY:    Through you,  
24   Mr. President, the initial changes were made  
25   three months into the initial law that had

1       passed. So there wasn't necessarily time to be  
2       able to make clarifying changes as much as it was  
3       about listening to members of law enforcement,  
4       members of the defense bar and other associated  
5       organizations -- and police departments as  
6       well -- who had indicated concerns with the way  
7       the statutory construction was on the initial  
8       bill.

9                       SENATOR PALUMBO:    Thank you,  
10       Senator.

11                     Through you, Mr. President, will the  
12       sponsor continue to yield.

13                     THE PRESIDENT:    Does the sponsor  
14       yield?

15                     SENATOR BAILEY:    Yes.

16                     THE PRESIDENT:    The sponsor yields.

17                     SENATOR PALUMBO:    And thank you,  
18       Senator Bailey.

19                     So the way I'm -- what I'm hearing,  
20       then, obviously there was no confusion because  
21       these crimes, from the first iteration to the  
22       second, were not even included in the bill.  
23       There was nothing unclear about the fact that the  
24       judge could not set bail.

25                     So upon listening to people, is what



1     you're saying, to people who were concerned  
2     because public safety was a problem, that's the  
3     reason why we made the changes in 2020?

4                 SENATOR BAILEY:    Through you,  
5     Mr. President, I don't think those were my exact  
6     words.

7                 What I think I indicated was, as  
8     legislators, as responsible legislators, we  
9     listened to people who contacted us in relation  
10    to what some of the language was in relation to  
11    the initial statute that was done. We listened  
12    to them, we took their concerns into hand, and we  
13    made modifications accordingly.

14                SENATOR PALUMBO:    Thank you.

15                Would you continue to yield, please.

16                THE PRESIDENT:     Does the sponsor  
17    yield?

18                SENATOR BAILEY:     Yes.

19                THE PRESIDENT:     The sponsor yields.

20                SENATOR PALUMBO:    Thank you. And  
21    it's very artful.

22                But it's very rare, I think, that  
23    people in this business will actually say "we  
24    made a mistake." So I guess I should ask it  
25    plainly. Can we actually agree at this point

1       that the original bail reform statute was a  
2       mistake, there were changes that needed to be  
3       made based upon its practical application.

4                       Is that fair to say?

5                       SENATOR BAILEY:    There was not a  
6       mistake.   The notion that wealth-based detention  
7       is acceptable was not a mistake.   The fact that  
8       you should -- someone can be incarcerated simply  
9       because -- or remain incarcerated simply because  
10      of the lack of financial wherewithal they have is  
11      abhorrent.   So I would not say that there were  
12      mistakes made.

13                     I would say, again, as legislators,  
14      when presented with concerns and issues before us  
15      by credible individuals and credible parties, we  
16      have a duty to make sure that we return and, if  
17      necessary, modify accordingly.

18                     SENATOR PALUMBO:   Will the sponsor  
19      continue to yield, please, on the bill.

20                     THE PRESIDENT:     Does the sponsor  
21      yield?

22                     SENATOR BAILEY:     Yes.

23                     THE PRESIDENT:     The sponsor yields.

24                     SENATOR PALUMBO:   So I have an  
25      article from about three days ago from the

1 Daily News, and it had to do about statements in  
2 an article that was a result of Commissioner --  
3 the commissioner's comments, of the NYPD. She  
4 indicated that over 500 people have been arrested  
5 three times or more in January, February, March  
6 of '22 alone, for robbery, burglary and  
7 shoplifting.

8 So can you reconcile for me how that  
9 rearrest -- three times or more -- for crimes  
10 that originally, before 2020's implementation of  
11 bail reform, they were originally bail-eligible  
12 offenses but they were mandatorily omitted as a  
13 result of this particular statute.

14 So can you tell me how the second  
15 and third time victims were not a result of the  
16 effects of bail reform, how they are not  
17 suffering as a result? And that's just in the  
18 past three months.

19 SENATOR BAILEY: Through you,  
20 Mr. President, it's my understanding that robbery  
21 and burglary are bail-eligible, are they not,  
22 Senator Palumbo?

23 SENATOR PALUMBO: Well, through  
24 you, Mr. President, let me -- I believe they have  
25 the -- so of 500 arrests -- I had it on this

1 sheet here. No, I don't have that section of the  
2 article.

3 But I'll give you another example:  
4 135 arrests by the Neighborhood Safety Unit,  
5 which was implemented on March 14th, 135 arrests.  
6 Twenty percent of them involve people with  
7 pending felony cases, and 28 are suspects with  
8 previous felony convictions.

9 So under -- depending on what those  
10 felonies are, of course, a prior felony  
11 conviction was not an eligible crime. Right? We  
12 would agree, or it currently isn't as we stand  
13 here today before this?

14 If someone has a prior felony  
15 conviction, rather, if they're arrested for a  
16 nonqualified offense, you can't set bail. The  
17 prior history had nothing to do with it, correct?

18 SENATOR BAILEY: Mr. President, I  
19 just want to go back to the initial question that  
20 was asked. And it goes back to the  
21 facts-versus-fear conversation. It is amazing  
22 how miraculously the robbery and burglary charges  
23 disappeared just now.

24 But notwithstanding --  
25 notwithstanding that, I would look to figure out

1 in terms of the data, and we don't -- I don't  
2 have -- we don't have data that would indicate  
3 that this change has increased -- which is what I  
4 believe the Senator is attempting to reconcile.

5 That as a result of bail reform, I  
6 don't have any statistical data that would show  
7 that these incidences are higher or lower than  
8 they were prior to the enactment of bail reform.

9 SENATOR PALUMBO: Can you yield,  
10 please, Senator?

11 THE PRESIDENT: Will the sponsor  
12 yield?

13 SENATOR BAILEY: Absolutely.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR PALUMBO: Well, as we stand  
16 here today, before this bill gets signed into  
17 law, would you agree with me that robbery in the  
18 third degree and burglary in the third degree are  
19 ineligible for bail?

20 SENATOR BAILEY: Through you,  
21 Mr. President, I believe so. I believe so.

22 SENATOR PALUMBO: That they're not.

23 SENATOR BAILEY: You are correct.

24 SENATOR PALUMBO: Will you continue  
25 to yield?

1                   THE PRESIDENT:    Does the sponsor  
2   yield?

3                   SENATOR BAILEY:    Yes.

4                   THE PRESIDENT:    The sponsor yields.

5                   SENATOR PALUMBO:   And Chairman,  
6   would you also agree with me that burglary in the  
7   second degree, as long as they don't enter the  
8   living area, and robbery in the second degree --  
9   aided by another, without a weapon or injury --  
10   are also ineligible for bail as we stand here  
11   today?

12                  SENATOR BAILEY:    Through you,  
13   Mr. President, the facts and the circumstances  
14   depending on each purported offense would depend  
15   on whether that offense would be bail-eligible.

16                  But based upon the limited facts  
17   that the Senator has mentioned, I would agree.

18                  SENATOR PALUMBO:   Would you  
19   continue to yield.

20                  THE PRESIDENT:    Does the sponsor  
21   yield?

22                  SENATOR BAILEY:    I yield.

23                  THE PRESIDENT:    The sponsor yields.

24                  SENATOR PALUMBO:   Thank you,  
25   Senator.

1                   And would you also agree that as we  
2                   stand here today, an A-2 drug sale -- for  
3                   example, I sell enough fentanyl to kill everyone  
4                   in this room, and it's less than two ounces -- is  
5                   ineligible for bail?

6                   SENATOR BAILEY:    Through you,  
7                   Mr. President, that would be correct.

8                   SENATOR PALUMBO:    Would you  
9                   continue to yield?

10                  THE PRESIDENT:    Does the sponsor  
11                  yield?

12                  SENATOR BAILEY:    I yield.

13                  THE PRESIDENT:    The sponsor yields.

14                  SENATOR PALUMBO:    And you know the  
15                  list is long, Senator. I won't go through all of  
16                  them so we're not here all night.

17                  But every other drug possession or  
18                  sale, A-2 and lower, is ineligible, and many  
19                  other crimes in the Penal Law that are felonies,  
20                  including larcenies -- other than grand larceny  
21                  in the first degree, which is over a million  
22                  bucks -- are, as we stand here today, ineligible  
23                  for bail. Meaning no matter what the  
24                  circumstances are, the judge may not set bail.

25                  SENATOR BAILEY:    Through you,

1 Mr. President. As the Senator knows, there are a  
2 number of reasons why we don't look to  
3 criminalize everything. We've spoken on both  
4 sides of the aisle about an opiate crisis, about  
5 individuals who have concerns with substance use  
6 disorder. And the question before us is whether  
7 incarceration is going to make our society  
8 better.

9 But to the initial point that  
10 Senator Palumbo made concerning those specific  
11 categories, he is correct.

12 SENATOR PALUMBO: Thank you,  
13 Senator. Would you continue to yield, please.

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR BAILEY: The sponsor  
17 yields.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR PALUMBO: And Chairman, I  
20 guess one more question on that and then we'll  
21 get to the bill itself.

22 But as far as theft crimes, I know  
23 that they're somewhat addressed in the new bill.  
24 But as we stand here today, if someone's arrested  
25 for petit larceny, grand larceny, stolen



1 vehicles, whatever it may be, as long as it's  
2 less than a million dollars, you can do it every  
3 single day and the court must release you. Is  
4 that accurate? Must release you.

5 SENATOR BAILEY: Through you,  
6 Mr. President, that would not be accurate.  
7 Because if you're a repeat offender, the  
8 subsequent charges would become bail-eligible.

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

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR BAILEY: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR PALUMBO: Chairman, if we  
16 could get to the bill, page 450, if you don't  
17 mind.

18 SENATOR BAILEY: Not at all.

19 SENATOR PALUMBO: And the new  
20 specific language. I just wanted to get into the  
21 weeds a little bit, because I actually -- when I  
22 was in the other house, when this first iteration  
23 passed, the sponsor there and I had many  
24 discussions about it, then we debated it. And I  
25 actually spoke with her last week, and she said

1       these judges don't understand.

2                       So if this is for clarification, as  
3       you say, I think we need to create some  
4       legislative intent to really be clear on what  
5       some of these terms mean, if that's okay.

6                       So if you look around the -- I guess  
7       section (t) that's going to be added, at line 13  
8       on page 450. So we're going to add, to qualified  
9       offenses, "any felony or class A misdemeanor  
10      involving harm to an identifiable person or  
11      property, or any charge of criminal possession of  
12      a firearm as defined in Section 265.01-b of the  
13      Penal Law."

14                      And where such conduct arose from --  
15      while the defendant was released on his or her  
16      own recognizance, released under conditions, or  
17      had yet to be arraigned after the issuance of a  
18      desk appearance ticket for a separate felony or  
19      Class A misdemeanor involving harm to an  
20      identifiable person or property or, again, the  
21      firearm charge.

22                      So without addressing the firearm  
23      charge -- that's kind of an easy one -- I'd like  
24      to address, if we could, there is a definition of  
25      identifiable harm -- or involving harm to an

1       identifiable person or property.

2                   And then, lower, at line 25: "For  
3       the purposes of this paragraph, 'harm to an  
4       identifiable person or property' shall include  
5       but not be limited to theft of or damage to  
6       property."

7                   So now I ask you that -- and I said  
8       it's going to be a little technical, because this  
9       is a very technical change. What do we mean by  
10      harm to a person? Is that actual injury?

11                   SENATOR BAILEY: Through you,  
12      Mr. President, we're leaving it up to the judge's  
13      discretion.

14                   SENATOR PALUMBO: Will you continue  
15      to yield.

16                   THE PRESIDENT: Does the sponsor  
17      yield?

18                   SENATOR BAILEY: Yes.

19                   THE PRESIDENT: The sponsor yields.

20                   SENATOR PALUMBO: So, Senator,  
21      we're going to now allow thousands of different  
22      interpretations of what "harm to a person" means  
23      up to an individual judge, in the thousands of  
24      jurisdictions that we have, from Justice Court,  
25      local town courts, to County Court, to

1 Supreme Court. Is that what I'm hearing?

2 SENATOR BAILEY: Through you,  
3 Mr. President. The Senator knows, as a  
4 well-decorated attorney -- I don't mean that  
5 off -- facetiously. Senator Palumbo, you are a  
6 great attorney. You and I both know that there  
7 is no catch-all provision for every single case.

8 And it is interesting that during  
9 some of the pendency of some of the hostile  
10 amendments that we've heard in this house, we've  
11 heard about discretion, discretion, discretion.  
12 And we're giving judges discretion.

13 So I believe that clarifying  
14 language, in order to make sure that judges have  
15 discretion and they can deal with what they  
16 perceive to be based upon the individual facts of  
17 specific matter, is certainly within our purview  
18 and certainly within the purview of the judiciary  
19 to determine.

20 SENATOR PALUMBO: Thank you,  
21 Senator. Would you continue to yield?

22 THE PRESIDENT: Does the sponsor  
23 yield?

24 SENATOR BAILEY: Yes.

25 THE PRESIDENT: The sponsor yields.

1                   SENATOR PALUMBO:    Thank you,  
2    Senator Bailey.  I appreciate the compliment, and  
3    you too.  We have very enthusiastic debates for  
4    sure on the Codes Committee.

5                   So I do need to clarify the  
6    hypothetical, though, because as we stand here  
7    today, robbery in second degree, aided by  
8    another, is not a qualifying offense.  So we have  
9    a violent felony, a Class C violent felony,  
10   robbery in the second degree.  And just for my  
11   colleagues who don't know this stuff, because  
12   we're literally in the weeds, aided by another is  
13   unarmed but you're forcibly threatening someone  
14   with physical threats.

15                  For example, a gang of kids get  
16   around someone and they say, We want your  
17   property, and you turn it over as a result of  
18   that physical threat.  There's no physical harm,  
19   necessarily, but you're in fear.  It's the threat  
20   of force that makes it a robbery.

21                  So in that circumstance, is it  
22   completely up to the judge's, quote, discretion  
23   to try and extrapolate some harm?  Or does "harm  
24   to a person" mean what we think it all means,  
25   injury to a person?

1                   SENATOR BAILEY:    Through you,  
2   Mr. President, in the hypothetical that Senator  
3   Palumbo mentioned, robbery still involves theft  
4   of property, and theft of property falls within  
5   the purview of the new clarifying language that  
6   we have put in here.

7                   So theft of property would qualify  
8   them no matter what. And there's a well-defined  
9   body of case law as related to harm in the civil  
10   context. So I think we'd be able to glean  
11   something from some of that case law in the civil  
12   context.

13                  SENATOR PALUMBO:    Would you  
14   continue to yield, please, Chairman?

15                  THE PRESIDENT:    Does the sponsor  
16   yield?

17                  SENATOR BAILEY:    Absolutely.

18                  THE PRESIDENT:    The sponsor yields.

19                  SENATOR PALUMBO:    And so I think --  
20   I appreciate that. So if we're using, say, a  
21   civil definition of harm, it can be emotional  
22   harm and terror that you feel. Is that accurate?

23                  SENATOR BAILEY:    Through you,  
24   Mr. President. In that hypothetical, correct.

25                  SENATOR PALUMBO:    Okay, thank you.

1 And that's on the harm element.

2 Would you continue to yield, please.

3 THE PRESIDENT: Will the sponsor  
4 yield?

5 SENATOR BAILEY: If you can repeat  
6 the question.

7 SENATOR PALUMBO: Sure. I was just  
8 saying -- my question on the harm that we were  
9 saying, of the physical harm, not so much the  
10 theft of property element. I'm talking about the  
11 harm element that if someone -- a judge perceives  
12 that there was a threat that was experienced or  
13 perceived by the complainant victim, then in fact  
14 that will meet the element of harm for the  
15 purposes of being bail-eligible.

16 SENATOR BAILEY: So in the  
17 contemplation of this language, the statutory  
18 language was contemplated relating to physical  
19 harm of an individual. That was what was in  
20 contemplation.

21 However, as we mentioned before,  
22 judges are able to make determinations. And when  
23 we give them discretion, they are able to make  
24 determinations based upon the individualized case  
25 facts of the matter before them.

1                   SENATOR PALUMBO:    Thank you.

2                   Senator, would you continue to  
3   yield?

4                   THE PRESIDENT:    Does the sponsor  
5   yield?

6                   SENATOR BAILEY:    Yes.

7                   THE PRESIDENT:    The sponsor yields.

8                   SENATOR PALUMBO:   Thank you.

9                   And so just, then, for  
10   clarification, for those watching or who will be  
11   reading this transcript someday, the judge could  
12   render a decision that someone's perceived threat  
13   of harm, although no physical injury -- they were  
14   crying, they felt fear, their heart raced, and  
15   they tendered, let's say, a pack of cigarettes,  
16   because that's going to get me to my next  
17   question, which is going to lead to some more  
18   language in here.

19                   But say it's something that's of  
20   very low value that is tendered. It would still  
21   be a robbery under our law. In that  
22   circumstance, the judge is perfectly allowed to  
23   impose a cash bail remand or to set bail, because  
24   they've met the "harm to a person" element.

25                   SENATOR BAILEY:   Through you,



1 Mr. President, that fact pattern -- and any other  
2 fact pattern, any other accused defense --  
3 depends on context. And so, again, we are giving  
4 judges the ability to determine, in the matter  
5 before them, regardless of whatever hypothetical  
6 we go to -- and we can all go with hypotheticals  
7 that may lead in one direction or another -- the  
8 intent is to ensure that we're clarifying, for  
9 the members of the bench, giving them more  
10 discretion, giving them the ability to interpret  
11 the individual matters before them.

12 SENATOR PALUMBO: Thank you,  
13 Senator. Would you continue to yield?

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR BAILEY: Absolutely.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR PALUMBO: And I appreciate  
19 the fact that we're saying it's clarifying for  
20 them. Through you, Mr. President. And of  
21 course, with all due respect, I think that's made  
22 it more confusing. Because we still don't know  
23 what harm, physical harm to a person is, because  
24 we still don't have a defined, specific situation  
25 where we can say if there's physical contact and

1       there's injury.

2                       For example, in the lower charged  
3 crimes, a harassment -- I punch you in the  
4 face -- most likely harassment. That's not an  
5 assault third because you need substantial  
6 injury.

7                       I break your nose, probably an  
8 assault third, which is a misdemeanor.

9                       So are we at a harassment level,  
10 which is still physical contact and a minor  
11 injury, are we at an assault situation, or are we  
12 at the physical threat of intimidation like I  
13 explained in that robbery example?

14                      SENATOR BAILEY:    Through you,  
15 Mr. President. In the time since the prior  
16 statute -- or soon to be prior statute at hand  
17 was enacted, the judges have seemed to interpret  
18 this -- these fact patterns in a manner in which  
19 they're looking at or interpreting it as more  
20 related to physical harm. And so in looking at  
21 that, we just wanted to make sure we clarified  
22 that portion of it.

23                      SENATOR PALUMBO:    Okay. And thank  
24 you, Chairman. Would you continue to yield?

25                      THE PRESIDENT:    Does the sponsor

1       yield?

2                   SENATOR BAILEY:     Certainly.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR PALUMBO:    So I think -- so  
5       it's physical harm, is that what I'm hearing,  
6       based upon the interpretation that I'm gathering  
7       there?

8                   SENATOR BAILEY:     Through you,  
9       Mr. President, correct.

10                  SENATOR PALUMBO:    Okay, understood.  
11       Thank you.

12                  Would you continue to yield, please?

13                  THE PRESIDENT:     Does the sponsor  
14       yield?

15                  SENATOR BAILEY:     Certainly.

16                  THE PRESIDENT:     The sponsor yields.

17                  SENATOR PALUMBO:    Now on the other  
18       element where a judge might have the opportunity  
19       to set bail.  They still need to make a finding,  
20       right, that such theft -- if the judge  
21       determines -- and this is, I guess, what you were  
22       talking about, what you were suggesting was  
23       discretion -- that such theft is negligible and  
24       does not appear to be in furtherance of other  
25       criminal activity, the principal shall be

1 released, shall be released on his or her own  
2 recognizance under appropriate non-monetary  
3 conditions.

4 So my question to you is, how do we  
5 define "negligible" in this particular statute  
6 with respect to the value of property? What does  
7 that mean?

8 SENATOR BAILEY: Through you,  
9 Mr. President, it's a fact-based analysis based  
10 upon, again, the -- the alleged offense at hand.  
11 And it's designed to address alleged --  
12 alleged -- crimes of poverty. We or I don't  
13 think anybody, regardless of what side of the  
14 aisle or whatever your affiliation may be, would  
15 believe that someone should be incarcerated  
16 simply for stealing something because that --  
17 they want to eat.

18 Again, I want to be very clear, in  
19 the same breath, that we are not excusing, we are  
20 not condoning, and we're not encouraging such  
21 activities.

22 However, as thoughtful individuals,  
23 as reasonable people, it is our belief and should  
24 be everyone's belief that incarcerating someone  
25 based upon a fact-based analysis -- fact-based

1 analysis, not conjecture-based, not  
2 thought-based -- fact-based analysis that is  
3 related to a crime of poverty, that the judge  
4 again would still have the discretion to be able  
5 to. They still have discretion.

6 SENATOR PALUMBO: Will you continue  
7 to yield, Senator? And I'll wrap it up.

8 THE PRESIDENT: Does the sponsor  
9 yield?

10 SENATOR BAILEY: Absolutely.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR PALUMBO: Thank you. So,  
13 for example, someone stole baby formula or bread,  
14 are you suggesting that would be negligible?

15 SENATOR BAILEY: Mr. President,  
16 based upon what a fact-based analysis is based  
17 upon, based upon what the specific nature of the  
18 offense was in front of the judge. And they have  
19 the determination -- excuse me, they have the  
20 discretion, the ability to determine what is  
21 negligible and what would not be negligible.

22 SENATOR PALUMBO: Will you continue  
23 to yield, Senator?

24 THE PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR BAILEY:    I do.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR PALUMBO:   With respect to  
4                   that same negligible determination, how about a  
5                   Louis Vuitton bag that's a thousand-dollar bag?  
6                   Would that be considered negligible or could that  
7                   be considered negligible by some judges and pass  
8                   muster?

9                   SENATOR BAILEY:    Through you,  
10                  Mr. President, again, it's a fact-based analysis,  
11                  but I think that we stray far from -- I don't  
12                  think that -- no disrespect intended -- that an  
13                  individual could eat a Louis Vuitton bag.

14                  SENATOR PALUMBO:   Senator, I know  
15                  I'm coming up on a half an hour, and I do  
16                  appreciate your questions {sic}.

17                  On the bill, please, Mr. President.

18                  THE PRESIDENT:    Senator Palumbo on  
19                  the bill.

20                  SENATOR PALUMBO:   Thank you.

21                  And I do appreciate Chairman Bailey  
22                  answering my questions.  He -- as we indicated  
23                  earlier, he artfully gave me a lot of  
24                  non-answers, and I guess we can appreciate that  
25                  as lawyers and people in government.

1                   But I think we all kind of know what  
2                   the answers are -- that this actually provides  
3                   discretion in one direction. Because they could  
4                   ultimately -- this is all we're doing, we're  
5                   adding a firearm crime. And it's trafficking of  
6                   a gun -- very, very rare circumstance -- and some  
7                   possession.

8                   But we have all these other crimes  
9                   that are quite frankly wreaking havoc amongst our  
10                  communities, and we now have something that is --  
11                  well, if it involves theft of property or harm to  
12                  a person -- discretionary terms -- we're going to  
13                  be right back in the same position.

14                 Again, this is something that you  
15                 can't hide behind. Bad policy on the  
16                 environment, bad policy on taxes, you can get  
17                 away with that. Because a couple of years later  
18                 you can go back and say, you know what, maybe we  
19                 were a little quick to act, maybe we need to make  
20                 some changes. And nobody really notices. The  
21                 taxes get a little bit -- maybe they're happy  
22                 because they get their tax return, hey, I got a  
23                 bigger refund this year, that's wonderful.  
24                 Great, good stuff. You know, oh, paid 16 cents  
25                 less for a gallon of gas. Ah, not too bad. Life

1 goes on. Ten bucks a week.

2 But you can't hide when it comes to  
3 public safety. And we have crime running rampant  
4 in our communities. And I know we say it's the  
5 pandemic, it's guns, I've heard Donald Trump,  
6 I've heard all these things. And I even had some  
7 colleagues the other day saying, well, Florida,  
8 Florida is -- the murder rate is up, Florida is a  
9 red state and Florida -- and it became a little  
10 political.

11 But the bottom line is -- actually,  
12 in response to that, I pulled it up. Florida, a  
13 few weeks ago, 50th straight year crime went down  
14 as a whole. Murders are up, you're absolutely  
15 right. Violent crime is up 2.3 percent.  
16 Property crimes, in a non-bail reform state, are  
17 down 17 percent. Rape is down. Domestic  
18 violence murder was down in 2020, while stalking  
19 increased. So they experienced the same pandemic  
20 that we did.

21 So it's not just anecdotal that  
22 we're struggling with criminal justice and public  
23 safety in New York as a result of outside  
24 influences. It's what we did in this building  
25 right here. And quite frankly, this is a tweak



1     that does virtually nothing. And as I said  
2     earlier, that's why repealing this, catching our  
3     breath, and doing it right.

4                 New Jersey implemented a  
5     dangerousness standard. We don't have that  
6     still. We have some discretion, which isn't  
7     really discretion, in my opinion, so it's not.  
8     We have -- in New Jersey they implemented their  
9     bail reform, and they have discretion. And they  
10    have a score sheet where you can check off  
11    criminal history, risk of flight, all those  
12    checkoffs, and you get a certain score. You're  
13    not even eligible for bail if you score high  
14    enough.

15                We actually did that in Suffolk  
16    County when I was a prosecutor. And it would be  
17    considered, it would have significant weight as  
18    far as a judge releasing someone. But it wasn't  
19    binding. You could even have speedy trial sped  
20    up, that if you're not ready for trial and  
21    someone's incarcerated on a low-level felony,  
22    within 30 days they must be released.

23                I suggested that two years ago.  
24    Something like that would be smart. Then the DA  
25    can prioritize. Because certain misdemeanors --

1     for example, when I was a prosecutor, I would get  
2     some fatalities charged as a misdemeanor DWI  
3     only, because you needed to do reconstruction,  
4     prove the case, put it in the grand jury, and  
5     then charge the higher cases and the higher  
6     crimes.

7                     Even under this statute, if you  
8     don't damage anything and cause any harm to  
9     property, you can get 17 DWIs in two weeks and  
10    you still must be released. How is that safe?  
11    How is that good for the public?

12                    So, my friends, this does nothing to  
13    make us safer. This is a press release. And I'm  
14    sorry, I cannot agree with it. And under no  
15    circumstances will our situation improve  
16    significantly enough in a manner in which we owe  
17    to our constituents and New Yorkers.

18                    Thank you, Mr. President.

19                    THE PRESIDENT:    Senator Akshar.

20                    SENATOR AKSHAR:   Mr. President,  
21    thank you. Will the sponsor yield?

22                    SENATOR BAILEY:   Absolutely.

23                    SENATOR AKSHAR:   Thank you,  
24    Senator.

25                    I just want to come back out of the

1 weeds. I just want to return to this issue of  
2 the judges and helping the judges have a better  
3 understanding of what the intent of the  
4 legislation was.

5 So over the course of the last three  
6 years, have you heard specifically from judges  
7 and have judges told you that with respect to the  
8 first iteration of bail reform, the second, and  
9 now the third, they in fact have had a difficult  
10 time interpreting the intent of the law?

11 SENATOR BAILEY: Through you,  
12 Mr. President, as recently as this year's hearing  
13 on Public Protection, the budget hearing on  
14 Public Protection.

15 SENATOR AKSHAR: Thank you.

16 Would the sponsor continue to yield?

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR BAILEY: Yes.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR AKSHAR: So what  
22 specifically in the statute before us have we  
23 changed to make it easier for the judges to  
24 interpret the intent of the law?

25 SENATOR BAILEY: Through you,

1 Mr. President. Clarifying language based upon  
2 repeat offenses, discovery, theft of property.  
3 Those are some of the examples.

4 SENATOR AKSHAR: Mr. President,  
5 through you, would the sponsor continue to yield?

6 THE PRESIDENT: Does the sponsor  
7 yield?

8 SENATOR BAILEY: Absolutely.

9 THE PRESIDENT: The sponsor yields.

10 SENATOR AKSHAR: Let's ask a  
11 question about repeat offenses, because I want to  
12 make sure I understand it. And I may be slightly  
13 confused about it, like the judges.

14 If I -- if I'm charged with criminal  
15 sale of a controlled substance today -- I sell  
16 two bundles of heroin to someone -- I'm  
17 arraigned, I'm released, because it's a  
18 non-bailable offense, and then three days from  
19 now I'm arrested once again for criminal sale of  
20 a controlled substance -- I sold two bundles of  
21 heroin to someone -- will the judge then have  
22 discretion and be able to remand me in that  
23 instance?

24 SENATOR BAILEY: Through you,  
25 Mr. President, they would not qualify, because

1       there's no -- there was no identifiable person or  
2       harm.

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

6                   THE PRESIDENT:     Does the sponsor  
7       yield?

8                   SENATOR BAILEY:     Yes.

9                   THE PRESIDENT:     The sponsor yields.

10                  SENATOR AKSHAR:     You think drug  
11       dealers pose a danger or inherent risk, by way of  
12       their action, to the public, the greater public?

13                  SENATOR BAILEY:     Can you repeat the  
14       question?

15                  SENATOR AKSHAR:     Mr. President,  
16       through you. Do you believe drug dealers pose a  
17       danger or a threat to the public by way of  
18       selling drugs to people who use them?

19                  SENATOR BAILEY:     There is certainly  
20       a concern there, but it would not qualify under  
21       the bail -- being bail-eligible, because there is  
22       no identifiable harm to a person.

23                  SENATOR AKSHAR:     Mr. President,  
24       just on the bill for one second.

25                  THE PRESIDENT:     Senator Akshar on

1 the bill.

2 SENATOR AKSHAR: With all due  
3 respect, I think we may have missed the mark here  
4 in this particular space. I'm not being critical  
5 of you, because I know that you and I have had  
6 significant conversations around this space.

7 But not being able to identify harm  
8 when one is selling, in this instance as I stand  
9 here, heroin to people who are using it -- and we  
10 all know so many people are dying, right, of  
11 overdose -- I think we may have missed the mark  
12 here.

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

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR BAILEY: The sponsor  
18 yields.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR AKSHAR: This next question  
21 I ask with the utmost respect. The system of  
22 cash bail as we once knew it, prior to 2019, does  
23 the sponsor believe that it was inherently  
24 racist?

25 SENATOR BAILEY: Through you,

1 Mr. President, the systems of justice in the  
2 United States of America have long been  
3 discriminatory towards many different classes of  
4 people, many different religions of people,  
5 many different races of people. That may include  
6 cash bail.

7 Cash bail, the issue with it -- as I  
8 mentioned in some of the questions by some of our  
9 colleagues, it's abhorrent. Because when you're  
10 looking to criminalize poverty and incarcerate  
11 someone based upon the amount of money that they  
12 do not have, that is what I believe is inherently  
13 problematic.

14 SENATOR AKSHAR: Thank you.

15 Mr. President, if the sponsor would  
16 continue to yield.

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR BAILEY: The sponsor  
20 yields.

21 THE PRESIDENT: The sponsor yields.

22 SENATOR AKSHAR: Within this reform  
23 have we included more crimes to the list of  
24 crimes that in fact are bail-eligible?

25 SENATOR BAILEY: Through you,

1 Mr. President, we have spoken at length about the  
2 scourge of gun violence in our respective  
3 communities, in Broome and the Bronx, and there  
4 was some clarifying language in relation to some  
5 offenses related to gun crimes in the statute  
6 that were added.

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

10 THE PRESIDENT: Does the sponsor  
11 yield?

12 SENATOR BAILEY: Yes.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR AKSHAR: No other crimes,  
15 though, outside of gun crimes specifically.

16 SENATOR BAILEY: Through you,  
17 Mr. President, we've looked at a lot of the  
18 cases -- excuse me, we've looked at the  
19 Penal Law -- I don't want to say incessantly, but  
20 incessantly. We've looked at it, our staff has  
21 pored over it, and we have reviewed a number of  
22 different offenses.

23 And we could go down the rabbit hole  
24 of every single offense in the Penal Law and  
25 determine whether they should be bail-eligible or



1 if -- also if incarcerating that individual  
2 actually makes that person -- actually  
3 rehabilitates. That's another statement to make.

4 But by and large, in the bill before  
5 us, the offenses that were changed related to gun  
6 crimes.

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

9 THE PRESIDENT: Does the sponsor  
10 yield?

11 SENATOR BAILEY: The sponsor  
12 yields.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR AKSHAR: I just want to go  
15 back to this issue of dealing drugs and so many  
16 people dying of overdose at the hands of other  
17 people. We've reformed this a few times.

18 Do you think it's possible that we  
19 may come back and revisit this issue with respect  
20 to, you know, harm to an identifiable person?  
21 And just as we're here tonight, I know that we're  
22 not going to address that. But do you think it  
23 may happen in the future in which we recognize  
24 that those that peddle poison in our communities  
25 in fact are taking the lives of our sons and our

1 daughters -- in fact, that maybe law enforcement  
2 would have a tool in which they could take those  
3 perpetrators off the street?

4 SENATOR BAILEY: Through you,  
5 Mr. President, my grandfather James T. Bailey  
6 once said, "Time is a fortune teller." So I  
7 don't -- and I'm not, so I don't know what's  
8 going to happen in the future.

9 What I can tell you, though,  
10 specifically related to crimes relating to the  
11 substance use disorder, statistics have shown --  
12 and that is very clear, and very clearly shown --  
13 incarceration is not the way to solving substance  
14 use disorder.

15 I know that the Senator and I, we've  
16 had many conversations as related to the opioid  
17 crisis and when it became a crisis and how it  
18 became a crisis. And it's still a crisis. We  
19 may disagree on whether incarceration is the way  
20 to manage that. I certainly don't believe so,  
21 Mr. President.

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

25 THE PRESIDENT: Does the sponsor

1       yield?

2                   SENATOR BAILEY:    I yield.

3                   THE PRESIDENT:    The sponsor yields.

4                   SENATOR AKSHAR:    I just want to  
5       move to Subpart G, specific around data  
6       collection. Just give me an overview of what we  
7       anticipate accomplishing through this Subpart G  
8       of the bill.

9                   SENATOR BAILEY:    Through you,  
10      Mr. President, we wanted to again clarify and  
11      making sure that we're collecting the proper --  
12      that when we're collecting data -- and sometimes  
13      this news report says this percentage and this  
14      report says that percentage. We wanted to make  
15      it clear about the nature of the offense, whether  
16      bail was granted, who the judge was, who the  
17      prosecutor was, and the amount and form of bail.

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

21                  THE PRESIDENT:    Does the sponsor  
22      yield?

23                  SENATOR BAILEY:    Yes.

24                  THE PRESIDENT:    The sponsor yields.

25                  SENATOR AKSHAR:    What will you be

1 comparing that data to? Because I think much of  
2 the back-and-forth or the debate, the dialogue,  
3 the disagreement, you know, some would argue that  
4 bail reform has led to an increase in crime, some  
5 would not. I'm guessing that's what you're  
6 trying to figure out, right, collect some data  
7 and be able to say anecdotally that the data  
8 points to X or the data points to Y.

9 What will we be comparing the data  
10 to with respect to this particular issue?

11 SENATOR BAILEY: Through you,  
12 Mr. President, we're not necessarily looking to  
13 compare the data to anything.

14 I think that we wanted to make sure  
15 we collect the data. We can't retroactively  
16 compare these specifically set data points to  
17 something prior, because these specifically set  
18 or soon to be specifically set data points do not  
19 currently exist.

20 Going forward, as data comes in  
21 relating to these matters, we will be able to  
22 take an objective look at what the data yields  
23 and what that means for our justice system.

24 SENATOR AKSHAR: On the bill,  
25 Mr. President.

1                   THE PRESIDENT:     Senator Akshar on  
2     the bill.

3                   SENATOR AKSHAR:    I thank the  
4     sponsor for his responses to my questions.

5                   I would start by saying with respect  
6     to narcotics and the criminal sale of controlled  
7     substances, you and I agree. And I don't want  
8     anyone in this room for one moment to think that  
9     I am suggesting, by way of the conversation, that  
10    those that suffer from substance use disorder in  
11    fact should be incarcerated or find themselves  
12    locked up and not getting the help that they so  
13    desperately need.

14                  But I think that we have to make, as  
15    a legislature, those of us in the statehouse, we  
16    have to make a very clear delineation between  
17    those that are suffering and then those that in  
18    fact are peddling poison on our streets for  
19    profit. And if we're not identifying the  
20    difference between the two of those, or handling  
21    those in a different way, I think we're failing  
22    the people of New York.

23                  Because after all, our number-one  
24    job as members of this Legislature is to protect  
25    people. And frankly, public safety is paramount.

1                   My biggest disappointment on all of  
2                   this is that I think that there has just been  
3                   this global refusal to admit the public policy  
4                   failures that we all know as bail reform.

5                   And in my heart I believe that many  
6                   of us here in government, we have good  
7                   intentions. But at the end of the day, good  
8                   intentions without common sense, without  
9                   thoughtfulness, without input from those with  
10                  significant knowledge and experience -- when we  
11                  don't lean on those people, we arrive here, the  
12                  third iteration of trying to get it right. The  
13                  third time we're coming back to this issue and  
14                  trying to address it in a way that works for the  
15                  people of this state.

16                  But oftentimes I think sometimes we  
17                  bow and we acquiesce to political activists. I  
18                  heard that we listened, or the Majority listened  
19                  to the stakeholders, they listened to the NYPD.  
20                  You may have listened, but it's my position that  
21                  you certainly didn't take their advice.

22                  I think what we're seeing tonight,  
23                  really, is a feeble attempt to pull the wool over  
24                  the eyes of New Yorkers. But I am standing here  
25                  this evening to say that New Yorkers are far too

1 smart. New Yorkers know exactly how negatively  
2 bail reform has impacted their day-to-day life.

3 And all of this is political  
4 posturing. It is political calculus. Because  
5 one of my colleagues said it earlier, that  
6 clearly the polls show that the people of  
7 New York want something done and they want this  
8 changed. But at the end of the day,  
9 Mr. President, it is clear to me, after listening  
10 to the debate, listening to the discussion, that  
11 nothing, nothing has changed. Maybe a few small  
12 things. But certainly the changes that we're  
13 debating tonight are certainly not going to keep  
14 New Yorkers safer.

15 Mr. President, I thank you.

16 THE PRESIDENT: Senator Borrello.

17 SENATOR BORRELLO: Thank you,  
18 Mr. President.

19 Would the sponsor yield some  
20 questions on Part UU, Subpart F, dealing with  
21 mental health in courts?

22 SENATOR BAILEY: Absolutely.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR BORRELLO: All right.

25 Thank you, Senator Bailey.

1 I'd like to draw your attention  
2 to -- they're underlined, so I'm assuming these  
3 are new changes regarding involuntary assessment  
4 pending release. If you go down a little bit  
5 toward the bottom, it actually says, essentially,  
6 that during a -- in order for someone to be held  
7 for a psychiatric evaluation, that the principal  
8 has to be conducting him or herself before the  
9 court in such a manner which in a person who is  
10 not mentally ill would be deemed disorderly  
11 conduct.

12 So the question is, if someone  
13 committed some kind of a violent act and they  
14 were arrested, they -- and it was deemed that it  
15 was due to a mental illness that this might have  
16 been the reason that they acted in this manner,  
17 would they have to then essentially act, you  
18 know, mentally ill in front of the court in order  
19 to be held?

20 SENATOR BAILEY: Through you,  
21 Mr. President. It's not just at arraignment, but  
22 at any time prior to that that an individual who  
23 is deemed to be mentally ill can exhibit those  
24 symptoms.

25 SENATOR BORRELLO: Mr. President,



1 will the sponsor continue to yield?

2 THE PRESIDENT: Does the sponsor  
3 yield?

4 SENATOR BAILEY: Certainly.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR BORRELLO: So I appreciate  
7 that answer. I'd actually like to move on to a  
8 different subject now, if that's okay.

9 You said several times that tonight  
10 you're doing clarifications. Now, I've read  
11 media reports after the release of this bill that  
12 said that there are going to be changes made to  
13 bail. I got a call from a reporter: Can you  
14 tell me about the changes that are being made to  
15 bail laws, cashless bail?

16 I just want to clarify. You're  
17 saying that there are no changes being made, that  
18 these are just clarifications. Is that correct?

19 SENATOR BAILEY: Through you,  
20 Mr. President, clarification is a change.

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

23 THE PRESIDENT: Will the sponsor  
24 yield?

25 SENATOR BAILEY: The sponsor

1 yields.

2 THE PRESIDENT: The sponsor yields.

3 SENATOR BORRELLO: Well, no,  
4 actually a clarification is the opposite of a  
5 change. You're just saying we're clarifying what  
6 we've already told you. That's actually the  
7 opposite of changing something, is it not?

8 So let me ask you again: Are we  
9 making changes to the bail law tonight?

10 SENATOR BAILEY: Through you,  
11 Mr. President, the initial answer to my response  
12 stands.

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

16 THE PRESIDENT: Does the sponsor  
17 yield?

18 SENATOR BAILEY: The sponsor  
19 yields.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR BORRELLO: All right. So  
22 to clarify another point, another thing that I've  
23 heard is that we've talked about judges having  
24 discretion and that somehow we're giving judges  
25 discretion.

1                   After tonight when this budget  
2 passes, will judges in New York State have  
3 discretion to hold someone based on  
4 dangerousness?

5                   SENATOR BAILEY:    Through you,  
6 Mr. President, dangerousness has never been a  
7 standard in the State of New York and will not be  
8 a standard in the State of New York after the  
9 passage of this legislation.

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

12                  THE PRESIDENT:    Does the sponsor  
13 yield?

14                  SENATOR BAILEY:    The sponsor  
15 yields.

16                  THE PRESIDENT:    The sponsor yields.

17                  SENATOR BORRELLO:   I just want to  
18 make sure, because this is a very important  
19 point. So after tonight, anyone in the media  
20 that's writing a story, judges will not have  
21 discretion to hold someone based on  
22 dangerousness. We're clear on that.

23                  SENATOR BAILEY:    Through you,  
24 Mr. President, judges have never in the history  
25 of the judiciary in the State of New York had

1 discretion to hold somebody in bail based upon  
2 dangerousness. Never.

3 SENATOR BORRELLO: Mr. President,  
4 on the bill.

5 THE PRESIDENT: Senator Borrello on  
6 the bill.

7 SENATOR BORRELLO: Thank you,  
8 Senator Bailey.

9 Senator Bailey's absolutely right.  
10 Judges have never been able to hold anyone based  
11 on dangerousness in New York State. New York  
12 actually is the only state that has tried to  
13 address changes to cashless bail and actually has  
14 not considered dangerousness.

15 So that's what makes New York  
16 unique. Because unfortunately the goal here  
17 wasn't to craft a responsible law, the goal here  
18 was to prove New York was the most progressive.  
19 And that's why we are where we are today.

20 And we can sit here and tell people  
21 that there's no correlation between the spike in  
22 crime and the changes to the bail laws. Don't  
23 believe your lying eyes, New Yorkers; nothing to  
24 see here. That's what we're telling them.

25 But New Yorkers know better. And in

1 fact, 82 percent of New Yorkers in that Siena  
2 poll that Leader Ortt referenced believe that  
3 judges should indeed have discretion to hold  
4 someone based on dangerousness.

5 So we can continue to tell people  
6 everything's fine, nothing to see here, or we can  
7 actually make fundamental changes -- not just  
8 clarifications -- to this failed bail reform law.

9 Thank you, Mr. President.

10 THE PRESIDENT: Senator Serino.

11 SENATOR SERINO: Thank you,  
12 Mr. President. Would the sponsor yield for some  
13 questions?

14 SENATOR BAILEY: Absolutely.

15 THE PRESIDENT: Would the  
16 sponsor -- the sponsor yields.

17 SENATOR SERINO: Thank you,  
18 Senator Bailey.

19 In 2019 when this legislation was  
20 first passed, I held a press conference with law  
21 enforcement and DAs but also with domestic  
22 violence victims' advocates who expressed  
23 tremendous concerns about the safety of those  
24 they serve.

25 First of all, it should never have

1 taken all these years for their concerns to be  
2 heard, but I'm glad to see that a piece of this  
3 change includes a provision that would allow any  
4 violation of an order of protection issued by any  
5 court to be considered when making a custody  
6 determination.

7 But I'm totally disturbed that a  
8 number of charges that directly impact victims of  
9 domestic violence are still not bail-eligible.  
10 And that would be assault in the third degree,  
11 most stalking offenses, unlawful imprisonment in  
12 the second degree -- which for those who don't  
13 know, that's holding a person against their will,  
14 as so often happens in domestic violence cases --  
15 and most egregiously, aggravated family offense.

16 So just wondering, like, what is the  
17 disconnect here? Why are there charges  
18 continually left off the bail-eligible list?

19 SENATOR BAILEY: Through you,  
20 Mr. President, when we initially, three months  
21 into the conversation -- you know, three months  
22 into the enacted legislation, we added some  
23 offenses to the bail eligibility list based upon  
24 direct conversations with domestic violence  
25 survivors organizations and those organizations

1     who support victims of domestic violence.  
2     Something that we've been very steadfast in being  
3     able and being willing to listen to groups and  
4     their concerns.

5                 The modifications, clarifications  
6     set before us today are related to offenses, as  
7     I've stated before, related to issues related to  
8     the scourge of gun violence in our community --  
9     all of our communities -- repeat offenders, and  
10    issues related to the clarifying language on  
11    discovery.

12                SENATOR SERINO:    Through you,  
13    Mr. President --

14                THE PRESIDENT:    Does the sponsor  
15    yield?

16                SENATOR SERINO:    -- sponsor  
17    continue to yield?

18                SENATOR BAILEY:    Certainly.

19                THE PRESIDENT:    The sponsor yields.

20                SENATOR SERINO:    So -- and I love  
21    that you had the conversations with the domestic  
22    victim advocates and domestic victims, did you  
23    say too, Senator Bailey?

24                SENATOR BAILEY:    Through you,  
25    Mr. President, yes.

1                   SENATOR SERINO:    So -- but I'm  
2   wondering, I know those conversations happened a  
3   while back. But they didn't happen now when you  
4   guys were just crafting this?

5                   SENATOR BAILEY:   Through you,  
6   Mr. President, we always have continuous  
7   conversations with such critically important  
8   advocacy groups.

9                   But again, the clarifications before  
10   us today were focused upon the -- what we  
11   indicated before, related to gun violence and  
12   repeat offenders. Specifically as related to the  
13   bail eligibility.

14                  SENATOR SERINO:   Through you,  
15   Mr. President, if the sponsor would --

16                  THE PRESIDENT:    Does the sponsor  
17   yield?

18                  SENATOR BAILEY:   Absolutely.

19                  THE PRESIDENT:    The sponsor yields.

20                  SENATOR SERINO:   So -- and  
21   Senator Bailey, I appreciate what you just said.  
22   But when you think about the crimes that I just  
23   said, like the stalking offenses -- and this is  
24   just talking about what these items are --  
25   unlawful imprisonment in the second degree. As



1 we know, that so often happens with domestic  
2 violence victims, and it's holding them against  
3 their will. These were not included.

4 So they are not -- domestic violence  
5 victims are not protected. And having  
6 conversations with a lot of domestic violence  
7 victims, these are very concerning to me. And I  
8 just -- I don't understand why they would not  
9 have been included.

10 And so those are all the questions I  
11 have for you, Senator Bailey.

12 And I have other questions if I  
13 could ask those at this time, because I think  
14 we're done with bail. Is that okay?

15 THE PRESIDENT: Sure.

16 SENATOR SERINO: Thank you,  
17 Senator Bailey.

18 THE PRESIDENT: What section?

19 SENATOR SERINO: Through you,  
20 Mr. President, this is for SSI for assisted  
21 living facilities.

22 THE PRESIDENT: Senator Gianaris.

23 SENATOR GIANARIS: Mr. President, I  
24 understand -- because we have to get  
25 Senator Krueger back out for that portion. But I

1 do understand there are other members who have  
2 debate on this portion. So if it's okay, we can  
3 return to that?

4 Great. Thank you.

5 THE PRESIDENT: Senator O'Mara.

6 SENATOR O'MARA: Thank you,  
7 Mr. President. Would Senator Bailey yield for a  
8 few questions?

9 SENATOR BAILEY: Certainly.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR O'MARA: Senator Bailey, on  
12 this reform to the reform bail, Part UU that  
13 we're talking about here, is it accurate that  
14 still the crimes of menacing in the first, second  
15 or third degrees are not bail-eligible on a first  
16 arrest?

17 SENATOR BAILEY: Through you,  
18 Mr. President, Senator O'Mara is correct.

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

22 THE PRESIDENT: Does the sponsor  
23 yield?

24 SENATOR BAILEY: Certainly.

25 THE PRESIDENT: The sponsor yields.

1                   SENATOR O'MARA:    Is it accurate,  
2   Senator Bailey, that the crimes of stalking in  
3   the second, third or fourth degrees are not  
4   bail-eligible on a first offense?

5                   SENATOR BAILEY:   Through you,  
6   Mr. President, Senator O'Mara is correct.

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

10                  THE PRESIDENT:    Does the sponsor  
11   yield?

12                  SENATOR BAILEY:    Yes.

13                  THE PRESIDENT:    The sponsor yields.

14                  SENATOR O'MARA:    Is it accurate,  
15   Senator Bailey, that the crime of failure to  
16   register as a sex offender is not bail-eligible?

17                  SENATOR BAILEY:    Through you,  
18   Mr. President, that would depend on the level of  
19   registry, the sex offender registry level that  
20   the individual was at.

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

24                  THE PRESIDENT:    Does the sponsor  
25   yield?

1                   SENATOR BAILEY:   Absolutely.

2                   THE PRESIDENT:   The sponsor yields.

3                   SENATOR O'MARA:   Just to clarify,  
4 then, Senator Bailey, the failure to register as  
5 a sex offender, level one or level two, is not  
6 bail-eligible, correct?

7                   SENATOR BAILEY:   Through you,  
8 Mr. President, Senator O'Mara is correct.

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

12                   THE PRESIDENT:   Does the sponsor  
13 yield?

14                   SENATOR BAILEY:   Yes.

15                   THE PRESIDENT:   The sponsor yields.

16                   SENATOR O'MARA:   Is it accurate,  
17 Senator Bailey, that the crime of facilitating  
18 female genital mutilation is not bail-eligible as  
19 a first offense?

20                   SENATOR BAILEY:   Through you,  
21 Mr. President, I appreciate Senator O'Mara's  
22 efforts to go through a number of abhorrent  
23 crimes in the penal code that we all agree are  
24 abhorrent.

25                   To answer the question, you know,

1     that is not bail-eligible. But to a larger  
2     point, as I've stated previously to my good  
3     colleagues, the statute before us today relates  
4     to clarifying language as it relates to repeat  
5     offenders and issues related to gun crimes.

6                 We could continue to go down every  
7     single crime in the Penal Law. Which would be  
8     fine, because it would continue to go by their  
9     debate limit. And so I'm willing to listen to  
10    every single crime in the Penal Law if that's  
11    what makes them happy.

12                But so that we can have further  
13    discussion and dialogue about the substance of  
14    this, I would answer again this is -- that  
15    abhorrent offense that you mentioned is not  
16    bail-eligible.

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 BAILEY: Yes.

23                THE PRESIDENT: The sponsor yields.

24                SENATOR O'MARA: So it's accurate,  
25    then, that the crime of facilitating female

1 genital mutilation is not bail-eligible, yes or  
2 no?

3 SENATOR BAILEY: Through you,  
4 Mr. President, asked and answered.

5 SENATOR O'MARA: I've got a whole  
6 list of crimes here that are not -- through you,  
7 Mr. President.

8 THE PRESIDENT: On the bill or are  
9 you asking questions?

10 SENATOR O'MARA: No, on the bill  
11 for a moment. Then I'll have another question  
12 for you.

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

15 SENATOR O'MARA: I've got page  
16 after page of crimes that are not bail-eligible  
17 still under this reform that is being sold to the  
18 public as providing more public security, making  
19 people feel safer in their everyday lives.

20 Pages and pages of these. I'm not  
21 going to go through them all. But there are a  
22 couple that I haven't gotten to yet. Aggravated  
23 cruelty to animals is not bail-eligible.

24 SENATOR BAILEY: Are you asking me  
25 or --

1                   SENATOR O'MARA:    No.  No, I'm --

2                   THE PRESIDENT:    No, he's on the  
3 bill.

4                   SENATOR O'MARA:    On the bill.

5                   And I think we're all well aware of  
6 what a precursor to larger crimes aggravated  
7 cruelty to animals can be throughout history, and  
8 several serial killers having started their  
9 criminal careers as such.

10                   The crime of unlawful imprisonment  
11 in the second degree is not bail-eligible.  The  
12 crime of burglary in the third degree is not  
13 bail-eligible.  The crime of robbery in the  
14 second degree, where two or more people rob you,  
15 steal -- forcibly take property from you, is not  
16 bail-eligible on a first arrest.  The crime of  
17 robbery in the third degree is not bail-eligible  
18 on a first offense still.

19                   The crimes of arson in the third,  
20 fourth and fifth degrees are not bail-eligible on  
21 the first offense.  And just to give you an idea  
22 of what that covers in the arson statutes:  
23 Intentionally starting a building on fire or  
24 causing an explosion to a building, a Class C  
25 felony -- no bail for that.

1                   To go back to stalking for a moment,  
2     the crime of stalking in the second degree is  
3     when someone commits stalking in the third degree  
4     and displays or possesses and threatens the use  
5     of a firearm, a pistol, a revolver or a rifle, a  
6     shotgun, a machine gun, an electric dart gun, an  
7     electronic stun gun, a cane sword, a billy, a  
8     blackjack, a bludgeon, plastic knuckles, metal  
9     knuckles, chuka stick, sand bag, sandclub,  
10    slingshot or slungshot, shuriken -- whatever that  
11    is -- "Kung Fu Star," dagger, dangerous knife,  
12    dirk, razor, stiletto, imitation pistol -- not  
13    bail-eligible.

14                  Third degree -- having trouble  
15    finding it here. To back up on the arson in the  
16    second degree that I described, threatening the  
17    use of all those weapons and stalking somebody --  
18    but to get there, you have to have committed a  
19    prior stalking within the preceding 10 years.  
20    Yet that is still not bail-eligible under this  
21    so-called reform to make the public feel safe.

22                  This Part UU of this bill is a  
23    farce. It's a cover-up. It's doing nothing to  
24    protect New Yorkers from vicious criminals to  
25    keep them off the streets. But they can go



1 out -- they have to commit it a second time for  
2 the judge to even consider putting bail on it.  
3 That's not what the public is expecting these  
4 reforms to be. So to sell it as anything else is  
5 just plain fraud.

6 Thank you, Mr. President.

7 THE PRESIDENT: Senator Stec.

8 SENATOR STEC: Thank you,  
9 Mr. President. I'm not sure if it would be  
10 Senator Bailey. I'd like to ask some questions  
11 about Part F, tuition assistance for incarcerated  
12 individuals.

13 THE PRESIDENT: Senator Gianaris.

14 SENATOR GIANARIS: Mr. President, I  
15 think Senator Krueger will be addressing those  
16 issues.

17 SENATOR STEC: Okay, wonderful.

18 THE PRESIDENT: Will the sponsor  
19 yield? Does the sponsor yield?

20 SENATOR KRUEGER: Yes, I do.

21 SENATOR STEC: All right, thank  
22 you, Senator Krueger. Good evening.

23 If I could, I'd like to start --  
24 through you, Mr. President -- with a broad  
25 question about Part F, Tuition Assistance

1 Program, changing the Education Law to allow  
2 incarcerated individuals -- or, to most of my  
3 constituents back home, inmates, prison  
4 inmates -- to receive tuition assistance.

5 What is the purpose in New York  
6 State of incarcerating people?

7 SENATOR KRUEGER: The purpose of  
8 incarceration?

9 SENATOR STEC: Sure.

10 SENATOR KRUEGER: I believe it is  
11 both for rehabilitation and in some circumstances  
12 to keep people separated from the general public.

13 SENATOR STEC: So through you, if  
14 the sponsor would continue to yield.

15 THE PRESIDENT: Does the sponsor  
16 yield?

17 SENATOR KRUEGER: Yes, I do.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR STEC: So reform, and  
20 provide public safety.

21 Would you add to that punishment or  
22 deterrence from criminal activity?

23 SENATOR KRUEGER: I certainly don't  
24 think I would use the term "punishment." That's  
25 more of a moral action.

1                   Again, if it's deterrence in the  
2                   sense that it is keeping people separated from  
3                   the general public for some period of time. So  
4                   you could say deterrence, I suppose.

5                   SENATOR STEC:    Through you,  
6                   Mr. President, if the sponsor would continue to  
7                   yield.

8                   THE PRESIDENT:   Does the sponsor  
9                   yield?

10                  SENATOR KRUEGER:   Yes.

11                  THE PRESIDENT:    The sponsor yields.

12                  SENATOR STEC:    Thank you.

13                  Would you or, more importantly, do  
14                  you think our constituents would consider  
15                  providing taxpayer-funded college education as a  
16                  purpose of incarceration or just a happy  
17                  byproduct?

18                  SENATOR KRUEGER:   I think most  
19                  citizens would be happy to see fewer people  
20                  committing crimes, fewer people recommitting  
21                  crimes. And the research shows that when you  
22                  leave prison, if you have opportunities to move  
23                  into the economy and get and keep work, you are  
24                  far less likely to ever recidivise and return to  
25                  prison.

1                   So I would actually think most  
2     people would think: Hmm, they're in jail, we're  
3     paying for them to be there. For them to improve  
4     their skills and their opportunities once they  
5     get out of the prison is probably a good thing  
6     for society overall.

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

10                  THE PRESIDENT: Does the sponsor  
11     yield?

12                  SENATOR KRUEGER: Yes, I do.

13                  THE PRESIDENT: The sponsor yields.

14                  SENATOR STEC: Thank you.

15                  Are you aware, Senator, of the cost  
16     per year per inmate in the New York State system  
17     and in the New York City system? Do you know  
18     what those two numbers are, approximately?

19                  SENATOR KRUEGER: I might need to  
20     ask someone from our correction side to join me.

21                  (Pause.)

22                  SENATOR STEC: I know. I can tell  
23     them. I'll answer my own question. Sure, I'll  
24     move us along.

25                  SENATOR KRUEGER: I'm sorry,

1 Mr. President. While I'm looking for the answer,  
2 apparently my questioner has the answer.

3 SENATOR STEC: Mr. President,  
4 through you. I'll revise my question.

5 In New York City, according to the  
6 Comptroller, the cost to incarcerate an  
7 individual a year is \$556,539 a year per inmate.

8 And the New York State Department of  
9 Corrections average, according to a Columbia  
10 University study from March of last year:  
11 \$79,879 a year. So that the 79,879 number, I'll  
12 round it up to \$80,000. Do you know what the  
13 current household income threshold is to be  
14 eligible in New York State for the Tuition  
15 Assistance Program?

16 SENATOR KRUEGER: The current  
17 maximum is \$80,000.

18 SENATOR STEC: That's right.

19 If you'd -- the sponsor would  
20 continue to yield.

21 THE PRESIDENT: Does the sponsor  
22 yield?

23 SENATOR KRUEGER: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR STEC: So the threshold for

1     being eligible to receive TAP in New York State  
2     is \$80,000 -- coincidentally, the same amount  
3     that it costs to incarcerate an individual.

4                   More than half of my constituents  
5     make less than household incomes of \$80,000. Do  
6     you know when the last time was that the TAP  
7     threshold was increased by the Legislature? It's  
8     \$80,000 right now.

9                   SENATOR KRUEGER:     Quite a few  
10    years.

11                   Do you know?

12                   SENATOR STEC:     I do know --

13                   SENATOR KRUEGER:     Oh, I'm sorry.  
14    Mr. President, through you, if I might ask him to  
15    answer the question.

16                   THE PRESIDENT:     Does the questioner  
17    yield?

18                   SENATOR STEC:     I'd be delighted to  
19    debate myself, Mr. President.

20                   (Laughter.)

21                   SENATOR KRUEGER:     You're doing a  
22    very good job.

23                   SENATOR STEC:     I'm not an attorney,  
24    I've never been to law school, but I do know you  
25    never ask a question you don't know the answer

1 to.

2 Mr. President, the year 2000 --  
3 22 years ago -- was the last time that that  
4 threshold was adjusted. Now, in today's dollars  
5 that's almost \$132,000 a year -- again, for a  
6 threshold for a family.

7 Do you know the cost estimate --

8 THE PRESIDENT: Sorry. Does the  
9 sponsor -- do you yield for another question?

10 SENATOR KRUEGER: Of course I do.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR STEC: Thank you. My  
13 apologies.

14 THE PRESIDENT: I got you, don't  
15 worry.

16 SENATOR STEC: Thank you.  
17 Appreciate that.

18 Do you know the cost estimate for  
19 Part F to the taxpayer, according to the  
20 Department of Budget? Do you know how much this  
21 is going to cost taxpayers to extend tuition  
22 assistance to incarcerated individuals?

23 SENATOR KRUEGER: I believe it's  
24 capped at \$5 million.

25 SENATOR STEC: This -- through you,

1 Mr. President, if the sponsor would continue to  
2 yield.

3 THE PRESIDENT: Does the sponsor  
4 yield?

5 SENATOR KRUEGER: Yes.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR STEC: Thank you.

8 Does this budget tonight, or maybe  
9 in a future bill, does it include any increase to  
10 the TAP threshold? Or are we still at 80,000,  
11 the same as we were in 2000?

12 SENATOR KRUEGER: It's a great  
13 question. Thank you, Mr. President.

14 We did try. We raised it to  
15 \$110,000 in our one-house. And through  
16 negotiations, it -- we were not successful.

17 Of course we also have the  
18 additional program that was started a few years  
19 ago to help with tuition assistance at the CUNY  
20 and SUNY systems called the Excelsior Scholarship  
21 Program that also helps to decrease costs.

22 But no, so far we have not been able  
23 to increase the TAP funding program.

24 Although I would like to add, since  
25 I think it's relevant, for many years my husband,



1 a college professor, pointed out instead of  
2 sending people to prison we should send them to  
3 college. It's approximately the same price for a  
4 four-year degree as one year in prison. Some  
5 will drop out, but a whole lot will get a college  
6 education and probably never need to go to  
7 prison.

8 SENATOR STEC: Through you,  
9 Mr. President, if the sponsor will continue to  
10 yield.

11 THE PRESIDENT: Does the sponsor  
12 yield?

13 SENATOR KRUEGER: Of course.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR STEC: One final question.

16 But as an aside, I'm pretty sure my  
17 constituents wouldn't follow that logic train.  
18 But I understand your point.

19 If there is no threshold income  
20 increase but an expansion of eligibility to  
21 inmates, is it fair to say that you are  
22 prioritizing criminals over law-abiding  
23 New Yorkers who are already enrolled in our  
24 universities?

25 SENATOR KRUEGER: Absolutely not.

1 We are not taking away any TAP from anyone,  
2 because we are adding \$5 million to the budget to  
3 help ensure that some number of people who are  
4 currently in our prison system can improve their  
5 educational skills while in prison -- again,  
6 based on research and data making it far less  
7 likely they will ever return to our prison  
8 system, saving the State of New York endless  
9 amounts of money.

10 SENATOR STEC: On the bill,  
11 Mr. President.

12 THE PRESIDENT: Senator Stec on the  
13 bill.

14 SENATOR STEC: Thank you. Thank  
15 you, Senator Krueger, for your time.

16 The advocacy groups that come to me  
17 asking for things in higher education, the one  
18 consistent thing that comes from all of them has  
19 been a desire to see Tuition Assistance Program  
20 income thresholds increased. They have not been  
21 increased in 22 years. The kids that are  
22 graduating from college today, the last time that  
23 threshold was increased was the year they were  
24 born.

25 And yet, coincidentally, as I

1 pointed out in answering my own questions, that  
2 the income threshold of \$80,000 happens to be  
3 almost the same number as the cost to incarcerate  
4 an individual. This is a funny happenstance, but  
5 it's another example of how the actions of these  
6 legislative majorities and our past executives,  
7 over the years, have -- and most recently, in  
8 recent years since 2019 -- have prioritized the  
9 needs of criminals and those that are  
10 incarcerated, those that have taken from society.

11 And we have made it harder in recent  
12 years, harder to earn your way into prison than  
13 ever before. If you're in prison today, you've  
14 had to do something awful in New York State to  
15 get there. Because we've legalized and  
16 decriminalized so much else.

17 While you're in prison today, we've  
18 taken away all kinds of deterrents and behavior  
19 controls that keep not only our staff and  
20 corrections officers safe, but the very inmates  
21 that a bill like this is looking to serve and  
22 help. We're hurting their safety by not allowing  
23 certain control measures that used to be in place  
24 in prisons.

25 We are now making the argument that

1       somehow we are better off spending taxpayers'  
2       money on giving them a college education. These  
3       are people that have taken from society. My  
4       constituents won't go for this. I reckon the  
5       vast majority of our constituents won't go for  
6       it. I'm fine going to the voters on Election Day  
7       on that issue and that position.

8                       But I just -- I want to highlight  
9       that the \$80,000 that it costs to incarcerate  
10      somebody that's preyed on society happens to be  
11      the threshold that if you make \$80,001 as a  
12      family, your kid doesn't qualify for TAP. But  
13      you're going to pay for somebody that's  
14      incarcerated's college education. You ought to  
15      call it "Crime pays."

16                      I'll be opposed to this bill for  
17      Part F alone, but there's more.

18                      Thank you, Mr. President.

19                      THE PRESIDENT:    Senator Serino,  
20      Senator Krueger is back.

21                      SENATOR SERINO:    Thank you,  
22      Mr. President. Will the sponsor --

23                      THE PRESIDENT:    Does the sponsor  
24      yield?

25                      SENATOR KRUEGER:   I will happily

1     yield.

2                   THE PRESIDENT:     The sponsor yields.

3                   SENATOR SERINO:     Thank you,  
4     Senator Krueger.

5                   So my first question is on SSI.

6     And, you know, facilities that are caring for our  
7     low-income individuals that are paid through SSI  
8     have only had one rate increase in more than 20  
9     years, which has resulted in closures of these  
10    facilities across the state, as I had mentioned  
11    earlier.

12                   In the past the Senate has  
13    championed legislation to phase in an increase to  
14    the SSI rate, which would help support some of  
15    our most vulnerable neighbors. So do you know,  
16    does the final budget contain any funding to  
17    increase this rate?

18                   SENATOR KRUEGER:     I'm sorry,  
19    Senator Serino, is there a specific part of the  
20    bill that you're referencing where you're seeing  
21    something about this?

22                   SENATOR SERINO:     Ooh, do you know  
23    what? I don't remember which part it was for the  
24    assisted living facilities.

25                   SENATOR KRUEGER:     So not in this

1 bill.

2 SENATOR SERINO: Maybe it's the  
3 final budget bill, I'm sorry. Overall.

4 SENATOR KRUEGER: I'd hate to give  
5 you a wrong answer, Senator Serino, but I'm not  
6 necessarily getting an answer that -- to give  
7 you.

8 I think that there is not an  
9 increase for the personal needs allowance in SSI  
10 for assisted living. And I think you are correct  
11 that it has been many decades and that it raises  
12 a real concern for the assisted living  
13 facilities, specifically for people with SSI.  
14 And that there are real costs involved with that.

15 I also, though, know that there's  
16 quite a bit of money that the Governor has  
17 intended to be used to expand the housing options  
18 and services available to people who are living  
19 in residential facilities or need residential  
20 facilities. So I don't know tonight whether  
21 there's some interpretation that could be used  
22 that would allow us to provide assistance to  
23 facilities that are financially in trouble and  
24 are taking care of, through assisted living, SSI  
25 vulnerable people.

1                   So I'd be very interested in  
2 following up with you, after maybe 2 o'clock this  
3 morning -- that's an estimate for the end of this  
4 budget -- to see whether there's any new  
5 categories that we might be able to use  
6 creatively to assist. Because I certainly agree  
7 with you: This has been a problem for many years  
8 that only gets worse.

9                   SENATOR SERINO: Through you,  
10 Mr. President, if the sponsor --

11                  THE PRESIDENT: Does the sponsor  
12 yield?

13                  SENATOR KRUEGER: Of course.

14                  THE PRESIDENT: The sponsor yields.

15                  SENATOR SERINO: Thank you,  
16 Senator Krueger. You know, I've been talking  
17 about this for years. And, you know, we've had  
18 financial challenges before, but with the budget  
19 being, you know, rather flush this year, I  
20 thought it was a perfect opportunity.

21                  I know earlier when we talked about  
22 assisted living and the 1.5 billion I think that  
23 Senator Rivera had mentioned was for capital  
24 costs. So this could be available for other  
25 expenses that our seniors would use.

1                   My other question is about home care  
2 workers. So -- because of course -- oh.

3                   SENATOR KRUEGER: One moment.

4                   SENATOR SERINO: Okay.

5                   SENATOR KRUEGER: We like to give  
6 staff a workout, so they need to keep coming and  
7 going.

8                   You know what? You get a better  
9 Senator. Senator May would love to answer your  
10 questions about home care.

11                  SENATOR SERINO: Thank you.

12                  THE PRESIDENT: Does the sponsor  
13 yield?

14                  SENATOR MAY: I do.

15                  THE PRESIDENT: The sponsor yields.

16                  SENATOR SERINO: Thank you,  
17 Senator May.

18                  You know, I was very disappointed to  
19 see the watered-down language involving the pay  
20 for the home care workers. The measure that has  
21 bipartisan support in this chamber would raise  
22 wages to 150 percent of the minimum wage. So is  
23 it correct that this measure only raises wages \$3  
24 per hour -- which is less than half of what's  
25 proposed under the Fair Pay for Home Care -- and



1       that that minimal raise isn't even immediate but  
2       actually I think it's spread out over two years?

3               SENATOR MAY:     That's correct.

4               SENATOR SERINO:   That's -- you  
5       know, through you, Mr. President --

6               THE PRESIDENT:    Does the sponsor  
7       yield?

8               SENATOR MAY:     I do.

9               THE PRESIDENT:    The sponsor yields.

10              SENATOR SERINO:   You know, the  
11       pandemic has exposed a massive home care worker  
12       shortage, and it's only going to get worse. We  
13       really need to do everything that we can to be  
14       able to have our seniors, who built our  
15       communities to what they are, actually be able to  
16       age in place.

17              Attracting qualified New Yorkers in  
18       this field needed to be a top priority in this  
19       budget, and we really failed them. So do you  
20       think a \$2 per hour raise next year is enough to  
21       attract and maintain workers in the home care  
22       field?

23              SENATOR MAY:     Through you,  
24       Mr. President. No one has fought harder than I  
25       have for the full 150 percent increase in the

1 minimum wage for home care workers. But there  
2 are realities in a budget, and there needed to be  
3 three-way agreement on this, and this was the  
4 amount we were able to secure.

5 So I hope that we will continue  
6 working to get it up to the 150 amount. We at  
7 least got -- and the Majority Leader worked very  
8 hard to make sure that it was front-loaded so  
9 that the raise in the first year moves the  
10 minimum wage upstate above the minimum wage for  
11 fast food workers. That was an absolutely key  
12 piece of this legislation for me. And I am proud  
13 that we actually managed to do that within the  
14 constraints that we had. That, at the very  
15 least, is happening.

16 SENATOR SERINO: Through you,  
17 Mr. President, will the sponsor continue to  
18 yield. Thank you.

19 THE PRESIDENT: Does the sponsor  
20 yield?

21 SENATOR MAY: Yes, I will.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR SERINO: You know, there  
24 was so much money in this budget. And once  
25 again -- and I know we can all relate, right --

1     our seniors are always left behind. And we need  
2     to have the money for the home care workers. We  
3     have to be taking care of them.

4                     The other part of that question,  
5     too, is the -- because this applies to our  
6     seniors and to our loved ones. Is the Family  
7     Caregiver Tax Credit anywhere in this final state  
8     budget? I believe in the one-house there was  
9     35 million allotted for this credit that would --  
10    as we know, it would make a world of difference  
11    for the countless family caregivers in New York  
12    who provide billions of dollars in unpaid care  
13    each and every single year.

14                    SENATOR MAY: It is also something  
15    that is not in the budget. Also something I have  
16    fought very hard for year after year, and will  
17    continue to fight for.

18                    SENATOR SERINO: Through you,  
19    Mr. President --

20                    THE PRESIDENT: Does the sponsor  
21    yield?

22                    SENATOR MAY: I do. But I would  
23    appreciate some assistance here.

24                    SENATOR SERINO: Well, you know  
25    what? Actually, on the bill.

1                   THE PRESIDENT:     Senator Serino on  
2     the bill.

3                   SENATOR SERINO:    Yeah.   Thank you,  
4     Senator May.

5                   You know, as I said, and I talk  
6     about it all the time, our seniors are always  
7     left behind.   Once again, you know, we have a  
8     perfect opportunity.   We have our family  
9     caregivers -- that care credit was so important.  
10    That's left out of this bill.

11                  You know, there are some good  
12    things, I admit, in the budget bill that I've  
13    advocated fiercely for, like school aid, of  
14    course, and long-awaited bonuses for healthcare  
15    workers.

16                  And I'm especially proud to see a  
17    long-awaited measure in here that would finally  
18    elevate our current Division of Veterans' Affairs  
19    to a full-fledged administrative state agency, a  
20    move that will hopefully streamline and improve  
21    access to veterans' services and programs.   You  
22    know, this is something that veterans and many  
23    of -- all of our communities have pushed for and  
24    that I am so proud to have cosponsored.

25                  But unfortunately, despite these

1 good measures, this bill falls short. It fails  
2 to include funding for critical programs that  
3 serve our most vulnerable despite, as I've  
4 mentioned, a massive budget surplus.

5 And most importantly, it fails to  
6 take the public safety concerns of so many  
7 New Yorkers seriously. These changes to our  
8 broken bail laws once again were negotiated  
9 behind closed doors, pushed through for a vote  
10 late at night, as we can see, and leave many  
11 serious concerns totally unaddressed. And most  
12 importantly, it still leaves too many victims  
13 vulnerable.

14 You know, I thank Senator Bailey for  
15 answering some of my questions before. But what  
16 I heard in the answers was that domestic violence  
17 didn't influence change in the second changes nor  
18 did it influence change in the third changes. So  
19 not only do the domestic violence victims run the  
20 risk of being held captive by their partner, but  
21 by these laws as well.

22 So therefore victims of domestic  
23 violence still have no voice, nor have they been  
24 able to influence changes in this terrible bill.  
25 That is so shameful.

1                   So once again this chamber is  
2                   sending the message to criminals that New York is  
3                   not willing to hold them accountable. We had the  
4                   opportunity this year to do things differently,  
5                   but unfortunately New Yorkers are getting more of  
6                   the same. It's not right. We can do better.  
7                   And we absolutely must.

8                   I vote no, Mr. President. Thank  
9                   you.

10                  THE PRESIDENT:    Senator Martucci.

11                  SENATOR MARTUCCI:   Thank you,  
12                  Mr. President. Will the sponsor yield?

13                  THE PRESIDENT:    What section are  
14                  you --

15                  SENATOR MARTUCCI:    I'm going to be  
16                  talking about the first section -- we've changed  
17                  the playbook here a little bit. I guess I'm  
18                  going to go to Section II. These are questions  
19                  about the proposed 485-w program.

20                  THE PRESIDENT:    Does the sponsor  
21                  yield?

22                  SENATOR KRUEGER:    Certainly.

23                  THE PRESIDENT:    The sponsor yields.

24                  SENATOR MARTUCCI:    Thank you,  
25                  Senator Krueger.

1                   Just a question. So certainly from  
2 my perspective and the perspective of some of my  
3 colleagues, the 421-a program, which is slated to  
4 expire -- as you probably know, Governor Hochul  
5 in her Executive Budget proposal had made a  
6 proposal with respect to the 485-w program. I  
7 see in the bill language that this program has  
8 been rejected, and I was wondering if perhaps the  
9 sponsor knew if -- or what other program  
10 potentially will be taken up in a later budget  
11 bill or maybe later on in the session, outside of  
12 the scope of the budget, that would be focused on  
13 creating affordable housing in New York City.

14                   SENATOR KRUEGER: Thank you.

15                   So you're correct, there is no 421-a  
16 in the budget. There is no replacement for it as  
17 originally proposed by the Governor, which I  
18 believe was 485-w. So that is also not anywhere  
19 to be found in the budget.

20                   And I think that most of the  
21 Legislature believes that the creation of  
22 affordable housing is a crucial issue, although  
23 this is a New York City-specific program because  
24 it's been funded by New York City property taxes.  
25 So speaking as a New York City resident, we

1 recognize that affordable housing is crucial to  
2 our future.

3 And we are very much interested in  
4 having conversations and coming up with a public  
5 policy that will translate into a justifiable  
6 cost-benefit ratio. The 421-a program, through  
7 research, has been shown to be unbelievably  
8 inefficient in creating any affordable housing,  
9 and recent reports show that as little as  
10 51 units out of 8,000 built recently are actually  
11 affordable.

12 So I don't think if someone said to  
13 you, Give me money for 8,000 housing units and  
14 I'll build you 51 affordable, that you would put  
15 that very high up on your list of successful  
16 affordable programs. We in New York City  
17 certainly don't think it's successful. And we  
18 would love to come up with a better model.

19 And I would be very happy to talk to  
20 you about proposals you might have after the  
21 budget's done.

22 SENATOR MARTUCCI: Thank you.  
23 Thank you, Mr. President. Will the sponsor yield  
24 for another question?

25 THE PRESIDENT: Does the sponsor



1     yield?

2                   SENATOR KRUEGER:     Yes.

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR MARTUCCI:    Okay.  So --  
5     certainly, thank you for your response, and we  
6     look forward to those conversations to come.

7                   So then maybe just a little bit more  
8     broadly, because it is clear that the Legislature  
9     has rejected the Governor's proposal -- you know,  
10    the 485-w -- what plan exists maybe within the  
11    budget, since that's the bill that's before the  
12    house, that would be helpful in terms of helping  
13    create more affordable housing, since this was  
14    not included?

15                   SENATOR KRUEGER:    Well, the  
16    Governor has a \$4.5 billion affordable housing  
17    plan, a statewide program, in her budget, and we  
18    are moving forward with that.

19                   So there are any number of different  
20    models that I believe that money will be going  
21    towards paying for.  And again, different places  
22    in the state, different models work, so that's  
23    actually a very promising start.

24                   I know that I've been working with  
25    colleagues from the city, the City Council,

1     borough presidents, city comptroller, and  
2     academics doing research about what has worked  
3     and what has not worked in the past in New York  
4     City to try to come up with better models for  
5     New York City, again, in choosing to use its own  
6     property tax money to pay for items.

7             I think one of the issues for us  
8     here in Albany, and we need to think hard about  
9     it, is property taxes are the only taxes we allow  
10    our localities to control for themselves. So I'm  
11    not sure why we think in Albany we are the ones  
12    to determine how those property taxes ought to be  
13    spent on any specific program -- but, rather, to  
14    actually let the localities help determine or  
15    determine completely, without any state law at  
16    all, how they would like to use their funds to  
17    get the maximum win for the kinds of housing they  
18    need.

19            So I personally am not convinced  
20    this should be a state program, period.

21            SENATOR MARTUCCI:    Thank you,  
22    Mr. President. Will the sponsor yield for  
23    another question?

24            THE PRESIDENT:    Does the sponsor  
25    yield?

1                   SENATOR KRUEGER:    Yes.

2                   THE PRESIDENT:    The sponsor yields.

3                   SENATOR MARTUCCI:   Thank you,  
4   Senator Krueger.

5                   And I certainly understand -- you  
6   know, your position certainly is one of merit,  
7   and I appreciate your thoughts on that.

8                   With respect to those programs that  
9   you were talking about that the Governor had  
10   introduced that we're supporting in this bill  
11   here before the house, is there a number of  
12   units? Like how many units do we think,  
13   affordable units, are actually going to be  
14   produced from the aggregate of these number of  
15   programs that you were referring to before?

16                   SENATOR KRUEGER:   We believe her  
17   estimate was 100,000 with the 4.5 billion.  
18   That's a five-year plan.

19                   SENATOR MARTUCCI:   Thank you,  
20   Senator.

21                   Mr. President, I do have additional  
22   questions but I understand that we're just  
23   logistically going to put them off for a little  
24   bit. So I thank Senator Krueger for her time,  
25   and I will be speaking with you again soon, it

1 sounds like.

2 SENATOR GIANARIS: Mr. President,  
3 Senator Kennedy has arrived, so Senator Martucci  
4 can continue.

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

7 THE PRESIDENT: Does the sponsor  
8 yield?

9 SENATOR KENNEDY: Yes,  
10 Mr. President, I yield.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR MARTUCCI: Good evening.  
13 My questions are with respect to Part YY, the  
14 transfer of the Buffalo Bills stadium.

15 So, Mr. President, through you, I  
16 noticed in reading the bill that's before the  
17 house that there's a proposal to transfer  
18 property, which is the Buffalo Bills stadium,  
19 from Erie County to a corporation that's owned or  
20 will be owned by ESD, so effectively it would be  
21 translating that property over to the State of  
22 New York.

23 And my question is with respect to  
24 the ongoing costs of the maintenance and  
25 operation of this property. Is there an

1       estimated fiscal, a yearly cost to maintain this  
2       property once it becomes property of the state?

3               SENATOR KENNEDY:    Through you,  
4       Mr. President.   First of all, let me thank my  
5       colleague from across the aisle for the questions  
6       and for bringing up this very important topic.

7               On the bill, Mr. President, let me  
8       just start by saying how important it is that we  
9       keep the Buffalo Bills in the great City of  
10      Buffalo in Western New York.   The Buffalo Bills  
11      are a part of the fabric of who we are as a  
12      community, as a region, and as a state.

13              And, you know, I know we talk about  
14      our sports teams with great passion in this house  
15      and in our respective communities across the  
16      state.   But I can tell you there's no greater  
17      fans than the Buffalo Bills.'   And I will tell  
18      you there's no greater state for the Buffalo  
19      Bills to reside in than the great State of  
20      New York.

21              And by the way, Mr. President, the  
22      only New York State football team, for those of  
23      you that are keeping score, is the Buffalo Bills.  
24      And the Buffalo Bills bring hundreds of millions  
25      in economic input to the state, year after year.

1 We -- they create thousands of jobs in Western  
2 New York and arguably across the state, filling  
3 bars, filling restaurants, filling hotel rooms.  
4 The income taxes provided by the team alone,  
5 Mr. President, is over \$20 million, upwards of  
6 \$27 million. And rising, by the way, as the  
7 salary cap rises.

8 And so we expect over the course of  
9 the length of this lease agreement -- which  
10 arguably is one of the best agreements ever  
11 signed between any football team, any community  
12 in any state -- we will see the expense of public  
13 dollars not only matched but exceeded by the  
14 income tax collected alone from the funding that  
15 the team generates. So -- in salaries alone.

16 So that's just for starters,  
17 Mr. President. The Buffalo Bills, the fabric of  
18 our community -- the only team in the great State  
19 of New York and a team that not only our  
20 community in Western New York can ill afford to  
21 lose, but this great state can ill afford to  
22 lose -- must stay in Western New York.

23 And because of that, the Governor  
24 took it upon herself, along with the county  
25 executive in Erie County and the great Buffalo

1 Bills organization -- which, by the way, for  
2 those of you that are paying attention, are on  
3 the rise. They had a great season -- to put  
4 together an extraordinary deal for the taxpayers  
5 not only in Western New York, but in New York  
6 State, and for those of us that are Bills fans.

7 And I'm hoping, Mr. President, that  
8 my colleague across the aisle who happens to be  
9 asking these questions calls himself a Buffalo  
10 Bills fan, as they're the only team to play in  
11 this great state.

12 Would my colleague across the aisle  
13 yield for a question?

14 (Laughter.)

15 SENATOR MARTUCCI: Mine first.

16 (Laughter.)

17 SENATOR KENNEDY: Mr. President,  
18 thank you. There's a rumor going around that my  
19 colleague across the aisle is a New England  
20 Patriots fan. Is this true?

21 (Laughter; booing.)

22 SENATOR MARTUCCI: Mr. President,  
23 I'll only answer if the sponsor yields and  
24 answers my question.

25 (Laughter.)

1                   THE PRESIDENT:     Senator Kennedy,  
2     would you like to answer the sponsor's question?

3                   SENATOR KENNEDY:   Repeat the -- can  
4     you please repeat the --

5                   SENATOR MARTUCCI:   I will, it's a  
6     very long time ago.  I will repeat it,  
7     Mr. President.

8                   THE PRESIDENT:     You'll answer his  
9     question; he'll answer yours.

10                  SENATOR KENNEDY:    Understood,  
11     Mr. President.  But feel free.

12                  SENATOR MARTUCCI:   So my question  
13     is with respect to the operating costs -- I'm  
14     guessing later we're going to talk a little bit  
15     about the capital costs of the program.  But the  
16     operating costs.  When this becomes part of  
17     New York State, which is what's proposed in  
18     Section YY, what's the year-over-year operating  
19     cost to the people of the State of New York?

20                  SENATOR KENNEDY:    Thirteen-point-  
21     seven million dollars, Mr. President.  Through  
22     you.

23                  SENATOR MARTUCCI:    Thank you,  
24     Mr. President.  Will the sponsor continue to  
25     yield?



1                   THE PRESIDENT:    Do you want to  
2   answer his question?

3                   SENATOR MARTUCCI:    I don't know  
4   what his question was.

5                   SENATOR KENNEDY:    Mr. President --  
6   through you, Mr. President, what NFL team does my  
7   colleague across the aisle root for?

8                   SENATOR MARTUCCI:    Mr. President,  
9   through you, I'm certainly not a fan of Tom  
10   Brady, and that needs to be recorded in the  
11   record. I'm a Jets fan, Mr. President.

12                   SENATOR KENNEDY:    Ah, for --  
13   (Reaction from members.)

14                   SENATOR KENNEDY:    Through you,  
15   Mr. President, that explains a lot.

16                   (Laughter.)

17                   SENATOR KENNEDY:    But,  
18   Mr. President, I will yield.

19                   THE PRESIDENT:    You yield.

20                   The sponsor yields.

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

23                   So with respect to the project as  
24   outlined, one of the things that Senator Kennedy  
25   mentioned was about the site and how important it

1 is to keep the Buffalo Bills in Buffalo. How was  
2 this particular site selected for this project?

3 SENATOR KENNEDY: Through you,  
4 Mr. President. Look -- and I will -- I will --  
5 I'm trying to be nice to my colleague. The  
6 New Jersey Jets? I mean ...

7 The site was selected,  
8 Mr. President, through an ongoing process over a  
9 number of years, quite frankly. Studies were  
10 done by the local community, studies were done by  
11 the Buffalo Bills. And after many different  
12 studies and many different conversations and  
13 debates, public and private, the site was  
14 selected by the state, the county, and the  
15 Buffalo Bills to locate this new stadium, which  
16 will be the largest infrastructure project in the  
17 history of our community, in the place that has  
18 been chosen.

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

21 THE PRESIDENT: Does the sponsor  
22 yield?

23 SENATOR KENNEDY: Of course.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR MARTUCCI: So, you know,

1 the reason I ask that question is certainly  
2 because we've heard that, you know, perhaps --  
3 you know, maybe the site would be located in the  
4 City of Buffalo or other places in the Buffalo  
5 area.

6 But with respect to the actual site  
7 that was selected, I know one of the huge  
8 priorities of the Majority is meeting the goals  
9 of CLCPA and transit. Is there any transit  
10 connection plan that's going to be implemented  
11 with respect to this project? Just so that, you  
12 know, every single fan that comes to the stadium  
13 won't have to drive? Will it be connected  
14 somehow?

15 SENATOR KENNEDY: Through you,  
16 Mr. President, a great question.

17 As the chair of Transportation, I've  
18 actually been working with the chairwoman of the  
19 Erie County Legislature, April Baskin, the  
20 Buffalo Bills organization and Pegula Sports and  
21 Entertainment, as well as the Niagara Frontier  
22 Transportation Authority, to put in place more  
23 accessible transportation through the planning  
24 process and ultimately being implemented to  
25 greater connect our Western New York community to

1       this new stadium.

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

4                   THE PRESIDENT:     Does the sponsor  
5       yield?

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

8                   THE PRESIDENT:     The sponsor yields.

9                   SENATOR MARTUCCI:     Thank you,  
10      Senator Kennedy.

11                   Through you, Mr. President, Senator  
12      Kennedy was talking about some of the benefits of  
13      the program, proposed program. Certainly  
14      economic benefits with respect to jobs and other  
15      economic activity in the region. Is there any  
16      other program connected to this proposed deal --  
17      like say, for example, a community benefit  
18      agreement that would provide additional benefits,  
19      given the a large sum of public dollars that are  
20      being put into the program?

21                   SENATOR KENNEDY:     Through you,  
22      Mr. President, yes, there is a commitment of a  
23      community benefits agreement between the Buffalo  
24      Bills, the state, and the county.

25                   The county executive has made it

1 part of his commitment to negotiate this  
2 community benefits agreement with the Western  
3 New York community. He's already established  
4 that the chairwoman of the Erie County  
5 Legislature, who I have already mentioned, will  
6 be a part of that team of negotiators in putting  
7 this community benefits agreement together.

8 The bottom line, Mr. President, is  
9 that this stadium is going to create -- while  
10 it's establishing itself as the home of the Bills  
11 for the next generation of Bills fans --  
12 thousands of jobs. In construction jobs alone,  
13 12,000 construction jobs will be created out of  
14 the gate.

15 There is a commitment to make sure  
16 that there is diversity in hiring, that there is  
17 a creation of, again, more accessibility and more  
18 inclusion, as well as giving back to the  
19 community. Not to mention -- let me just say  
20 this because I think it's important to mention.  
21 You know, we talk about the investment in the  
22 Buffalo Bills and the creation of jobs and the  
23 fabric of our community and ensuring that they're  
24 locked in for decades to come into Western  
25 New York. I think it's essential that we talk

1       about where they've come from.

2                       You know, back in 1960 Ralph Wilson  
3 brought the Buffalo Bills to Buffalo before the  
4 NFL even existed. It was part of the AFL. And  
5 for five years, the Buffalo Bills played in the  
6 AFL.

7                       Ralph Wilson was a founding member  
8 of the NFL. Ralph Wilson died several years ago.  
9 And what he did is he put in place a system to  
10 which the Buffalo Bills have the best chance to  
11 stay in our community. And by setting up the  
12 foundation that ultimately negotiated, the  
13 transfer to the new owners, the Pegula family,  
14 Terry and Kim Pegula, there was an establishment  
15 of a foundation, the Ralph C. Wilson Foundation.  
16 That foundation, that foundation has committed to  
17 spending in our community and in the City of  
18 Detroit, where Ralph C. Wilson spent his  
19 childhood, a billion dollars over the 20 years of  
20 this -- the existence of that funding that was  
21 brought on by the purchase of the Bills from the  
22 Pegulas.

23                       In that commitment, that money has  
24 already been seeing the fruits of its labor take  
25 root. Right over on the waterfront, on the West

1 Side of Buffalo is LaSalle Park. LaSalle Park is  
2 soon going to be called Ralph C. Wilson, Jr.  
3 Park. A hundred million dollar transformation  
4 right in the heart of the City of Buffalo, right  
5 in the community of need.

6 Not only that, Mr. President, but  
7 there's an investment in the youth of our  
8 community. And through the Ralph C. Wilson  
9 Foundation and the board that's chartered to  
10 spend this money that Ralph C. Wilson so  
11 generously gave to our community -- after his  
12 passing and through his widow, Mary Wilson, and  
13 her team -- they have ensured that the next  
14 generation of Buffalonians and Western  
15 New Yorkers are invested in.

16 And so whether it's youth sports or  
17 inner city youth or capital investments, we have  
18 seen investment after investment from the  
19 Buffalo Bills take root.

20 And so I'm very excited about where  
21 we're headed here, Mr. President. And with that,  
22 I'll open it up to any other questions my  
23 colleague has.

24 THE PRESIDENT: Senator Gianaris.

25 SENATOR GIANARIS: Mr. President, I

1     want to remind my great colleague from Buffalo --  
2     I know he's got great enthusiasm on this issue in  
3     particular.

4                     (Laughter.)

5                     SENATOR GIANARIS:     But we are  
6     trying to get through the night, and we've agreed  
7     with the Minority that our time speaking is not  
8     coming off of their time speaking.

9                     So brevity, brevity, everybody.

10                    (Laughter.)

11                    SENATOR MARTUCCI:     Thank you,  
12     Senator Gianaris.

13                    THE PRESIDENT:     Okay.   All right.  
14     Go ahead.

15                    SENATOR MARTUCCI:     Mr. President,  
16     he sounds like he was a wonderful man, I'll start  
17     by saying that.

18                    (Laughter.)

19                    SENATOR MARTUCCI:     He certainly  
20     sounds like he was a wonderful man to Buffalo.

21                    But if the sponsor continues to  
22     yield.  I only have a few more questions, I  
23     promise.

24                    THE PRESIDENT:     Will the sponsor  
25     yield?



1                   SENATOR KENNEDY:    I will.  I will,  
2   Mr. President.

3                   THE PRESIDENT:    The sponsor yields.

4                   SENATOR MARTUCCI:   Thank you.

5                   So, you know, look -- I think that  
6   one of the other questions I have sort of just in  
7   general about this is, you know, the last time  
8   that there was a stadium attempt here in  
9   New York -- and maybe I'm a little sore about it  
10   because it was a Jets attempt, right?  But it was  
11   back in 2005.  Very famously, then Speaker  
12   Sheldon Silver blocked this project with the use  
13   of his appointee to the Public Authorities  
14   Control Board.

15                   You know, and today we're taking  
16   some steps to forward the transfer right now,  
17   immediately -- in this bill we're taking the  
18   steps to forward transfer of this property to the  
19   State of New York.  And I'm assuming in a bill to  
20   come in the next couple of hours we're going to  
21   have some relatively large appropriation with  
22   respect to this project.

23                   So does the sponsor have any concern  
24   that the Public Authorities Control Board might  
25   stop or block or have concerns about this project

1 even after we take these steps?

2 SENATOR KENNEDY: Through you,  
3 Mr. President, no.

4 Mr. President, was that brief  
5 enough?

6 (Laughter.)

7 THE PRESIDENT: Yes, Senator  
8 Kennedy.

9 SENATOR MARTUCCI: That was a  
10 perfect answer. Thank you, Mr. President.

11 Mr. President, if the sponsor will  
12 yield, I have just a couple more questions.

13 THE PRESIDENT: Does the sponsor  
14 yield?

15 SENATOR KENNEDY: Certainly.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR MARTUCCI: I'm trying --  
18 you know, I'm beginning to understand this deal.  
19 Because as the sponsor is probably aware, we did  
20 not have the opportunity to review this in the  
21 Executive Budget proposal or in either one-house.  
22 So we sort of knew what we knew about this deal  
23 from press releases, the news, what we heard  
24 about -- Twitter was a great source of  
25 information on this project.

1                   And one of the things that we see  
2                   today is that the state is actually going to own  
3                   this stadium. Are there any other models like  
4                   this anywhere else in the country where a state  
5                   owns an NFL stadium?

6                   SENATOR KENNEDY: Through you,  
7                   Mr. President, I am personally unaware in this  
8                   moment.

9                   However, what I do know is that not  
10                  only in New York but in other communities across  
11                  the country, the public has played an integral  
12                  role in ensuring that sports teams either stay in  
13                  or are attracted to respective communities.

14                 And without the commitment that we  
15                 are seeing today that was put in place with the  
16                 leadership of Governor Hochul, County Executive  
17                 Poloncarz, and the Buffalo Bills to ensure that  
18                 the Bills stadium is created in Western New York,  
19                 and the Buffalo Bills stay in Buffalo -- on  
20                 September 1st, the Buffalo Bills organization has  
21                 the ability to go speak to other cities,  
22                 according to the contract that they signed about  
23                 a decade ago. That means that other cities and  
24                 other states are going to be able to start  
25                 bidding and whispering in their ears what those

1 cities and those states will do to attract the  
2 Buffalo Bills to their community.

3 We didn't want to lose the leverage  
4 of ensuring that the Bills stay in Buffalo. So  
5 the timing was absolutely perfect to get this  
6 deal done. I'm proud that this deal was sealed.  
7 And I'm excited that next year, when the Buffalo  
8 Bills win the Super Bowl, we're going to be  
9 celebrating in Buffalo and not some far-off  
10 distant place, Mr. President.

11 SENATOR MARTUCCI: Thank you.

12 Mr. President, will the sponsor  
13 yield for a final question?

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR KENNEDY: Certainly.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR MARTUCCI: Thank you,  
19 Mr. President. Through you.

20 And certainly I'll understand if the  
21 sponsor would prefer to answer this when we have  
22 the bill that contains the appropriation for the  
23 stadium in front of us. But if you're able to  
24 answer it now, that's perfectly fine as well.

25 But we've been hearing a lot about

1     what the public share is for the stadium, and  
2     there's been a lot of questions about the size of  
3     the public's share with respect to the capital  
4     project. You know, we're hearing a tremendous  
5     sum of money from the Seneca Nation. We're  
6     hearing about \$250 million from the county, Erie  
7     County, where you call home. And then we're  
8     hearing about some additional state money glued  
9     together.

10                     So could you outline the capital  
11     funding structure of this deal and the use of the  
12     public dollars in the project?

13                     SENATOR KENNEDY:     Yes,  
14     Mr. President, I would be thrilled to outline the  
15     capital portion of this budget during the capital  
16     conversation of this budget.

17                     SENATOR MARTUCCI:     Thank you,  
18     Mr. President. Understood, and fair enough. So  
19     we'll talk about that later.

20                     On the bill.

21                     THE PRESIDENT:     Senator Martucci on  
22     the bill.

23                     SENATOR MARTUCCI:     First of all, I  
24     want to thank my colleague Senator Kennedy for  
25     answering my questions and giving me a history

1     lesson on Russell {sic} Wilson, who sounded like  
2     an amazing person to Buffalo and a -- certainly a  
3     great New Yorker.

4                     But, you know, look. Mr. President,  
5     of course we want to keep the Bills here in the  
6     State of New York. Even us Jets fans want to  
7     make sure the Bills stay here. But what we want  
8     to make sure is that it's a fair deal for the  
9     people of the State of New York, because we're  
10    being asked to pony up a huge sum of money on  
11    this project.

12                    And as I called out before, the  
13    concern is that we didn't have an opportunity to  
14    review this in either one-house, we didn't see it  
15    in the Governor's Executive Budget proposal. We  
16    read about it in the news, we found out about it  
17    via press release.

18                    And this is really our opportunity  
19    to air this out. So that's why I wanted to ask  
20    Senator Kennedy those questions and get those  
21    clarifications.

22                    But again, like I said, this is  
23    certainly not about not wanting the Bills, this  
24    is about making sure we deliver a fair deal for  
25    the people of the State of New York.

1                   One of my colleagues said it before,  
2                   is that there are realities in the budget and,  
3                   you know, hard decisions have to be made in the  
4                   budget. And again, my concern is just making  
5                   sure that we look at the realities of this  
6                   project and we're making sure that we're using  
7                   public dollars in an appropriate way, as we  
8                   always should be.

9                   Thank you, Mr. President.

10                  THE PRESIDENT:    Senator Tedisco.

11                  SENATOR TEDISCO:   Thank you,  
12                  Mr. President. Would the Senator yield --

13                  THE PRESIDENT:    Does the sponsor  
14                  yield?

15                  SENATOR BAILEY:    Absolutely.

16                  THE PRESIDENT:    The sponsor yields.

17                  SENATOR TEDISCO:   -- answer some  
18                  questions? Thank you, Senator, very much.

19                  Senator, before I ask you just a  
20                  couple of questions -- because I know we've got  
21                  to be a little bit quicker, we're getting into  
22                  the midnight hours here -- I just want to go on  
23                  record because I don't want to leave tonight you  
24                  thinking or anybody on that side thinking that we  
25                  don't support criminal justice on this side. We

1 do. And I think you do. And I think all of us  
2 in this room do.

3 But we have a different concept of  
4 what leads to that. You know, we support a just,  
5 equitable, fair system for alleged perpetrators  
6 and certainly for the victims. And as you're  
7 reflective over there, I hear what you're saying,  
8 because your constituents --

9 THE PRESIDENT: Senator Tedisco,  
10 are you on the bill or are you asking a question?

11 SENATOR TEDISCO: Yes, I'm going to  
12 ask him a question.

13 THE PRESIDENT: Well, wait, no.  
14 Are you on the bill or -- not both, it's one or  
15 the other. Are you on the bill or asking a  
16 question?

17 SENATOR TEDISCO: I'm asking a  
18 question.

19 THE PRESIDENT: Okay. All right.

20 SENATOR TEDISCO: And leading to my  
21 question about you and I and everybody else  
22 wanting to have a good criminal justice system,  
23 we have a different concept of it.

24 And our constituents are very  
25 concerned about the fact that these are not



1       minimalistic crimes we're talking about. We  
2       don't want anybody stealing a banana or taking a  
3       shirt or doing these small, simple crimes.

4                       What we're talking about -- and this  
5       is going to lead to my question about what their  
6       concerns are, so you better understand from my  
7       vantage point. And I think what you're hearing  
8       from my colleagues, they have the same vantage  
9       points, from what we're hearing, and we're  
10      reflective of that, because we're  
11      representatives.

12                      We hear a lot about -- and I'll give  
13      you an illustration. And I'll ask you this  
14      question now. Senator, there are these  
15      individuals who have committed very serious  
16      violent crimes in the past. Okay? Maybe a  
17      violent robbery where someone was seriously  
18      injured or a burglary or a mugging or even a  
19      murder.

20                      And then they ask us, when they go  
21      before the judge, why can't the judge consider --  
22      and maybe it's in this third generation of what  
23      you're doing in terms of reform. Why can't the  
24      judge consider the violence that took place in  
25      the past when it's some of these, as Senator

1 O'Mara said -- he's given you a pretty good list.  
2 Let's face it, when you knock down an old lady  
3 and take her pocketbook, I think you agree that's  
4 a violent crime. But you probably can get  
5 released for that, I would imagine.

6 So is there anything in here that  
7 allows a judge, with someone that comes before  
8 them, to consider the violence that took place in  
9 the past? Because they're concerned about that.  
10 Chronic individuals, committed several violent  
11 crimes. Now, semi-violent, you might call them;  
12 I think we call them more serious crimes.

13 Is there any consideration for that  
14 in this so-called criminal justice cash bail  
15 adjustment?

16 SENATOR BAILEY: Through you,  
17 Mr. President. Senator Tedisco mentioned in his  
18 question the notion of violent felonies. Violent  
19 felonies are currently bail-eligible, depending  
20 on the nature of the offense, and they would  
21 remain bail-eligible depending on the nature of  
22 the offense.

23 But I'd like to point out -- and  
24 Senator Tedisco and all of our good colleagues on  
25 the other side of the aisle, about -- and you

1 spoke about this, I think it's the perfect time  
2 to illustrate that -- that the American justice  
3 system is based upon and predicated upon the  
4 presumption of innocence until proven guilty.

5 When I hear crimes enumerated and  
6 whether they're bail-eligible or not, the last I  
7 checked, that bail does not automatically lead to  
8 a conviction. The last I checked, the  
9 accusations are not dispositive of convictions.

10 So to answer the initial question,  
11 it would depend on the nature of the offense.  
12 And they have been considered, based upon the  
13 repeat offender language, considered in this new  
14 iteration, as you refer to -- part three, as you  
15 said, of this legislation.

16 SENATOR TEDISCO: Will the  
17 gentleman yield?

18 SENATOR BAILEY: Absolutely.

19 SENATOR TEDISCO: So what kind of  
20 crimes could the judge look at, the previous  
21 violent crimes, and say I'm going to have to take  
22 you off the street because I feel you're a danger  
23 to yourself or a danger to others?

24 SENATOR BAILEY: Through you,  
25 Mr. President, criminal history is always able to

1 be reviewed by a judge in determining whether an  
2 offense is bail-eligible.

3 SENATOR TEDISCO: They can use that  
4 as a factor to take them off the streets?

5 THE PRESIDENT: Will the sponsor  
6 yield for --

7 SENATOR TEDISCO: Yes.

8 SENATOR BAILEY: Absolutely.  
9 Absolutely.

10 THE PRESIDENT: The sponsor yields,  
11 okay.

12 SENATOR TEDISCO: And they can use  
13 that as a factor to take them off the streets?

14 SENATOR BAILEY: Through you,  
15 Mr. President, in determining whether the offense  
16 is bail-eligible, yes.

17 SENATOR TEDISCO: Let me ask you  
18 this.

19 THE PRESIDENT: Senator Tedisco,  
20 through the chair, ask the sponsor to yield.

21 SENATOR BAILEY: I yield.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR TEDISCO: Yeah, I'm used to  
24 being in the Assembly.

25 THE PRESIDENT: I know, but we're

1 not there.

2 SENATOR TEDISCO: We just talk it  
3 out. We're just like a freak show out there, you  
4 know.

5 (Laughter.)

6 SENATOR TEDISCO: Okay. Through  
7 you.

8 THE PRESIDENT: Yes, good. Does  
9 the sponsor yield?

10 SENATOR BAILEY: Yes,  
11 Mr. President.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR TEDISCO: What also they  
14 don't understand is we've given individuals the  
15 opportunity -- I know they're alleged, in terms  
16 of their crimes. They come before the judge and  
17 certainly judges have told us, you know, Sure, I  
18 felt this person was a danger to himself or  
19 herself or others, but I couldn't take them off  
20 the streets, cash-bail type of thing, so I had to  
21 let them go. My constituents don't understand.

22 When they run and they don't show  
23 up, they've been given one chance, one bite at  
24 the apple, okay. And then our law enforcement,  
25 who have arrested them once, has to go chase them

1 down and arrest them again. And while they're  
2 doing that, Senator, there are other serious  
3 crimes taking place.

4 The suggestion in your deal is these  
5 are not serious crimes so, you know, they come  
6 back. And then what happens when they come back,  
7 it seems as though they're doing double taxpayer  
8 dollars to get them, bring them back, serious  
9 crimes are taking place, we're using our men and  
10 women power, taxpayers' dollars to arrest them  
11 again. And it seems as though they're also  
12 letting go again, maybe, a second time when they  
13 come back. And then again, we don't give the  
14 judge discretion to say, We gave you one bite at  
15 the apple and you didn't come back for justice.

16 At some point they've got to go  
17 before the court, even though they're alleged to  
18 have committed this crime. They haven't shown up  
19 to face the justice system.

20 And that's their concern. Is there  
21 any change in this thing for that?

22 SENATOR BAILEY: Through you,  
23 Mr. President, I was able to glean that the  
24 question is related to an individual, an accused  
25 individual's rate of return to court. Would that

1 be accurate, Senator Tedisco? I just want to --

2 SENATOR TEDISCO: Sure.

3 SENATOR BAILEY: Okay. So --

4 SENATOR TEDISCO: -- broken the law  
5 when they didn't show up, even though they were  
6 alleged. They were supposed to show up, given  
7 the ticket.

8 SENATOR BAILEY: Through you,  
9 Mr. President. Generally speaking, the return  
10 of -- the rate of return of individuals to court  
11 is generally very high. And even if an  
12 individual does not return to court, there are  
13 remedies that are available.

14 SENATOR TEDISCO: Would the  
15 gentleman yield.

16 THE PRESIDENT: Does the sponsor  
17 yield?

18 SENATOR BAILEY: Yes.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR TEDISCO: And a second  
21 byproduct is that when they leave and are not  
22 showing up, they commit another crime. Don't you  
23 think that if they committed another crime when  
24 they're supposed to be coming before the justice  
25 system from the one before that the judge should

1 have the opportunity, at least in those  
2 instances, to say: We've given you one bite at  
3 the apple. How many bites can we give you when  
4 we release you and you commit another crime?

5 That's not bailable, okay, according  
6 to the rules. But there's a big list there that  
7 seems to be. In that instance, too, the judge --  
8 there's nothing in here for the judge to make a  
9 determination?

10 SENATOR BAILEY: Mr. President,  
11 again, the clarifying language that we set forth  
12 in the statute is related to repeat offenders.

13 So I think, depending on the nature  
14 of the offense that the Senator is speaking  
15 about, that this is precisely what the intent of  
16 the soon-to-be statute -- we hope -- would  
17 effectuate.

18 SENATOR TEDISCO: Okay, would the  
19 gentleman yield again for a question.

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR BAILEY: Absolutely.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR TEDISCO: Let me ask you a  
25 question about a law I put in place, authored a



1 while back -- I thought it was very important,  
2 and to this day I realize how important it is.  
3 It's called Buster's Law.

4 Are you familiar with it?

5 SENATOR BAILEY: Through you,  
6 Mr. President, Senator Tedisco has a great heart  
7 for animals, and I am aware of Buster's Law, yes.

8 SENATOR TEDISCO: Senator O'Mara  
9 alluded to that. The story of Buster's Law is  
10 this. We didn't have much respect for animals --

11 THE PRESIDENT: Senator Tedisco,  
12 are you on the bill?

13 SENATOR TEDISCO: No.

14 THE PRESIDENT: You're asking a  
15 question, okay.

16 Does the sponsor yield for another  
17 question?

18 SENATOR BAILEY: Sure.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR TEDISCO: Buster was a cat  
21 that someone doused kerosene on, lit on fire.  
22 And it was on TV for about three or four weeks.  
23 They just kept showing the picture. Everybody  
24 was rooting for the cat to live.

25 Eventually the cat passed away. I

1     don't think I ever got more calls from  
2     constituents -- not only across the state, but  
3     the nation -- about this little cat that was on  
4     TV for two or three weeks, had tubes all coming  
5     out of him, everybody was rooting for him, and he  
6     lost his life and died.

7                     So I went to the chief of police and  
8     I said, "Chief, can't you go out and find this  
9     person, this perpetrator, and arrest him?"

10                    He goes: "It's a violation."

11                    "It's a violation?"    I said, "Well,  
12     what should it be?"

13                    He said, "It should be a felony."

14                    I said, "Not a misdemeanor?"

15                    "No, it should be a felony."

16                    "Why?"

17                    "Because, Senator, you know what  
18     people do who harm animals after they harm  
19     animals?"

20                    I'll answer it because she's talking  
21     to you.   They go on to hurt people.

22                    Now, it's not me saying this.   The  
23     FBI puts animal abusers on A level for an  
24     indicator that they're going to go on to hurt  
25     human beings.   Let me give you a list of them.

1 Son of Sam, Ted Bundy, Daumer, the Columbine kids  
2 all had a history of abusing animals before they  
3 went on to become serial murderers. It's not me  
4 saying that, it's the FBI.

5 The Animal Cruelty Felony Bill was  
6 put in place under the name of Buster. We were  
7 one of the first states in the nation on that  
8 bill that I authored in the minority and worked  
9 it through -- I don't know if Mr. Gianaris was  
10 there or not there. Were you there then when we  
11 did Buster's Law? Yeah. And -- yeah. We got it  
12 done, though, and then a lot of other states  
13 followed.

14 But you got a whole group of people  
15 out there who love people and love animals. I  
16 mean, when you think about animals -- our K-9  
17 units, what they do for our veterans. I know a  
18 woman that has a dog that could indicate if her  
19 child is low or high on insulin and saves that  
20 child's life several times during the course of a  
21 night.

22 My question to you is -- and this is  
23 what they're asking me. We used to have Animal  
24 Advocacy Day. We can't do that now. We used to  
25 have an Animal Advocacy Committee because we

1       understood the nexus between harming animals and  
2       harming people. We don't have that anymore here.

3               But I'll ask you. That felony of  
4       harming -- in a serious, violent way -- animals,  
5       is that bailable now?

6               SENATOR BAILEY: Through you,  
7       Mr. President.

8               First, let me say thank you for your  
9       work on Buster's Law. Thank you for your  
10      advocacy for animals.

11              I am not certain, depending on the  
12      nature of the offense -- if you could please give  
13      me the specific nature of the offense and the  
14      charge, I could tell you whether it is  
15      bail-eligible or not.

16              But the point I'm making --  
17      Senator Tedisco, if I may -- is again the law  
18      before us, or the proposed law before us relates  
19      to clarifying the intent of the Legislature as  
20      related to gun offenses and repeat offenders.

21              I don't question how heinous a crime  
22      against an animal is. That is not questioned by  
23      me or -- I don't believe anybody in this house,  
24      elected or not, would agree that a crime against  
25      an animal is not a heinous offense.

1                   What I would say is that under what  
2 we have contemplated on this specific piece of  
3 legislation, it relates to, again, repeat  
4 offenders -- because that's been a question --  
5 and gun charges.

6                   So -- but to answer your initial  
7 question, if you would be able to provide the  
8 specific nature of the offense.

9                   SENATOR TEDISCO:   The offense is  
10 you got charged with Buster's Law, animal cruelty  
11 felony. You're charged with animal cruelty  
12 felony, charged with animal cruelty felony under  
13 Buster's Law. That's not bailable if you're  
14 brought before a judge.

15                  SENATOR BAILEY:   The offense of  
16 animal cruelty, eligible -- the offense that  
17 Senator Tedisco mentioned would not be eligible  
18 for bail.

19                  SENATOR TEDISCO:   Thank you,  
20 Senator. I appreciate you taking the time to  
21 answer those questions.

22                  On the bill.

23                  THE PRESIDENT:    Senator Tedisco on  
24 the bill.

25                  SENATOR TEDISCO:   Look, we had a

1 Governor -- who is gone now, thankfully -- who  
2 totally lacked transparency and was very  
3 supportive of this, signed this bill. And then  
4 we had another governor after he left, and both  
5 of them really didn't want to do much about this  
6 whole thing, until -- until a poll was taken and  
7 all of a sudden an opponent of your governor  
8 sitting on the second floor was a point behind or  
9 a point ahead or maybe is tied right now, and all  
10 of a sudden there was a 10-point plan, a 10-point  
11 plan for the criminal justice system to address  
12 it.

13 Now, you don't bring forth a  
14 10-point plan unless the people of the State of  
15 New York want to change a system which you put in  
16 place, first of all said you were going to  
17 adjust, secondly, and failed the people again  
18 because -- and then didn't support your governor  
19 at the beginning when she said, I want to reform  
20 your plan. She had to bring you kicking and  
21 screaming to do that.

22 Now, it's been mentioned but I'll  
23 just repeat it as I close here. This does  
24 nothing to change what's happening to our  
25 constituents across the state. They're being

1       victimized. This is a revolving door of danger  
2       and disaster. It was done in secrecy.

3               If you want to correct this, repeal  
4       it, bring back law enforcement, the judiciary,  
5       our district attorneys, get in a room and do  
6       something realistic that could really make it a  
7       fair and just system.

8               This isn't smoke and mirrors, it's  
9       just smoke. It's window dressing. It's to show  
10      I've got a nice shiny object here, look how shiny  
11      it is. But the object doesn't accomplish  
12      anything. And it's -- certainly the shiny object  
13      that you and the governor's holding, I don't  
14      think it's going to close that poll. In fact, I  
15      think there's going to be problems in November,  
16      and I think the wave is a different color this  
17      time.

18              Thank you, Mr. President.

19              SENATOR O'MARA:    Senator Stec.

20              SENATOR STEC:    Thank you,  
21      Mr. President. I have questions on Part L and  
22      Part O. I'm not sure who to ask to --

23              THE PRESIDENT:    Senator Krueger.

24              Does the sponsor yield?

25              SENATOR KRUEGER:   Certainly.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR STEC: All right, thank  
3 you, Senator Krueger. I promise this time I  
4 don't have the answers to the questions I'm going  
5 to ask you. I'm going to rely on you.

6 Part L -- through you,  
7 Mr. President, if the sponsor would entertain the  
8 first question regarding expanding income  
9 eligibility for childcare subsidies.

10 Approximately how many additional  
11 families would be eligible for childcare  
12 subsidies with this expanded income eligibility?  
13 How many new families?

14 SENATOR KRUEGER: We believe  
15 396,000 children will be eligible.

16 SENATOR STEC: Three hundred  
17 ninety-six additional children or --

18 SENATOR KRUEGER: An additional  
19 396,000 children.

20 SENATOR STEC: Thank you.

21 Mr. President, through you, if the  
22 sponsor would yield.

23 THE PRESIDENT: Does the sponsor  
24 yield?

25 SENATOR KRUEGER: Yes.



1 THE PRESIDENT: The sponsor yields.

2 SENATOR STEC: Okay, great. While  
3 this provision increases eligibility to serve an  
4 additional 396 {sic} children, which is good  
5 news, what plan is there to increase childcare  
6 workers or centers to meet the increased need for  
7 childcare? It's great that we're making more  
8 children -- 396,000 more children eligible, but  
9 being eligible doesn't get it done.

10 What is the State of New York's plan  
11 for increasing childcare workers or centers to  
12 meet the increased need?

13 SENATOR KRUEGER: I apologize. I  
14 thought I heard the question, so I started to  
15 give an answer, but then your question went on.  
16 So if you don't mind --

17 SENATOR STEC: I asked the question  
18 twice, but I'll ask it a third time.

19 SENATOR KRUEGER: Thank you.

20 SENATOR STEC: While this provision  
21 increases eligibility for childcare, what plan  
22 does the State of New York have, either currently  
23 or in the budget, to increase the number of  
24 childcare workers or centers to meet the  
25 increased need for childcare?

1                   SENATOR KRUEGER:    Thank you.

2                   Between last year's budget and this  
3 year's budget, we're putting in a total of  
4 150 million more dollars to expand capacity of  
5 childcare centers in this state.

6                   SENATOR STEC:     Thank you.

7                   Mr. President, through you, if the  
8 sponsor will yield again.   Part O.

9                   THE PRESIDENT:    Does the sponsor  
10 yield?

11                  SENATOR KRUEGER:    I will.

12                  THE PRESIDENT:    The sponsor yields.

13                  SENATOR STEC:     All right.  Now,  
14 going to Part O, juvenile justice -- or, I'm  
15 sorry, the maximum state aid rates for voluntary  
16 agencies.

17                  How many counties currently do pay  
18 the hundred percent of the applicable rates  
19 published by OCFS for care provided to foster  
20 children?  How many counties are already at  
21 100 percent?

22                  SENATOR KRUEGER:    Section O is on  
23 foster care, not childcare.  Just wanted to make  
24 sure, double-checking.

25                  So how many counties -- I'm afraid

1 we don't know how many counties have 100 percent  
2 coverage. If, through you -- is this another one  
3 of those questions as a lawyer you know the  
4 answer to?

5 SENATOR STEC: No. I told you I  
6 didn't know.

7 SENATOR KRUEGER: Okay.

8 SENATOR STEC: I wasn't kidding.

9 SENATOR KRUEGER: We'll have to get  
10 back to you on that one.

11 SENATOR STEC: All right.

12 Mr. President, through you, if the  
13 sponsor could yield.

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR KRUEGER: Yes, of course.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR STEC: You'll see now where  
19 I'm heading, though.

20 Has the state provided additional  
21 funding for the implementation -- assuming, I'm  
22 sure it's safe to assume that 100 percent of the  
23 counties are not at 100 percent. So has the  
24 state included additional funding for this  
25 mandate?

1                   SENATOR KRUEGER:    So no, the state  
2                   doesn't have any additional funds.

3                   But it's not a mandate to get to a  
4                   hundred percent immediately. There's a phase-in  
5                   over a period of time. So hopefully between what  
6                   counties can do without additional help and the  
7                   expectation that the state will have to deliver  
8                   that extra help, we won't have a problem.

9                   But it would be a good issue for us  
10                  to keep our eye on.

11                  SENATOR STEC:    Thank you,  
12                  Mr. President. If the sponsor would yield for  
13                  one more question.

14                  THE PRESIDENT:   Does the sponsor  
15                  yield?

16                  SENATOR KRUEGER:   Yes.

17                  THE PRESIDENT:    The sponsor yields.

18                  SENATOR STEC:    Thanks,  
19                  Senator Krueger. And thank you for your time  
20                  today. It's been a long couple of days for all  
21                  of us, especially you, so I appreciate that.

22                  Clearly the point of my -- where I'm  
23                  going is I'm concerned, as a former county  
24                  official myself -- and most of us have local  
25                  government roots -- very concerned about the

1 state writing additional unfunded mandates on our  
2 localities.

3 Do you know what the approximate  
4 cost to counties might be to implement -- become  
5 fully up to the 100 percent mandate that we're  
6 putting in tonight? Understanding that we've got  
7 a phase-in period and maybe a future budget might  
8 address this. But do you have an idea what the  
9 size of that mandate is?

10 SENATOR KRUEGER: The estimate is  
11 that to hit 100 percent for the entire state  
12 would be approximately \$200 million, of which  
13 110 million would be New York City-specific.

14 SENATOR STEC: Thank you.

15 Mr. President, on the bill briefly.

16 THE PRESIDENT: Senator Stec on the  
17 bill.

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

20 You know, clearly this is an  
21 example -- an important issue we all want to  
22 support. We all want to do right by our  
23 children. But again, it's really easy for us to  
24 sit here in Albany and issue mandates and tell  
25 local government, This is what you're going to

1 do, and then not provide the funding. That's  
2 passing the buck. It's not leadership.

3 We do this a lot. We've done this  
4 for decades. So the burden on this doesn't fall  
5 certainly to any individual in this room. But  
6 we're carrying the ball now, and we need to make  
7 sure that going forward, we're mindful of these  
8 mandates. It's not enough to just say something  
9 ought to be so. We need to have a plan to  
10 responsibly pay for it, whether it's this issue  
11 or any other issue that we deal with in this  
12 chamber.

13 And then pivoting back to the Part  
14 L, you know, about the need for more -- it's  
15 great to make more kids eligible, but whether the  
16 kid is eligible or ineligible, the kid doesn't  
17 know that he doesn't have access to it because  
18 there's not enough workers. And there's a lot  
19 that we can be doing to help our childcare  
20 situation by facilitating entry into the business  
21 of providing childcare.

22 An ombudsman program or a program  
23 that the state could take on to facilitate the  
24 process of the bureaucracy -- most people that  
25 get into childcare do it because they're

1 passionate about kids and they want to help kids  
2 and they want to raise kids and they want to help  
3 raise kids. But they're not bureaucrats, they're  
4 not all accountants, they're not all safety  
5 experts. And there are so many well-intended  
6 barriers to entry into that line of work placed  
7 on them through bureaucracies like those that we  
8 oversee that are deterring people, good people,  
9 from wanting to get into this line of work.

10 So perhaps a good investment in the  
11 future would be to provide a way to streamline  
12 it, because we still want them to all have a safe  
13 environment, we don't want to just not regulate  
14 it and then have a tragedy happen. That's the  
15 furthest thing that we want.

16 But there should be a way for us to  
17 streamline this so that we can pair up more kids  
18 with willing childcare providers so that we're  
19 doing right by our kids. It's not enough to just  
20 throw money at a problem; sometimes we've got to  
21 come up with innovative solutions.

22 So that's the purpose of my two  
23 questions on these two areas today. It's an area  
24 I think we generally agree on. But we need to  
25 look one or two steps down the board and come up

1 with some more detail behind that to make sure  
2 that it works and we're not just throwing money  
3 at a problem.

4 Thank you, Mr. President.

5 THE PRESIDENT: Okay. Debate is  
6 now closed.

7 The Secretary will ring the bell.

8 Read the last section.

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

11 THE PRESIDENT: Call the roll.

12 (The Secretary called the roll.)

13 THE PRESIDENT: Senator Brisport to  
14 explain his vote.

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

17 You know, some will say that with  
18 many pieces of my Universal Childcare Act  
19 included in this budget, I should be presenting  
20 it as a victory. And perhaps that would be the  
21 politically advantageous thing to do.

22 Some will say that this is an  
23 unprecedented win for us. And given the historic  
24 underfunding that created the childcare crisis,  
25 they are absolutely correct.



1           The trouble is when the Universal  
2   Childcare Act was never about scoring political  
3   points, and when we said that this crisis cannot  
4   be meaningfully addressed with less than the  
5   Legislature's budget proposals, it wasn't a  
6   tactic. We meant what we said. This is not a  
7   game, it is an emergency.

8           Our entire economy is precariously  
9   balanced on the backs of underpaid childcare  
10   workers and overburdened families. One by one,  
11   across the state, those backs are beginning to  
12   break. This year's budget does not come remotely  
13   close to addressing this crisis. That is why the  
14   Governor is working so hard to mislead the public  
15   with half-truths and empty platitudes after  
16   actively negotiating against childcare funding.

17           As if this were not bad enough, she  
18   has also chosen to explicitly exclude  
19   undocumented children, and she has packaged this  
20   shamefully inadequate childcare investment with a  
21   disgusting rollback to civil rights at the  
22   eleventh hour. This bill not only fails all of  
23   New York's children and families, it actively  
24   reinforces mass incarceration.

25           If the Governor thinks she can call

1     it a day on childcare, she is deeply mistaken.  
2     Throughout my 10-week childcare listening tour  
3     across all of New York State, parents and  
4     childcare workers were perfectly clear: Settling  
5     is not an option. This fight is a matter of  
6     survival -- for their families, for their  
7     communities, and for the entire childcare sector.

8                 I stand with them today as I vote  
9     nay on this bill, and I will stand with them  
10    tomorrow as we renew the fight for universal  
11    childcare in New York.

12                Thank you.

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

15                Senator Jackson to explain his vote.

16                SENATOR JACKSON:   Thank you,  
17    Mr. President.

18                My colleagues, I rise after many  
19    days of intense negotiations, and in good faith  
20    we are called to vote today on a budget that  
21    invests in the future of our state. However,  
22    this isn't called the Big Ugly for nothing. It's  
23    a cruel irony that this bill includes investments  
24    in one of the things that I hold to be the most  
25    fundamental in addressing public safety and

1 inequities -- and that is education -- while also  
2 making changes to criminal justice that slides us  
3 back to a culture of discriminatory practices  
4 that has caused long-term damages in our  
5 community.

6                   So here we are, Mr. President,  
7 deciding on whether or not to vote on a bill that  
8 acknowledges the importance of investing in  
9 education, workforce and family while considering  
10 last-minute proposals provided by the Executive  
11 that are based on fear, not on the needs for  
12 access for mental health support and  
13 interventions, dignified and deeply affordable  
14 housing, and healthcare. Not to mention an  
15 irresponsible and terrible deal with a  
16 billionaire who is more than capable of paying  
17 for this stadium without state funds.

18                   On behalf of the children of  
19 New York State, I thank you for the continued  
20 phase-in of Foundation Aid to support all schools  
21 in providing students their constitutional right  
22 to a sound, basic education.

23                   I now look forward to another cause  
24 to walk 150 miles. In providing the long overdue  
25 funding, we have to go further by creating

1 accountability to those dollars and accomplish  
2 what the evidence says works, and that is  
3 reducing class size.

4 I look forward to discussing with my  
5 colleagues Senator John Liu and Senator Shelley  
6 Mayer my bill on updating the language in the  
7 Contract for Excellence, and I am happy to see  
8 that for the first time in a very, very long  
9 time, mayoral control is no longer a political  
10 tool used in a budgetary process. We took it out  
11 of the budget and can now have thoughtful  
12 conversations with all stakeholders, many of whom  
13 we heard from in a hearing held earlier this year  
14 by my colleague John Liu.

15 I proudly sponsor Turn on the TAP,  
16 S4464, to repeal the ban preventing people who  
17 are incarcerated from receiving tuition  
18 assistance. Providing college opportunities by  
19 restoring TAP awards for incarcerated people is  
20 critical for their future and the betterment of  
21 our society. It helps reduce recidivism and  
22 offers them dignity and opportunities to gain  
23 employment and a productive life after  
24 incarceration.

25 It is the kind of investment that

1 makes sense. And I thank all the parties  
2 involved, including the advocates, for making  
3 this happen.

4 But today, Mr. President, we  
5 continue to address New York's workforce  
6 development and infrastructure needs by needs to  
7 be more just and compassionate. And I'm very  
8 pleased that the Senate negotiated --

9 THE PRESIDENT: Senator Jackson.  
10 Senator Jackson --

11 SENATOR JACKSON: -- changes in  
12 Tier 5 and Tier 6, making sure New Yorkers who  
13 work mandatory hours are being afforded the  
14 opportunity of not being penalized for their  
15 dedication by a pension investment period that is  
16 reduced from 10 years to five years. It is  
17 something to rejoice --

18 THE PRESIDENT: Senator Jackson.

19 SENATOR JACKSON: -- but more needs  
20 to be done, Mr. President. And I look forward to  
21 working with labor and my colleagues to realize  
22 the full menu of reforms so that the state can  
23 attract and retain a talented and diverse --

24 THE PRESIDENT: Senator Jackson,  
25 how do you vote?

1                   SENATOR JACKSON:    Yes,  
2   Mr. President?

3                   THE PRESIDENT:    Please.  You have a  
4   two-minute time limit.

5                   SENATOR JACKSON:    How do I vote?

6                   THE PRESIDENT:    Yes, sir.

7                   SENATOR JACKSON:    Can I finish this  
8   so I can explain my vote?

9                   THE PRESIDENT:    So you can explain  
10   your vote?  You weren't explaining your --  
11   Senator Jackson.

12                  SENATOR JACKSON:    Okay, let me just  
13   put these two pages down and I'll come to the  
14   last page, Mr. President.

15                  (Extended laughter.)

16                  SENATOR JACKSON:    I just put it  
17   down.

18                  There's a great deal of good in this  
19   bill, undermined by the bad process that forces  
20   poor billionaires' deals and policy changes that  
21   have nothing to do with making our lives safe.

22                  And I thank the Majority Leader,  
23   Andrea Stewart-Cousins, the Deputy Majority  
24   Leader, Senator Gianaris, my colleagues, and all  
25   of the staff for their hard work.

1 I vote aye for the good --

2 THE PRESIDENT: Praise the Lord.

3 SENATOR JACKSON: -- with the hope  
4 that we can come together as a state in unity to  
5 raise up all New Yorkers.

6 THE PRESIDENT: Senator Jackson to  
7 be recorded in the affirmative.

8 (Cheers, applause.)

9 THE PRESIDENT: Senator Harckham to  
10 explain his vote.

11 SENATOR HARCKHAM: Thank you,  
12 Mr. President. I promise to be brief.

13 I just wanted to comment on three  
14 things on the debate. I will be voting yes on  
15 this bill.

16 First, I want to say that nobody in  
17 this room has done more to help our seniors and  
18 more to fight for home care and did more for  
19 nursing homes than Senator May.

20 And I just want to comment that when  
21 we hear remarks -- and we heard them earlier, it  
22 had to do with the COLA -- that when folks who  
23 are in the Minority who used to be in the  
24 majority and presided with the former Governor  
25 over 10 years of disinvestment in the human

1 services sector, and then criticizes the folks  
2 who are trying to reinvest, to me that's just  
3 cynical politics. That's point one.

4 Point number two. On a happy note,  
5 I want to thank Senator Mayer, I want to thank  
6 Senator Liu, I want to thank Senator Stavisky, I  
7 want to thank Senator Jackson and our leadership  
8 with the Majority Leader, Andrea Stewart-Cousins.  
9 When we became the Majority, it was our joint  
10 pledge to restore Foundation Aid, and education  
11 was our number-one issue. And this budget  
12 advances Foundation Aid, it advances pre-K, it  
13 advances childcare, and we are continuing to make  
14 those observations.

15 Finally, I want to thank Senator  
16 Bailey for his courageous work in a very, very  
17 complex field. I want to just put a couple of  
18 facts on the record. I'm not here to debate  
19 criminal justice reform.

20 We hear the NYPD cited quite  
21 frequently as the bellwether of information. A  
22 lot of NYPD members in my district. I have the  
23 highest regard for them. However, their own  
24 statistics show they solve less than 30 percent  
25 of serious crime in New York City.



1                   So it doesn't matter whether we're  
2                   talking about bail or remand if we are not  
3                   catching the perpetrators of violent crime. If  
4                   they know they have a 70 percent chance of going  
5                   free, I think that's something that we should be  
6                   talking about.

7                   Point number two, bail versus  
8                   remand. When the commissioner of DCJS testified  
9                   at the budget hearing, her figures were more  
10                  people out on bail reoffend than people out on  
11                  remand reoffend -- those are DCJS numbers --  
12                  30 percent to 20 percent.

13                  So let's look in the case of  
14                  New York recently where a woman pushed an old  
15                  vocal teacher to the sidewalk to her death. She  
16                  was freed on \$500,000 bail because her mother put  
17                  up the bond. Are we safer because she is out on  
18                  bail and someone who might have done something  
19                  similar is not?

20                  THE PRESIDENT:     Senator Harckham.

21                  SENATOR HARCKHAM:   I will finish in  
22                  one moment.

23                  (Laughter.)

24                  SENATOR HARCKHAM:   Last point,  
25                  Mr. President. I want to talk about what makes

1 neighborhoods safe. I have, if you look at the  
2 FBI statistics, some of the safest communities in  
3 the nation in my district. And it's not because  
4 they over-police Black and brown communities,  
5 it's they have good institutions, great schools  
6 with robust after-school programs, access to  
7 great healthcare, to jobs, to transportation.

8 And those are the things that we  
9 should be focusing on in every community so we  
10 have the holistic foundations for success and  
11 safe communities.

12 I vote aye. Thank you.

13 THE PRESIDENT: Senator Harckham to  
14 be recorded in the affirmative.

15 SENATOR GIANARIS: Mr. President.

16 THE PRESIDENT: Yes, sir.

17 SENATOR GIANARIS: I implore my  
18 colleagues, please, it's 10:30 p.m. We have  
19 three more bills to go. We have a two-minute  
20 limit on vote explanations. Let's stick to it.

21 And, Mr. President, please enforce  
22 the rule.

23 THE PRESIDENT: Will do.

24 Senator May to explain her vote.

25 SENATOR MAY: Thank you,

1 Mr. President. Short (waving paper).

2 Over the last year I have had the  
3 privilege of working hand in hand with the Caring  
4 Majority, a diverse, beautiful coalition of  
5 people who dedicated months of their lives to the  
6 struggle for Fair Pay for Home Care -- coming to  
7 Albany, visiting their legislators, attending  
8 rallies, telling their stories.

9 Skilled home care workers explaining  
10 how they love their jobs but can't afford to feed  
11 their own kids or buy health insurance on minimum  
12 wage. People who depend on care who literally  
13 live with the fear that they won't be able to get  
14 out of bed in the morning because they can't find  
15 caregivers. Family members whose love has lit up  
16 the Capitol as they advocated for spouses,  
17 parents or children who just want to live  
18 independent, dignified lives.

19 To these champions: You have not  
20 gotten what you asked for in this budget. But  
21 everyone across the state has heard you and seen  
22 you. I would not do this work -- I couldn't do  
23 it if I didn't have the heart of an optimist.  
24 And I say to you, this budget is not the end.  
25 This is a start.

1           Between the \$3 raise and indexing to  
2           the minimum wage, upstate home care workers could  
3           see a rise of almost \$5 an hour in coming years.

4           Thanks to your advocacy and the  
5           tenacity of our Senate Majority Leader, our state  
6           is committing in this bill to the biggest  
7           investment in home care wages any state has ever  
8           made. Please know your stories are seared into  
9           our hearts. We will not forget them. You have  
10          taught us to move forward with love, no matter  
11          the barriers.

12          Mr. President, I vote aye. But  
13          please tell the Governor: We will keep fighting  
14          until we achieve true fair pay for home care.

15          Thank you.

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

18          Senator Biaggi to explain her vote.

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

21          In the wake of our former  
22          executive's unethical behavior and a much-needed  
23          change in executive leadership, today's  
24          opportunity to establish a new ethics body that  
25          can finally turn the page on the endemic

1 corruption in New York State government  
2 unfortunately misses the mark.

3 I want to be very clear that I have  
4 long advocated for repealing JCOPE, New York  
5 State's ethics body, and building an entirely new  
6 and independent ethics entity from the ground up.  
7 I was proud to chair two hearings last year to  
8 further that goal. But I cannot in good  
9 conscience support the proposal that we are  
10 advancing today.

11 While this bill does make  
12 improvements that are good, it still fails to  
13 correct the structural shortcomings of JCOPE, and  
14 unfortunately all that it feels like we are doing  
15 is painting over mold without removing the rot.

16 This proposal allows political  
17 appointees. And furthermore, the only safeguard  
18 here is law school deans who essentially are  
19 laundering the names of the political  
20 appointments without any kind of clear direction.

21 I also want to address the rollbacks  
22 to bail reform in this bill. We cannot forget  
23 that making a crime bail-eligible does not mean  
24 keeping someone in jail. It means keeping  
25 someone in jail only if they are poor. I'll

1 repeat that. Bail only serves to keep someone in  
2 jail if they are poor.

3 Cash bail is an inherently unfair  
4 system, and it does not advance safety in our  
5 communities. It was simply not set up to do so.

6 I also want to say that criminal  
7 justice reform and victims' rights are not in  
8 contrast to each other. As a survivor of sexual  
9 assault, I am incredibly committed to victims'  
10 rights, but I'm also committed to criminal  
11 justice reform.

12 And let me also be clear.  
13 Communities are safe when people are housed.  
14 Communities are safe when schools are fully  
15 funded so that every child in every zip code has  
16 access to high-quality education. Communities  
17 are safe when people have access to affordable  
18 healthcare, when a person has the opportunity for  
19 a well-paying job so that they can make a living  
20 wage.

21 So much of our conversation around  
22 criminal justice reform is focused on what  
23 happens after the gun goes off. Let's be real  
24 and focus on what happens before the gun goes  
25 off. Because the reality is that the only way

1       that our communities will truly be safe is by  
2       investing in them to make sure that every human  
3       being, not just in New York but in this entire  
4       country, is actually able to have a life that is  
5       one with dignity.

6                       Yes, I vote in the negative. And I  
7       will just finally say that instead of investing  
8       in our communities, our Governor also insisted on  
9       handing out corporate welfare to the  
10      fifth-highest-paid owner in the NFL, and I firmly  
11      oppose that.

12                     Thank you very much.

13                     THE PRESIDENT: Thank you.

14                     Senator Biaggi to be recorded in the  
15      negative.

16                     Senator Salazar to explain her vote.

17                     SENATOR SALAZAR: Thank you,  
18      Mr. President.

19                     There is a great deal of policy in  
20      this budget that I fully support, and in this  
21      bill as well. And I thank the staff and the  
22      leader of our conference for their unrelenting  
23      work to secure investments in public education,  
24      in workforce development, in childcare, and much  
25      more.

1                   But I cannot vote for this bill,  
2                   primarily because I cannot accept an expansion of  
3                   the criminalization of poverty.

4                   In 2019 we passed changes to the law  
5                   that have had a profound positive impact in the  
6                   lives of countless New Yorkers, particularly in  
7                   my district -- and eliminated some of the  
8                   racially discriminatory practices in our legal  
9                   system.

10                  There is no evidence or data that  
11                  supports any claim that bail reform has led in  
12                  any way to or been connected to a rise in crime.  
13                  And yet the changes in this bill will result in  
14                  even more individuals being held in pretrial  
15                  detention, more people being held in jail without  
16                  having been convicted of a crime, many more  
17                  people torn from their families, from their  
18                  homes, their jobs, their education, due to being  
19                  accused of a crime and unable to pay the ransom  
20                  for their freedom.

21                  We cannot legislate based on  
22                  reactionary scare tactics, and for that reason I  
23                  vote in the negative.

24                  THE PRESIDENT:     Senator Salazar to  
25                  be recorded in the negative.



1                   Senator Bailey to explain his vote.

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

4                   I'd like to thank my colleagues on  
5                   the other side of the aisle for a spirited  
6                   debate.

7                   The reason I want to thank them is  
8                   because of a word called credibility.  You are  
9                   all credible in your districts; otherwise, you  
10                  wouldn't be here.

11                  It is incumbent upon credible people  
12                  to notify those who trust them to tell them the  
13                  truth.  We've spoken about a number of offenses  
14                  about being bail-eligible, as if that means that  
15                  someone is guilty.  Has anyone in this room been  
16                  accused of something that they didn't do?  I dare  
17                  to venture yes.  Should we say that you are that  
18                  thing that you were accused of without fair due  
19                  process?  I dare to say no.

20                  Bail was defined, according to  
21                  New York courts -- I just want to make sure --  
22                  the security given or posted to ensure the future  
23                  appearance of a defendant.  Our very own court  
24                  system.  It doesn't say anything about punitive.  
25                  It doesn't say anything about incarcerate because

1 of dangerousness. It says nothing of the sort.

2 Credibility. It is incumbent upon  
3 those who are credible, those of you -- those of  
4 us who are attorneys, if we needed a witness we  
5 require, we call on an expert witness. You are  
6 the expert witnesses in your communities. It is  
7 incumbent upon you to tell them the truth about  
8 what bail is and what bail is not. To guarantee  
9 a return to court -- nothing more, nothing less.

10 As far as discovery goes, this was a  
11 conversation that was had between many parties --  
12 district attorneys and defenders -- and it was to  
13 clarify language that we had in good faith, to  
14 make sure that the wheels of justice continue to  
15 work well.

16 I'm grateful to our leader, Andrea  
17 Stewart-Cousins, for allowing me to be the chair  
18 of the Codes Committee and allowing me to be able  
19 to have these conversations.

20 To all my colleagues, regardless of  
21 your political affiliation, I thank you for your  
22 work here in this chamber. I thank you for your  
23 work on this budget.

24 My vote on this budget is related to  
25 the African principle of ubuntu: I am because

1     you are. And with that being said,  
2     Mr. President, I vote in the affirmative.

3                 THE PRESIDENT:     Senator Bailey to  
4     be recorded in the affirmative.

5                 Senator Rivera to explain his vote.

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

8                 I'm the chair of the Health  
9     Committee in the Senate. And at the beginning of  
10    the process, ironically enough, I would have told  
11    you that this was the best budget that I've seen  
12    in the time that I've been here. And it is true.  
13    As a matter of fact, much of what was in that  
14    original budget is still in this budget.

15                And I would say three weeks ago, if  
16    you would have asked me if we'd have passed it on  
17    time, it would have been an early budget, it  
18    would have been a great budget, I would have  
19    voted for it proudly.

20                However, I'm very sad to say our  
21    staff has not failed, our leader has not failed,  
22    Governor Hochul has failed. Governor Hochul has  
23    failed because three weeks before we were done  
24    with this budget, all of a sudden injected into  
25    the conversation were budget issues that had

1 nothing to do with the budget, Mr. President.

2 And you know very well because,  
3 sadly, you were going around defending these  
4 actions which the Governor took, which ultimately  
5 meant that here we are, eight days after  
6 April 1st -- or seven days after April 1st, and  
7 we still do not have a budget. But we will have  
8 one today.

9 I know that every budget is never  
10 perfect -- no budget is ever perfect. And I know  
11 that this bill has things in it that I've paid --  
12 that I fought for. We have versions of fair pay  
13 in here that I can live with. We have versions  
14 of the worker bonus that I can live. We have  
15 Medicaid expansion or Essential Plan expansion  
16 versions that I can vote for.

17 But I cannot and will not vote in  
18 the positive on this particular bill because of  
19 the process and because of what is ultimately in  
20 this bill. Every Big Ugly is ugly. This one I'm  
21 sad to say is uglier. I've said it many times  
22 that the Governor that we have today is not the  
23 sociopath that we had before, and I repeat it  
24 today. She is a good person. I believe that.

25 But she failed us, Mr. President.

1 She failed us because ultimately she put a bill  
2 in front of us which has all sorts of things that  
3 have nothing to do with the budget, she held  
4 everything back for the sake of what seems to be  
5 political trickery. And I am very sad to say  
6 that. She is a good person, but this is not a  
7 good budget bill. I cannot and will not vote for  
8 it.

9 I vote in the negative. Thank you,  
10 Mr. President.

11 THE PRESIDENT: Senator Rivera to  
12 be recorded in the negative.

13 Senator Oberacker to explain his  
14 vote.

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

17 As a freshman legislator and as a  
18 businessman, I cannot support this measure, and  
19 vote in the negative.

20 Thank you.

21 THE PRESIDENT: Senator Mattera to  
22 explain his vote.

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

25 On this bill, this is interesting, I

1       was looking forward to seeing some kind of a bill  
2       that was going to be productive. You know, and I  
3       was listening to Senator Bailey, and I was  
4       watching him, I watched his facial expressions,  
5       you know, about the questions, especially with  
6       Senator O'Mara going down a list of 261 offenses.  
7       We would have been here all night to go through  
8       all these lists of crimes that are not  
9       bail-eligible. And then finally Senator Bailey  
10      went and just said, Please, you know, let's stop.

11                You know, this bail reform does not  
12      work. It didn't work the first time. It did not  
13      work the second time. And the third time it was  
14      not the third time a charm. This is a failure.  
15      It is a failure for the process, it's a failure  
16      for this budget. This bail reform needs to be  
17      repealed totally, and get the professionals at  
18      the table. Get our district attorneys, get our  
19      PBAs, and get our judges to the table and let's  
20      fix this right the first time.

21                This should not be in with the Bills  
22      stadium. This is -- this is something so  
23      important, the most important part of the budget.  
24      Everybody knows in this room and everybody in  
25      New York State knows that bail reform was the

1 most important thing for this legislative body to  
2 make sure we were going to fix it right this  
3 time. And you know what? This has failed.

4 Law and order is so important for  
5 our families, our friends and our neighbors. And  
6 you know what? Our law enforcement lost their  
7 tools because of bail reform. I'm in the  
8 plumbing industry. I go to someone's house, I  
9 don't have tools to fix your plumbing. That's  
10 what we did to our law enforcement. We took the  
11 tools away from them to do their job.

12 You know, I can sit there and say  
13 all day long about what happened here today. But  
14 I'm going to say it again: The reason why I'm  
15 voting no, Mr. President, for this bill is  
16 because it needs to be repealed. And guess what,  
17 the third time it did not work.

18 Thank you.

19 THE PRESIDENT: Senator Mattera to  
20 be recorded in the negative.

21 Senator Hinchey to explain her vote.

22 SENATOR HINCHEY: Thank you,  
23 Mr. President.

24 I will be voting aye on this bill,  
25 but not because I think it is perfect. There are

1 things that I wish were in this bill, like  
2 coverage for all. I wish that we could have  
3 delivered for the Caring Majority, the group that  
4 fought so hard and so valiantly to raise the  
5 wages of home care workers so that everyone  
6 across our state can live with dignity and  
7 respect, and those workers can live with dignity  
8 and respect.

9 I wish we were able to do everything  
10 that they wanted, but we did get a start. And I  
11 rise today to pledge to them that this is just  
12 the beginning of our fight. This is just the  
13 beginning of our work to make sure that everyone  
14 is paid fairly and that everyone can receive the  
15 home care that they need.

16 There are things in this budget that  
17 are incredibly exciting. We still have record  
18 education funding, expanded UPK slots, pre-K  
19 slots for people across our district. We have  
20 expanded the Farm to School program to finally  
21 include breakfast, making sure that students  
22 across our state will eat good, healthy, locally  
23 sourced farm-fresh food, making our students  
24 healthier.

25 We've elevated the Division of



1 Veterans' Affairs to the New York State  
2 Department of Veterans' Services, which is  
3 critical to get our veterans the support that  
4 they need and something that I know  
5 Senator Brooks and so many others have been  
6 fighting to do for years.

7 We are doing Tier 6 reform, helping  
8 our public employees.

9 And while it is not enough, we have  
10 started our universal childcare expansion and  
11 something that many families in my district will  
12 be able to take advantage of.

13 There is a lot more that we should  
14 be doing, but that's because we have decades of  
15 disinvestment and underinvestment that we are  
16 working as a body to undo. That is going to take  
17 billions and billions of dollars to undo the work  
18 that we are now saddled with.

19 And so while I wish that we could do  
20 it all at once, I wish that we could be standing  
21 here celebrating all the wins that we set out to  
22 achieve just a few weeks ago, I'm proud of the  
23 steps that we've been able to take in the right  
24 direction, and for that I vote aye.

25 THE PRESIDENT: Senator Hinchey to

1 be recorded in the affirmative.

2 Senator Ramos to explain her vote.

3 SENATOR RAMOS: Mr. President, this  
4 budget bill is ug-ly. How ugly is it? It's so  
5 ugly that it really does put a lot of the burden  
6 on women of color, women who look like me.

7 If we're not the ones being  
8 incarcerated for crimes of poverty, then we're  
9 left as single moms. And if we happen to work in  
10 the care economy -- in home care, in childcare --  
11 this budget does nothing for us there either.  
12 And if you happen to be an undocumented mom, like  
13 my mom once was, well, this budget doesn't help  
14 you with healthcare or with the childcare  
15 services or perhaps your home care wages either.

16 And so I can't help but feel  
17 tremendously disappointed to see that we haven't  
18 done anything to truly address what this budget  
19 should do, which is the recovery after the  
20 pandemic.

21 And look, I had the honor of passing  
22 excluded workers in the budget last year. I did  
23 expect to do more. There's 75,000 eligible  
24 excluded workers who applied and have been  
25 ignored. There's 100,000 additional estimated

1 excluded workers who are going to go on without a  
2 cent of economic recovery following this  
3 pandemic. And these are essential workers. We  
4 all clapped for them at 7 o'clock. We trust them  
5 to clean our homes, we trust them to help us  
6 raise our children, to care for our aging  
7 parents. And yet we have nothing to show for  
8 them but a damn stadium.

9 And to me, that's just completely  
10 outrageous, that this is our response to the  
11 people of New York having faced one of the most  
12 difficult times of our lives.

13 Just to briefly address the budget  
14 reform stuff. You know, I don't really believe  
15 that it's our job as a society to become  
16 harm-doers too. It's about honoring victims by  
17 ensuring that the wrongdoing doesn't happen  
18 again. And that's not throwing people away in a  
19 dungeon.

20 To me, this debate is much more  
21 about where people go. Harmdoers should be  
22 identified at arraignment, should be evaluated at  
23 arraignment, should be treated, Medicaided by a  
24 clinician. Not a judge, not a prosecutor, not  
25 any expert in the law.

1                   And so to me, it's much more about  
2   honoring the presumption of innocence. And I  
3   just feel very disappointed about how the process  
4   for this in bill transpired, and I will be voting  
5   nay.

6                   THE PRESIDENT:    Senator Ramos to be  
7   recorded in the negative.

8                   Senator Mayer to explain her vote.

9                   SENATOR MAYER:    Thank you,  
10   Mr. President. And I rise to proudly vote aye on  
11   this bill.

12                   From the perspective of someone who  
13   has been around this place and this institution  
14   for many years, when you think back on how many  
15   years it took Senator Jackson and others in this  
16   chamber to get to full funding of Foundation  
17   Aid -- something that, notably, no one wanted to  
18   debate here. Everyone is taking it as a given.  
19   It is not a given. This was a war to get this  
20   full funding of Foundation Aid. We got it last  
21   year because of the persistence of our Majority  
22   Leader and the Speaker of the Assembly and our  
23   colleagues on this side of the aisle and the  
24   other side of the aisle. And this year we have  
25   the second tranche of that money, getting to

1 80 percent of what every district is owed. An  
2 enormous investment in every child in this state,  
3 in expanded full-day pre-K for 4-year-olds  
4 outside the City of New York. Never on -- never  
5 ever on the table before. Now it's on the table.

6 When you talk about Fair Pay for  
7 Home Care, I share the disappointment of my  
8 colleague Senator May who did such a valiant job.  
9 But we got our foot in the door. We got our foot  
10 in the door to begin a conversation that had been  
11 ignored for years.

12 And lastly, on criminal justice  
13 reform. I was proud to support the reforms that  
14 this Majority Conference brought to the table.  
15 But I also have called for change. And credit to  
16 our Majority Leader, and credit to Senator  
17 Bailey, for finding a way forward to address  
18 legitimate concerns of our constituents and  
19 finding a path forward.

20 That is the challenge of us as  
21 legislators, to have respected that what we can  
22 do to make meaningful change. And we have done  
23 that in this budget. Is it perfect? Absolutely  
24 not. Is any budget here perfect? Absolutely  
25 not.

1           This is a substantial step forward  
2     on issues that have been around a long time, were  
3     ignored by so many people up here, and now are  
4     finally getting addressed in the right direction.

5           I proudly vote aye.

6           THE PRESIDENT:    Senator Mayer to be  
7     recorded in the affirmative.

8           Senator Liu to explain his vote.

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

11           It's been a -- you know, a very  
12    eventful last few weeks.  Lots of emotions, lots  
13    of passion.  As it should, because we're all  
14    elected to represent our constituencies, our  
15    communities in the best way possible.

16           This budget has a lot of things that  
17    you've got to hold your nose about.  At the same  
18    time, it is a budget that we must proceed with.

19           And as Senator Mayer and others have  
20    mentioned, we continue our commitment to public  
21    education all across the State of New York.  For  
22    the first time in decades, we're reversing the  
23    disinvestment in our public universities, CUNY  
24    and SUNY.  For the first time in decades, we're  
25    reversing the disinvestment in our home care

1 workers by advancing fair pay. Not to the amount  
2 that we'd like, but it is still a significant  
3 advancement. And for the first time we're also  
4 starting to invest in infrastructure and  
5 childcare.

6 Not a perfect budget, as pretty much  
7 everybody has said. But we need to move forward,  
8 do the job that we were elected to do.

9 Mr. President, I vote yes. And  
10 since I have time remaining, I yield my time to  
11 Senator Kennedy.

12 (Laughter.)

13 THE PRESIDENT: Senator Liu to be  
14 recorded in the affirmative.

15 Senator Cooney to explain his vote.

16 SENATOR COONEY: Thank you,  
17 Mr. President.

18 Now, I wasn't in office when we  
19 first had the conversations in these chambers  
20 about bail reform, but I'm here now. And I'm so  
21 proud to represent my hometown of Rochester.

22 But let's be clear. It is still an  
23 injustice that the size of one's wallet would  
24 determine whether or not someone sits in jail.  
25 And it's important to me and the constituents

1       that I represent that we do not continue to  
2       criminalize poverty.

3               However, it is also important to my  
4       district that we increase public safety, we  
5       prioritize getting illegal guns off of our  
6       streets, and we hold those charged with repeat  
7       offenses accountable. That's what we're doing in  
8       this bill right here tonight.

9               Like many cities in the wake of this  
10      pandemic, we continue to be plagued by increased  
11      rates of gun violence. This past year in  
12      Rochester we had 81 homicides -- 81 homicides.  
13      This is a top concern for our community  
14      leadership, our new mayor, Malik Evans, our  
15      sheriff, Todd Baxter.

16              But it's also for our neighborhood  
17      leaders, our local law enforcement and the  
18      families and the victims of these crimes,  
19      including Julius Greer, whose 14-year-old son was  
20      shot dead just at the beginning of this year.

21              These are commonsense revisions to  
22      public safety in this budget that will save lives  
23      and also increase that feeling of safety that so  
24      many New Yorkers seem to have lost.

25              I am so proud to be part of a



1 Majority under the leadership of our  
2 Majority Leader, Andrea Stewart-Cousins, who  
3 leads, who looks and listens to what the  
4 community needs.

5 I will be voting aye.

6 THE PRESIDENT: Senator Cooney to  
7 be recorded in the affirmative.

8 Senator Borrello to explain his  
9 vote.

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

12 Senator Bailey pointed out that the  
13 purpose of bail is to ensure that someone returns  
14 to face their trial. Well, I can tell you that  
15 this is not just an issue of credibility, it's  
16 also an issue of the urgency that we need to make  
17 real changes, not clarifications.

18 Because in the little town of  
19 Ischua, in my district, last month there were  
20 15 people that were given appearance tickets to  
21 appear before the judge for criminal charges.  
22 Zero of those 15 people showed up. So how are we  
23 guaranteeing that people are going to show up for  
24 their trial when we don't apply bail?

25 Now, the interesting part of that is

1 10 of those 15 were from the previous month, so  
2 this was their second strike.

3 We have people there at the courts  
4 that are there to obviously handle those cases.  
5 That's a tremendous amount of resources for a  
6 little community like that. And we failed them.

7 And tonight what we have said is  
8 we're doing some clarifications to bail. I've  
9 heard a lot of consternation, a lot of  
10 handwringing about changes. But I asked the  
11 question, and the answer was very clear: They're  
12 clarifications.

13 We need to repeal this disastrous  
14 law. And by the way, speaking of credibility,  
15 I'm not sure why bail changes are in a bill about  
16 education and labor. I don't see how that's  
17 credible.

18 So as a result, I'm voting no.

19 Thank you, Mr. President.

20 THE PRESIDENT: Senator Borrello to  
21 be recorded in the affirmative {sic}.

22 Senator Reichlin-Melnick to explain  
23 his vote.

24 Oh, I'm sorry, I apologize. I did  
25 not mean to offend you.

1 (Laughter.)

2 THE PRESIDENT: I'm sorry. Senator  
3 Borrello to be recorded in the negative.

4 Senator Reichlin-Melnick to explain  
5 his vote.

6 SENATOR REICHLIN-MELNICK: Thank  
7 you very much, Mr. President.

8 And it's late, so I'll be brief.

9 I think there are some great things  
10 in this bill, some things less great, a lot of  
11 half-loaves, but one very full loaf that I'm  
12 happy to celebrate, and that's the continued  
13 funding of Foundation Aid for our school  
14 districts.

15 I'm new here, this is my second year  
16 in office. But for so many years leading up to  
17 last year, school districts all over New York  
18 never got the money they deserved from New York  
19 State.

20 My colleagues in the Senate Majority  
21 fought for that, none harder than Senator Mayer,  
22 the Education Committee chair, and finally last  
23 year we were able to get the first of a  
24 three-year phase-in of Foundation Aid, bringing  
25 billions of dollars -- 1.4 billion last year, 1.5

1     this year -- back to our schools. We'll do it  
2     again next year. That's money that makes a huge  
3     difference for kids, for teachers, for families,  
4     for our property taxpayers who are going to see  
5     their taxes hopefully held flat.

6                 In my district last year when we  
7     phased Foundation Aid just partway in, more than  
8     half the districts I represent, the school  
9     districts, held property taxes flat. That's what  
10    people elected to come here and do, to look out  
11    for kids, look out for our taxpayers. I'm  
12    delighted by that.

13                And I'm glad to see that this bill  
14    starts making the investment we need in  
15    childcare. I agree with my colleague Senator  
16    Brisport, who fought for this; it does not go far  
17    enough. We can and we should do more. And I  
18    hope that we will, in future years. But I'm glad  
19    to see a renewed push for childcare, that we're  
20    going to get more into it.

21                I also understand where my colleague  
22    Senator May is coming from. She's been fighting  
23    for the fair pay for home care for so long. This  
24    bill starts us down that path, and it raises  
25    wages. Again, it does not go as far as I think

1 almost everybody in this chamber would like to  
2 see, but it gets us further than we've gotten in  
3 a very long time.

4 And I always believe that getting a  
5 half a loaf or three-quarters of a loaf or  
6 however much of a loaf you want is better than  
7 taking nothing.

8 And I am very happy that we are  
9 moving things in the right direction, and so I  
10 proudly vote in the affirmative for this bill.

11 THE PRESIDENT: Senator  
12 Reichlin-Melnick to be recorded in the  
13 affirmative.

14 Senator Savino to explain her vote.

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

17 I think I'm going to take part of  
18 Senator Kennedy's time -- just kidding. Just  
19 kidding.

20 So change comes sometimes  
21 incrementally, sometimes slowly, and sometimes  
22 painfully slowly. So just to keep things in  
23 perspective, this is my 18th budget. In 2005 we  
24 passed the budget on time that year, March 31st.  
25 We actually stopped the clock, and we passed the

1 budget. And the budget in 2005 was \$112 billion.

2           Eighteen years later, it's  
3 \$220 billion. So that means in that time we have  
4 doubled the investment in the State of New York.  
5 And what have we spent that money on? We spent  
6 it on things like fully phasing in Foundation  
7 Aid, which started under Governor Eliot Spitzer.  
8 It took that long to finally get there. We've  
9 invested in expanding access to education, to  
10 healthcare, to Child Health Plus. Change comes  
11 incrementally and slowly.

12           Now, is there a lot of good in this  
13 budget? Yes. You've heard from my colleagues;  
14 I'm not going to reiterate all of them. Some of  
15 them, though, I think are definitely worth  
16 mentioning. Closing the -- fully funding the TAP  
17 gap, extending it to part-timers and non-degree  
18 students, that's a real game-changer for people.  
19 I believe it's right that we extend it to inmates  
20 because the best thing we can do is educate  
21 people so they don't go back to prison. We want  
22 them to become fully functioning members of our  
23 society.

24           The investment in childcare is not  
25 enough, but it's a start, Senator Brisport. It's

1 a start. Change comes incrementally, and we  
2 continue working on that. Tier 5 and 6 fixers,  
3 we absolutely have to do that.

4 Here's where we need to continue to  
5 make good change, though. I am profoundly upset  
6 about the fact that we are continuing this child  
7 welfare financing model, we're just saddling the  
8 localities with more of the responsibility. We  
9 need to fix that. Next year, you all need to fix  
10 that.

11 We need to fix the unfair funding  
12 formula for Raise the Age. Saddling localities  
13 with it, they're not getting anything for it.

14 I support the efforts of everyone on  
15 trying to make the necessary changes to our bail  
16 reform law. And I really appreciate how hard and  
17 difficult this was for so many people,  
18 particularly for Senator Bailey, who worked so --  
19 so hard on this. This was personal for him, and  
20 I think we should be recognizing how hard this  
21 was -- and particularly for Dorothy Powell, who  
22 put her heart and soul into trying to make sense  
23 out of a law that most people in the general  
24 public do not even understand.

25 But again, change comes slowly and

1 incrementally. Who knows where we'll be in  
2 18 years from now, what size the budget will be.  
3 But with the right people here and their hearts  
4 in the right place, the investments can only get  
5 better.

6 I vote in the affirmative,  
7 Mr. President.

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

10 Announce the results.

11 THE SECRETARY: In relation to  
12 Calendar 752, those Senators voting in the  
13 negative are Senators Akshar, Biaggi, Borrello,  
14 Boyle, Brisport, Gallivan, Griffio, Helming,  
15 Jordan, Lanza, Martucci, Mattera, Oberacker,  
16 O'Mara, Ortt, Palumbo, Ramos, Rath, Ritchie,  
17 Rivera, Salazar, Serino, Stec, Tedisco and Weik.

18 Ayes, 37. Nays, 25.

19 THE PRESIDENT: The bill is passed.  
20 Senator Gianaris, that completes the  
21 reading of the controversial calendar.

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

24 The members should know it's our  
25 intention to push through to conclusion on the



1 budget tonight. And now we, I think, are in a  
2 position to break for party conferences.

3 Please recognize Senator Palumbo.

4 THE PRESIDENT: Senator Palumbo.

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

7 There will be an immediate  
8 Republican conference in Room 315 of the Capitol.

9 Thank you.

10 THE PRESIDENT: There will be an  
11 immediate Republican conference in Room 315 of  
12 the Capitol.

13 Senator Gianaris.

14 SENATOR GIANARIS: And there will  
15 be an immediate Democratic conference virtually,  
16 so check your emails for the link.

17 THE PRESIDENT: There will be an  
18 immediate Democratic conference virtually.

19 SENATOR GIANARIS: The Senate will  
20 stand at ease.

21 THE PRESIDENT: The Senate stands  
22 at ease.

23 (Whereupon, the Senate stood at ease  
24 at 11:05 p.m.)

25 (Whereupon, the Senate reconvened at

1 3:00 a.m.)

2 THE PRESIDENT: The Senate will  
3 come to order.

4 Senator Gianaris.

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

7 First of all, let's take care of  
8 some administrative business.

9 Pursuant to Rule 5, I move that we  
10 stay in session past the hour of midnight.

11 THE PRESIDENT: So ordered.

12 SENATOR GIANARIS: And now there  
13 will be an immediate meeting of the  
14 Finance Committee in Room 332.

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

18 The Senate will stand at ease.

19 (Whereupon, the Senate stood at ease  
20 at 3:00 a.m.)

21 (Whereupon, the Senate reconvened at  
22 3:19 a.m.)

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

25 Senator Gianaris.

1                   SENATOR GIANARIS:    Mr. President,  
2                   there's a report of the Finance Committee at the  
3                   desk.

4                   Let's take that up.

5                   THE PRESIDENT:    The Secretary will  
6                   read.

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

10                  Senate Print 8000E, Senate Budget  
11                  Bill, an act making appropriations for the  
12                  support of government;

13                  Senate Print 8003D, Senate Budget  
14                  Bill, an act making appropriations for the  
15                  support of government;

16                  Senate Print 8004E, Senate Budget  
17                  Bill, an act making appropriations for the  
18                  support of government.

19                  All bills reported direct to third  
20                  reading.

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

23                  THE PRESIDENT:    All those in favor  
24                  of accepting the report of the Finance Committee  
25                  signify by saying aye.

1 (Response of "Aye.")

2 THE PRESIDENT: Opposed, nay.

3 (No response.)

4 THE PRESIDENT: The report is  
5 accepted.

6 Senator Gianaris.

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

9 THE PRESIDENT: The Secretary will  
10 read.

11 THE SECRETARY: Calendar Number  
12 753, Senate Print 8000E, Senate Budget Bill, an  
13 act making appropriations for the support of  
14 government.

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

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

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

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

24 (Response of "Aye.")

25 THE PRESIDENT: Opposed, nay.

1 (Response of "Nay.")

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

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 Calendar Number 753, Senate Print 8000E, Senate  
7 Budget Bill, an act making appropriations for the  
8 support of government.

9 THE PRESIDENT: Read the last  
10 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 Jackson to  
16 explain his vote.

17 SENATOR JACKSON: Thank you,  
18 Mr. President. I rise in order to vote in favor  
19 of this legislation.

20 Let me just find the piece here.

21 As a proud SUNY New Paltz alum, I  
22 recognize that funding public higher education  
23 shapes the future of our state for the better.  
24 And because CUNY is among the most vital  
25 resources Black and brown communities have, as a

1 vehicle that develops future leaders, we know how  
2 crucial adequate funding for SUNY and CUNY is for  
3 students, like many in my district who face  
4 significant academic and economic challenges.

5 At this moment we are approaching  
6 these challenges with bold ideas and a vision  
7 that allows us to meet the benchmarks of a  
8 progressive education representing our diverse  
9 state. Our state and city public university  
10 systems are the pride and joy of New York. Let's  
11 keep them in this standing by providing  
12 operational and structural funds and make CUNY  
13 free again. There is no greater vision than to  
14 invest in New York by committing to a New Deal  
15 for CUNY and SUNY that will support educators and  
16 students, providing a better future for all  
17 New Yorkers.

18 Mr. President, I proudly say aye.

19 THE PRESIDENT: Senator Jackson to  
20 be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 753, those Senators voting in the  
24 negative are Senators Akshar, Borrello, Boyle,  
25 Brisport, Gallivan, Griffo, Helming, Jordan,

1 Lanza, Martucci, Mattera, Oberacker, O'Mara,  
2 Ortt, Palumbo, Rath, Ritchie, Salazar, Serino,  
3 Stec, Tedisco and Weik.

4 Ayes, 40. Nays, 22.

5 THE PRESIDENT: The bill is passed.

6 THE SECRETARY: Calendar Number  
7 754, Senate Print 8003D, Senate Budget Bill, an  
8 act making appropriations for the support of  
9 government.

10 SENATOR PALUMBO: Lay it aside.

11 SENATOR GIANARIS: Before we do  
12 that, Mr. President, is there a message of  
13 necessity at the desk?

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

16 SENATOR GIANARIS: Move to accept  
17 the message of necessity.

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

21 (Response of "Aye.")

22 THE PRESIDENT: Opposed, nay.

23 (Response of "Nay.")

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

1                   SENATOR PALUMBO:   Lay it aside,  
2     please.

3                   THE PRESIDENT:    Lay it aside.

4                   SENATOR GIANARIS:   Mr. President,  
5     we're going to take a pause in going through the  
6     calendar now.

7                   Let's move to the controversial  
8     calendar.

9                   THE PRESIDENT:    The Secretary will  
10    ring the bell.

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13    754, Senate Print 8003D, Senate Budget Bill, an  
14    act making appropriations for the support of  
15    government.

16                   THE PRESIDENT:    Senator Martucci.

17                   SENATOR MARTUCCI:   Good morning,  
18    Mr. President.

19                   THE PRESIDENT:    Good morning.

20                   SENATOR MARTUCCI:   Will the sponsor  
21    yield for a question.

22                   THE PRESIDENT:    Does the sponsor  
23    yield?

24                   SENATOR KRUEGER:   Good morning.  
25    Certainly.



1 THE PRESIDENT: The sponsor yields.

2 SENATOR MARTUCCI: Good morning,  
3 Senator Krueger.

4 Through you, Mr. President. My  
5 question is with respect to the OTDA section,  
6 specifically with respect to ERAP, the Emergency  
7 Rental Assistance Program.

8 So it's my understanding that right  
9 now there are about 318,000 ERAP applications  
10 that have yet to be reviewed. Is the funding  
11 that's being allocated in this bill for ERAP  
12 enough to provide relief for those who have  
13 applied but not yet received any money from the  
14 program?

15 SENATOR KRUEGER: Thank you. We'll  
16 accept your number for how many applications are  
17 pending.

18 There is \$800 million additional in  
19 this budget to help pay down the cost for the  
20 applicants. We don't believe that is enough. We  
21 think that the applications pending may total as  
22 much as \$1.6 billion in arrears that we would  
23 love to be able to pay.

24 We still have applications in to the  
25 federal government for additional funds. And

1     because ERAP was allocated through several bills,  
2     with an understanding that if certain localities  
3     didn't use the money they were authorized to  
4     receive, that that would become money available  
5     to other states who did need it.

6                     So we have received a supplemental  
7     payment of 100 million, approximately, from  
8     ERAP 1 -- excuse me. So we have already received  
9     300 million additional through the second round  
10    for ERAP 1.

11                    But there's also an ERAP 2 that we  
12    have not yet learned what we could be eligible  
13    for. So we are optimistic that that will be  
14    additional money coming in from the federal  
15    government. And we will continue to use that to  
16    pay down applicants based, I think, in the  
17    priority order of when they applied. Is that  
18    right? Yes. So on a first-in, first-out model.

19                    SENATOR MARTUCCI:    Thank you,  
20    Mr. President. Through you, will the sponsor  
21    yield for another question.

22                    THE PRESIDENT:    Does the sponsor  
23    yield?

24                    SENATOR KRUEGER:    Yes, I do.

25                    THE PRESIDENT:    The sponsor yields.

1                   SENATOR MARTUCCI:    Through you,  
2   Mr. President.

3                   If there's one thing we've learned  
4   over the last year it's that the state had a  
5   habitual inability to get this money out the  
6   door. It took months and months for OTDA to get  
7   that money out the door. It was a very, very  
8   slow process. I know my office received lots of  
9   calls from tenants who were making applications  
10   to this program, as I'm sure did many of the  
11   offices of Senators in this room.

12                  Is there anything being done in this  
13   budget to help streamline that process so that  
14   the applications work a bit faster and that this  
15   money gets out in a better way than it did last  
16   year?

17                  SENATOR KRUEGER:    So I completely  
18   agree that when the program started there was  
19   enormous delays and it was extremely frustrating.  
20   And I think you're right, probably every Senator  
21   heard from constituents about this.

22                  But it did really seem that once  
23   they figured out how it was working and what they  
24   needed to do and the computer system that they  
25   had quickly pulled together, that things sped up

1 significantly.

2 We also have a new commissioner of  
3 OTDA, and a new Governor. And I personally have  
4 found his office to be very much on top of these  
5 issues with -- and we have had conversations  
6 about ways to speed up the process.

7 SENATOR MARTUCCI: Mr. President,  
8 on the bill.

9 THE PRESIDENT: Senator Martucci on  
10 the bill.

11 SENATOR MARTUCCI: First, I want to  
12 thank Senator Krueger for answering my two  
13 questions.

14 The only thing I want to say,  
15 Mr. President, is that I too am hopeful that  
16 we're going to be able to get this appropriation  
17 out the door, into the hands of our tenants that  
18 need it, into the hands of our landlords.

19 And I would also say that one of the  
20 other problematic issues that's been going on is  
21 that folks have been able to apply to a program  
22 that doesn't have any money in it. And what that  
23 means is that these applications get backed up,  
24 and what it means is that these rental arrears  
25 just grow and grow and grow. And as they

1 balloon, our landlords are put in a place where  
2 they still have to maintain their buildings and  
3 support their properties without any  
4 reimbursement.

5 So again, sort of harkening back to  
6 the same time last year when we stood on the  
7 floor and said the same thing, we're glad to see  
8 that this is here. We want to make sure this  
9 relief gets where it needs to go, which is  
10 designed for our tenants, into the hands of our  
11 landlords. I look forward to that happening in a  
12 better way than it did last year.

13 Thank you, Mr. President.

14 THE PRESIDENT: Senator Borrello.

15 SENATOR BORRELLO: Thank you,  
16 Mr. President. Will the sponsor yield for a  
17 question.

18 THE PRESIDENT: Does the sponsor  
19 yield?

20 SENATOR KRUEGER: As long as it's  
21 not about cannabis.

22 (Laughter.)

23 THE PRESIDENT: The sponsor yields.

24 SENATOR BORRELLO: No, it's not.

25 SENATOR KRUEGER: Wait, I'm so

1       sorry. The topic that you're going to ask about?

2               SENATOR BORRELLO: I want to talk  
3       about unemployment insurance.

4               SENATOR KRUEGER: My colleague, the  
5       chair of Labor, would love to talk to you about  
6       that.

7               So, Mr. President, through you, I'm  
8       going to hand it over to Senator Ramos.

9               THE PRESIDENT: Does the sponsor  
10      yield?

11              SENATOR RAMOS: I do.

12              THE PRESIDENT: The sponsor yields.

13              SENATOR BORRELLO: Thank you.

14              Through you, Mr. President, do you  
15      happen to know what our current unemployment  
16      insurance deficit is here in New York State?

17              SENATOR RAMOS: Nine-point-five  
18      billion.

19              SENATOR BORRELLO: Nine-point-five  
20      billion, with a B.

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

23              THE PRESIDENT: Does the sponsor  
24      yield?

25              SENATOR RAMOS: I do.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR BORRELLO: Do you happen to  
3 know what the projected interest assessment  
4 surcharge from the federal government is on that  
5 9.5 billion?

6 SENATOR RAMOS: This year it's  
7 around 250 million in interest.

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

10 THE PRESIDENT: Does the sponsor  
11 yield?

12 SENATOR RAMOS: Yes.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR BORRELLO: Do you know who  
15 pays that? Who's supposed to pay that money?

16 SENATOR RAMOS: Employers. The  
17 experience rating on employers.

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

20 THE PRESIDENT: Does the sponsor  
21 yield?

22 SENATOR RAMOS: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR BORRELLO: Do you happen to  
25 know how many states have dedicated their federal

1 pandemic relief money to filling the craters that  
2 were created by the pandemic for their  
3 unemployment insurance funds?

4 SENATOR RAMOS: I don't. Please  
5 tell me.

6 SENATOR BORRELLO: Is that a  
7 question, Mr. President?

8 THE PRESIDENT: Would you like to  
9 form a question?

10 SENATOR RAMOS: Sure.

11 THE PRESIDENT: Will you yield for  
12 a question?

13 SENATOR BORRELLO: Yes.

14 THE PRESIDENT: You want to ask it?

15 SENATOR BORRELLO: You have to ask  
16 the question now.

17 SENATOR RAMOS: Well, why don't you  
18 tell me how many other states.

19 SENATOR BORRELLO: It's 32.  
20 Thirty-two states have dedicated their funding.  
21 New York obviously is not one of those 32.

22 Mr. President, will the sponsor  
23 continue to yield.

24 THE PRESIDENT: Does the sponsor  
25 yield?



1                   SENATOR RAMOS:    Yes.

2                   THE PRESIDENT:   The sponsor yields.

3                   SENATOR BORRELLO:   Are there any  
4 plans in this \$220 billion budget to dedicate any  
5 funding to filling that \$9.5 billion crater that  
6 was created by bad policy, essentially, here in  
7 New York State?

8                   SENATOR RAMOS:    We do not have any  
9 state funding going towards this purpose, but we  
10 expect to have everything paid off by 2028.

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

13                  THE PRESIDENT:    Does the sponsor  
14 yield?

15                  SENATOR RAMOS:    Yes.

16                  THE PRESIDENT:    The sponsor yields.

17                  SENATOR BORRELLO:   When you say  
18 "we," who is "we"? Who is going to pay that off?

19                  SENATOR RAMOS:    The State of  
20 New York, through the contributions of the  
21 employers.

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

24                  THE PRESIDENT:    Does the sponsor  
25 yield?

1                   SENATOR RAMOS:    Yes.

2                   THE PRESIDENT:   The sponsor yields.

3                   SENATOR BORRELLO:   How is the State  
4 of New York going to pay that?

5                   SENATOR RAMOS:    It's through the  
6 experience rating of the employers, like any  
7 other insurance policy.

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

10                  THE PRESIDENT:    Does the sponsor  
11 yield?

12                  SENATOR RAMOS:    Yes.

13                  THE PRESIDENT:    The sponsor yield.

14                  SENATOR BORRELLO:   So it's not  
15 New York State, then, you're saying, it's the  
16 employers, the people of New York State that are  
17 going to pay that.

18                  SENATOR RAMOS:    Yes.

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

21                  THE PRESIDENT:    Senator Borrello on  
22 the bill.

23                  SENATOR BORRELLO:   So here we are  
24 talking about what we're going to do for the  
25 people of New York State and our businesses, the

1 small businesses that were devastated. We've  
2 done a lot -- negatively, unfortunately.

3 This crater, \$9.5 billion, was  
4 created certainly as part of the pandemic, but it  
5 was largely created by bad policy, the policy  
6 that allowed anyone to quit their job and collect  
7 unemployment. That's really what this was about.  
8 To this day, right now, you can still quit your  
9 job in New York State and collect unemployment.  
10 And that burden is being borne by every single  
11 employer in New York State.

12 We also don't know how much fraud we  
13 had in our system. I asked Commissioner Reardon  
14 about this during the hearings, the budget  
15 hearings. She doesn't want to know. The  
16 Governor doesn't want to know. It's got to be a  
17 huge number. California is somewhere in the area  
18 of 25 billion and growing. But here in New York,  
19 we're just going to cover our eyes and pretend it  
20 didn't happen.

21 So New York State's not paying this  
22 9.5 billion, the employers are. The interest,  
23 everything else. It's going to take more than a  
24 decade of every single employer in New York State  
25 paying the maximum rate in order to cover that

1 deficit. That's what we've done for the  
2 employers of New York State, the people that pay  
3 into that system. We have maxed them out for a  
4 decade. And we have the money to pay it, like  
5 32 other states, and we haven't done it. It's  
6 disgraceful.

7 That's what we are doing for the  
8 employers, the small businesses that employ half  
9 of the people in New York State. We're kicking  
10 the can down the road and telling them we're not  
11 going to do a damn thing about it. I think it's  
12 a disgrace.

13 And therefore, for that and many  
14 other reasons, I'll be a no on this bill.

15 Thank you, Mr. President.

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

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

20 Read the last section.

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

23 THE PRESIDENT: Call the roll.

24 (The Secretary called the roll.)

25 THE PRESIDENT: Senator Ramos to

1 explain her vote.

2 SENATOR RAMOS: Yes, thank you,  
3 Mr. President.

4 I'm voting aye on this bill. I  
5 actually wanted to really just add a few things.

6 There are actually some employers  
7 that haven't paid into the fund, and I want to  
8 especially highlight Uber and Lyft, who before  
9 the pandemic were granted unemployment insurance  
10 for their drivers, for the for-hire vehicle  
11 drivers, and yet they have not paid into our  
12 unemployment insurance system, not one cent, to  
13 this day. And I guarantee you that that's a lot  
14 of money that may end up putting a burden on our  
15 smaller businesses, which is something that I  
16 worry about tremendously.

17 I just wanted to add that for the  
18 record. Thank you, Mr. President.

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

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 754, those Senators voting in the  
24 negative are Senators Akshar, Borrello, Boyle,  
25 Gallivan, Griffo, Helming, Jordan, Lanza,

1 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
2 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
3 Weik.

4 Ayes, 42. Nays, 20.

5 THE PRESIDENT: The bill is passed.  
6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President,  
8 we're going to stand at ease momentarily while we  
9 await some paperwork to arrive.

10 THE PRESIDENT: The Senate stands  
11 at ease.

12 (Whereupon, the Senate stood at ease  
13 at 3:36 a.m.)

14 (Whereupon, the Senate reconvened at  
15 4:20 a.m.)

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

18 Senator Gianaris.

19 SENATOR GIANARIS: Okay,  
20 Mr. President, can we return to the supplemental  
21 calendar.

22 I think there was one bill still  
23 remaining.

24 THE PRESIDENT: The Secretary will  
25 read.

1           THE SECRETARY:   Calendar Number  
2   755, Senate Print 8004D, Senate Budget Bill, an  
3   act making appropriations for the support of  
4   government.

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

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

9           SENATOR GIANARIS:   Move to accept  
10   the message of necessity.

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

14                           (Response of "Aye.")

15          THE PRESIDENT:   Opposed, nay.

16                           (Response of "Nay.")

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

19          SENATOR PALUMBO:   Lay it aside,  
20   please.

21          THE PRESIDENT:   Lay it aside.

22          SENATOR GIANARIS:   Can we move to  
23   the controversial calendar.

24          THE PRESIDENT:   The Secretary will  
25   ring the bell.

1                   The Secretary will read.

2                   THE SECRETARY:     Calendar Number  
3     755, Senate Print 8004D, Senate Budget Bill, an  
4     act making appropriations for the support of  
5     government.

6                   THE PRESIDENT:     Senator Martucci on  
7     the bill.

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

10                  I rise to discuss some concerns I  
11     have with respect to the bill, specifically on  
12     something that I was talking about a little bit  
13     earlier this evening -- or I should say yesterday  
14     evening; now I'm talking about it again this  
15     morning.

16                  And I was hoping to get some  
17     straight questions and some serious answers about  
18     funding for the Buffalo Bills stadium. I know my  
19     constituents have concerns about the deal, and I  
20     think many New Yorkers do too. And since I  
21     struggled to get those answers, I was able to dig  
22     through the bill to try to understand a little  
23     bit about what this deal is and exactly what it's  
24     costing New Yorkers.

25                  And I think, you know, at quick



1     glance there are several appropriations that are  
2     totaling hundreds of millions of dollars. I  
3     think I came up with \$602 million. I think that  
4     after we have some more time to take a look at  
5     the bill, perhaps we'll confirm that or the  
6     number might be a little different. But in  
7     either case, we're talking about a really, really  
8     big appropriation here.

9             And, you know, my colleague said  
10    that this was one of the best deals for  
11    New Yorkers, this was an awesome deal. But what  
12    I can see concludes me to lead {sic} that this is  
13    probably one of the worst deals -- probably one  
14    of the worst deals in sports history, maybe  
15    perhaps setting a new record, the worst deal  
16    since Bobby Bonilla fleeced the Mets back many  
17    years ago, and he's still getting a paycheck  
18    today many, many years after his retirement.

19            And what we found out earlier today  
20    was that the State of New York is even going to  
21    take the stadium over and pay some operating  
22    costs for many, many years.

23            So, you know, this deal remains, to  
24    me -- I'm very skeptical and I have a tremendous  
25    number of concerns. It reminds me of another

1 deal that happened in Buffalo not that long ago  
2 that cost the taxpayers of this state lots of  
3 money, a billion dollars, and did not bring the  
4 taxpayers the promised jobs or meet the goals  
5 that we had anticipated.

6           You know, in preparation for coming  
7 out here, I even came across a letter that was  
8 signed by five of my colleagues in this room.  
9 And I kind of wish I knew about this letter  
10 before, because I would have signed onto this  
11 letter. Because I think this letter is dead over  
12 the target with respect to concerns on this  
13 project.

14           My colleagues wrote: "This  
15 proposal, negotiated in secret and only announced  
16 days before the final budget is due, would  
17 represent the largest public subsidy to an NFL  
18 team in history."

19           So, you know, first I would tell my  
20 colleagues who signed onto this letter, I think  
21 you're absolutely right and I agree with you  
22 completely.

23           You know, the -- this deal is not a  
24 partisan issue, Mr. President. You know, there  
25 are some of my colleagues who don't agree with

1 me, there are some on the other side of the aisle  
2 that do. So this is certainly something that  
3 transcends politics in this chamber.

4 But I would agree that since we're  
5 asking taxpayers to pay hundreds of millions of  
6 dollars in this deal, I think it certainly  
7 warranted a bit more sunlight, a bit more review,  
8 not only by this body but by the public and by  
9 others before we were bringing it to the floor  
10 and passing it here today.

11 In fact, somebody who is undoubtedly  
12 an expert on this budget proposal, the  
13 chairwoman, expressed her concerns as well, and I  
14 would tell you that I associate myself with your  
15 concerns and your comments with respect to this  
16 project as well.

17 Mr. President, I'm not a fan of this  
18 deal. It is a bad backroom deal where I feel  
19 like -- and I think many of us feel like we've  
20 significantly overpaid. You know, as Senator  
21 Kennedy said out here a little while ago, this  
22 deal was to prevent the Bills from moving to  
23 another city. And I would tell you that I  
24 certainly don't want to see the Bills go to  
25 another city, but at the same time I don't want

1 to see our taxpayers here in New York be taken  
2 for a ride.

3 So for that reason, again, I think  
4 that this project warrants more consideration of  
5 this body, more public review and consideration,  
6 and it still remains a tremendous concern of  
7 mine. And it is one of the reasons that I'll be  
8 voting in the negative when it comes time.

9 Thank you, Mr. President.

10 THE PRESIDENT: Senator Palumbo.

11 SENATOR PALUMBO: Thank you,  
12 Mr. President. Will the sponsor yield for just a  
13 couple of quick questions, please.

14 THE PRESIDENT: Does the sponsor  
15 yield?

16 SENATOR KRUEGER: Yes, I will.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR PALUMBO: Thank you,  
19 Senator Krueger. I just have a few line-item  
20 questions and then I'm going to have a few  
21 questions about the Bills, the Bills with a big  
22 B. But we'll talk about this first, if you don't  
23 mind.

24 In "Economic Development," the  
25 Community Resiliency, Economic Stability and

1 Technology Fund, I see \$385 million. That seems  
2 remarkably similar to the old SAM grants. Is  
3 that the same fund?

4 SENATOR KRUEGER: I believe that  
5 the questioner is basically correct. I think the  
6 new initials stand -- end up being CREST, as  
7 opposed to SAM. And it does appear to be very  
8 similar, other than I think there's an expanded  
9 eligibility. Because I believe in the past you  
10 needed to be working through mostly government  
11 for the projects, and I believe this allows  
12 expansion for nonprofit organizations as well,  
13 and perhaps even in certain circumstances  
14 for-profit businesses as well.

15 SENATOR PALUMBO: Would the sponsor  
16 continue to yield?

17 THE PRESIDENT: Does the sponsor  
18 yield?

19 SENATOR KRUEGER: Yes.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR PALUMBO: Thank you again,  
22 Senator.

23 And right in that same section under  
24 "Economic Development," there's another  
25 \$185 million fund, Local Community Assistance

1       Program. Can you explain to me what that program  
2       is for, please?

3               SENATOR KRUEGER: It does appear to  
4       be very similar, other than the first program you  
5       described, I believe, is set up with a three-way  
6       split between the Senate, the Assembly and the  
7       Governor. And the second program I believe is  
8       set up with just a two-way split.

9               SENATOR PALUMBO: Between the two  
10      legislative -- will you continue to yield,  
11      please.

12              SENATOR KRUEGER: Of course.

13              THE PRESIDENT: The sponsor yields.

14              SENATOR PALUMBO: Thank you,  
15      Senator.

16              Was that between the two legislative  
17      houses?

18              SENATOR KRUEGER: Yes.

19              SENATOR PALUMBO: Gotcha. Okay.  
20      Thank you.

21              And would you continue to yield,  
22      please, Madam Chair?

23              SENATOR KRUEGER: Yes, I would.

24              THE PRESIDENT: The sponsor yields.

25              SENATOR PALUMBO: Thank you. And

1 just two more funds I have questions about.

2 The Long Island regional projects,  
3 \$350 million. Are there any specific projects  
4 identified for this fund at this point?

5 SENATOR KRUEGER: I believe not.  
6 But it's my understanding that there will be  
7 public information about said project or projects  
8 prior to the spending of any money.

9 SENATOR PALUMBO: And thank you.  
10 Would you continue to yield?

11 THE PRESIDENT: Will the sponsor  
12 yield?

13 SENATOR KRUEGER: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR PALUMBO: Thank you,  
16 Senator.

17 And so those are just projects to be  
18 named later, to continue with the sports  
19 reference, I guess.

20 SENATOR KRUEGER: I'm not that good  
21 with sports references, but I'll let you have  
22 that.

23 SENATOR PALUMBO: Okay. Thank you.

24 And would you continue to yield for  
25 a further question?

1                   THE PRESIDENT:    Will the sponsor  
2   yield?

3                   SENATOR KRUEGER:    Yes.

4                   THE PRESIDENT:    The sponsor yields.

5                   SENATOR PALUMBO:    Thank you,  
6   Senator.

7                   And so without specifically -- I  
8   just want to identify what I believe are the  
9   funds that are appropriated for the Bills over  
10   the Governor's original budget, and including her  
11   30-day amendments.

12                   There's a -- it looks like it's in  
13   the environment, there's a \$182 million line item  
14   and then a \$418 million line item. Is that the  
15   600 million for the Buffalo Bills?

16                   SENATOR KRUEGER:    I believe you are  
17   correct. And the 418 million is from the recent  
18   payments received from the Seneca Nation.

19                   SENATOR PALUMBO:    Thank you.

20                   Would you continue to yield, please,  
21   for one more question.

22                   THE PRESIDENT:    Does the sponsor  
23   yield?

24                   SENATOR KRUEGER:    Yes.

25                   THE PRESIDENT:    The sponsor yields.



1                   SENATOR PALUMBO:    And thank you,  
2   Senator Krueger.

3                   So with that 600 million, I believe  
4   there was some discussion or some concern that  
5   the New York State Regional Economic and  
6   Community Assistance Program, 800 million in the  
7   Governor's original proposed budget, that that  
8   800 million was going to be used for the Bills  
9   funding -- capital B, Bills, the sports team --  
10   because that wasn't in her original budget. So  
11   what's that money going to go to now?

12                  SENATOR KRUEGER:    Just a moment.

13                  SENATOR PALUMBO:    Or if I can  
14   complete my thought, is this just another fund  
15   that's going to ultimately be appropriated for  
16   some future project?

17                  (Pause.)

18                  SENATOR KRUEGER:    Sorry,  
19   Mr. President, I'm trying to make sure that I  
20   have the right answer for my colleague.

21                  SENATOR PALUMBO:    Please take your  
22   time.

23                  SENATOR KRUEGER:    Thank you.

24                  So through you, Mr. President, there  
25   is a line in the budget that's 800 million for

1 New York State Regional and Community Assistance  
2 Program, which is intended for economic  
3 development, workforce, commercial development,  
4 tourism, infrastructure improvement, small  
5 business support, community and urban  
6 revitalization in historically disadvantaged  
7 communities.

8 I don't know if the Governor at an  
9 earlier point actually intended to use any of  
10 that money for the Buffalo Bills project, because  
11 I think that there was also on the table simply  
12 bonding for the project.

13 But I think the answer is at this  
14 point, no, that is not how the budget is written,  
15 she does not intend to use that for the Buffalo  
16 Bills project.

17 SENATOR PALUMBO: Understood.  
18 Thank you, Senator. Would you continue to yield.

19 THE PRESIDENT: Does the sponsor  
20 yield?

21 SENATOR KRUEGER: Yes.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR PALUMBO: So just for a  
24 quick follow-up, do you have any idea what that  
25 money might actually be used for now that it's

1 actually in this particular bill?

2 SENATOR KRUEGER: For  
3 future-determined economic development projects,  
4 I would assume, going through ESDC.

5 So every year we put money into  
6 usually capital funds that are used through ESDC  
7 for an assortment of different economic  
8 development projects. They often include the  
9 Regional Economic Development -- what are they,  
10 task forces or -- Councils, thank you, I lost the  
11 word, that are making recommendations, at least  
12 in the past. Obviously this is a new governor,  
13 so she may have a different approach to it.

14 But I don't think it's particularly  
15 new for us to see lined-out economic development  
16 funds that are not described exactly as to how  
17 they will be used.

18 I will point out, given the late  
19 hour, that I'm very proud of the fact that within  
20 the budget documents we have built in a Database  
21 of Deals that will require much greater review  
22 and scrutiny and documentation of how the state  
23 is using money for economic development deals,  
24 what kind of return the state is getting on them,  
25 the number of jobs, the deals as far as clawbacks

1 if the commitments are not made.

2 We also, in a separate section, also  
3 expanded the ability to have the Comptroller's  
4 office audit and review any of these programs to  
5 find out more details, if that is the wish of the  
6 state and there are questions about any of these  
7 programs.

8 Which I also think is an excellent  
9 move towards both transparency and for us to --  
10 all of us, the public, to have a better  
11 understanding of how monies are being used and  
12 whether they're in fact meeting their target  
13 goals of economic development or not being  
14 successful.

15 SENATOR PALUMBO: Thank you,  
16 Senator. Would you continue to yield for one  
17 short last question?

18 THE PRESIDENT: Does the sponsor  
19 yield?

20 SENATOR KRUEGER: I can keep going.  
21 Yes.

22 (Laughter.)

23 THE PRESIDENT: The sponsor yields.

24 SENATOR PALUMBO: You're doing  
25 great. And this is truly it. I just wanted to

1 do simple math.

2 Of course last year's ESDC entire  
3 fund was 380 million, so this is, of course, 800  
4 now, so it's more than double, correct?

5 Through all Empire State Development  
6 capital, was my understanding.

7 SENATOR KRUEGER: That's correct.  
8 I don't think that we were doing a lot of new  
9 economic development activities in the last year  
10 or two, given the COVID situation.

11 SENATOR PALUMBO: Thank you,  
12 Senator Krueger. I have no further questions.  
13 Thank you, Mr. President.

14 THE PRESIDENT: Thank you.

15 Are there any other Senators wishing  
16 to be heard?

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

19 Read the last section.

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

22 THE PRESIDENT: Call the roll.

23 (The Secretary called the roll.)

24 THE PRESIDENT: Senator Brisport to  
25 explain his vote.

1                   SENATOR BRISPORT:    Thank you,  
2   Mr. President.   And good morning.

3                   THE PRESIDENT:     Good morning.

4                   SENATOR BRISPORT:    So we are in the  
5   process of voting on a budget that comes nowhere  
6   close to funding our constituents' most dire  
7   needs, as everyone in this chamber knows.

8                   And for the past three weeks  
9   Governor Hochul has fought our funding proposals  
10   on housing, on Fair Pay for Home Care, on  
11   childcare, on healthcare, on a New Deal for CUNY,  
12   and on combating climate change, because she did  
13   not want to raise taxes on the ultra-rich to  
14   secure the necessary revenue.

15                   Yet at the last hour, she had no  
16   trouble finding \$350 million for a mysterious  
17   slush fund through which she can exercise  
18   unchecked, unilateral power over public money.

19                   She also had no trouble finding  
20   hundreds of millions of dollars for the largest  
21   public subsidy in NFL history, for a handout to  
22   the billionaire owner of the Buffalo Bills.

23                   She has tried to pass off this new  
24   stadium as an investment, knowing that the  
25   consensus among economists is that it will not

1 result in any meaningful economic benefit to  
2 Buffalo. These trickle-down handouts simply do  
3 not work.

4 Through this bill and the entire  
5 budget process, Governor Hochul has made it clear  
6 that all her claims about caring for the  
7 well-being of New Yorkers and working with the  
8 Legislature were false. She has made it clear  
9 that her only real interests are in appealing to  
10 the rich and keeping power.

11 I am voting nay, and I will be  
12 working with Assemblymember Ron Kim to pass  
13 legislation that at least gives New Yorkers the  
14 right to a controlling share of the for-profit  
15 football team that the Governor is forcing them  
16 to finance.

17 Thank you.

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

20 Senator Cleare to explain her vote.

21 SENATOR CLEARE: Good morning.

22 THE PRESIDENT: Good morning.

23 SENATOR CLEARE: Thank you.

24 I've only held this seat for a few  
25 months, and this is my first budget. And many

1 people have been asking me how I feel about the  
2 budget.

3 Well, I'm very proud of some things.  
4 I'm proud of my bill to provide individuals  
5 leaving prison with state-issued IDs, to remove  
6 one less barrier to having a more successful  
7 reentry to a new beginning.

8 I'm happy for the money we added to  
9 CUNY for the nursing expansion -- the SEEK  
10 opportunity and nursing expansion programs.  
11 Money for universal pre-K, tuition assistance for  
12 prisoners, capital funding for libraries, fair  
13 wages for our badly needed home care workers.

14 But it is not enough. Senator May,  
15 I thank you -- she's not here, but I want to  
16 thank her for leading this fight, and the  
17 advocates and every other group and individual  
18 who fought for this.

19 I'm proud of our efforts to secure  
20 funding for NYCHA and our \$350 million add to the  
21 budget. But it is not enough. My district  
22 covers Harlem, portions of East Harlem, West  
23 Harlem, Washington Heights, and the Upper West  
24 Side. I have the highest concentration of public  
25 housing in the Borough of Manhattan. And it is



1       literally falling apart. We must do more.

2               Despite the hard work of the staff,  
3       the conference, and the leader, we did not get  
4       the Housing Access Voucher Program dollars that  
5       are desperately needed by New Yorkers who have  
6       been trapped in shelters, unable to find  
7       apartments they can afford with the vouchers  
8       they're currently being handed out.

9               New Yorkers have been struggling to  
10      pay rent even before the pandemic. We have to do  
11      more.

12              So how do I feel about the budget?  
13      I'm going to borrow a line from my colleague  
14      Senator Sanders, who often says "I'm still in the  
15      fight." That's how I feel about this budget. We  
16      didn't get it all in this moment for a variety of  
17      reasons, including the inability to reach a  
18      three-way agreement. But we are still in the  
19      fight to do more for public housing and to create  
20      and fund programs that result in truly affordable  
21      housing for low-to-moderate-income New Yorkers.

22              We spent hours debating bail in this  
23      room. I look forward to hours debating or  
24      planning to get housing for New Yorkers, which is  
25      equally a part of the safety, security and health

1 of New Yorkers.

2 I vote aye on the bill.

3 THE PRESIDENT: Senator Cleare to  
4 be recorded in the affirmative.

5 Senator Krueger to explain her vote.

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

8 So this is the final bill.

9 Budgets are never something that I think anyone  
10 can agree with completely. We have frustrations.  
11 We have things that we didn't get in. We have  
12 questions about many of the decisions. And yet  
13 we go through this process every year to try to  
14 make the best decisions we make.

15 So this capital budget is about  
16 \$20 billion. It might be higher; it might be  
17 closer to \$21 billion. And so I can agree with  
18 many of the plans for that money, and it's why I  
19 can vote for this bill.

20 But for the record -- and it's been  
21 pointed out -- I've never thought New York should  
22 ever put money into a private sports franchise or  
23 sports stadium. And in my years here in the  
24 Senate, I've actually voted against money for the  
25 Yankees, the Mets, the Nets, the Islanders -- I

1 think there was one more -- because I don't think  
2 it is a good use of the public's money.

3 I also am focused, and I think we  
4 all need to be focused, on making sure that we  
5 all have information about how money is being  
6 spent and whether the reward is worth it to the  
7 people of New York. Because frankly, when we  
8 decide that we're going to function as investors  
9 or venture capitalists who say that we're putting  
10 money into economic development, we're actually  
11 making the decision to take taxpayers' money and  
12 then act like we are venture capitalists. Though  
13 I'm not sure any of us are, or are particularly  
14 good at it.

15 So I hope that with the changes in  
16 the Article VII language that went through this  
17 year, in addition to continuing economic  
18 development spending, we will be seeing a far  
19 superior outcome of evaluation that will lead us  
20 to making sure that we don't continue to spend  
21 money where it's not justified and that we only  
22 spend the people's money in categories of  
23 economic development where we're actually getting  
24 a win for the people.

25 So don't like some, do like some.

1 I'm voting yes. But I think -- and I appreciate  
2 my colleagues on both sides of the aisle's  
3 opinions about their concerns about economic  
4 development spending and that we all want to know  
5 more, and we want to be able to evaluate.

6 Thank you, Mr. President.

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

9 Announce the results.

10 THE SECRETARY: In relation to  
11 Calendar 755, those Senators voting in the  
12 negative are Senators Akshar, Biaggi, Borrello,  
13 Boyle, Brisport, Gallivan, Griffo, Helming,  
14 Hoylman, Jordan, Lanza, Martucci, Mattera,  
15 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,  
16 Serino, Stec, Tedisco and Weik.

17 Ayes, 39. Nays, 23.

18 THE PRESIDENT: The bill is passed.

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

21 SENATOR GIANARIS: And that  
22 completes the enactment of the State Budget.

23 Let me thank my colleagues for their  
24 indulgence, their patience and their respect of  
25 one another over the last few days.

1                   Mr. President, is there any further  
2 business at the desk?

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

5                   SENATOR GIANARIS:   Move to adjourn  
6 until Monday, April 25th, at 3:00 p.m. --

7                   (Applause.)

8                   SENATOR GIANARIS:   -- intervening  
9 days being legislative days.

10                  THE PRESIDENT:    On motion, the  
11 Senate stands adjourned until Monday, April 25th,  
12 at 3:00 p.m., intervening days being legislative  
13 days.

14                  (Whereupon, at 4:43 a.m., the Senate  
15 adjourned.)

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