NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 22, 2022

12:30 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

SENATOR O'MARA: I call for a quorum.

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

ACTING PRESIDENT BAILEY: Senator O'Mara.

SENATOR O'MARA: I call for a quorum.

ACTING PRESIDENT BAILEY: The Secretary shall read the names of the members present to ascertain that a quorum exists.

Call the roll.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Here.

THE SECRETARY: Senator Akshar, excused.

Senator Bailey.

ACTING PRESIDENT BAILEY: Present.

THE SECRETARY: Senator Biaggi.

SENATOR BIAGGI: Present.

THE SECRETARY: Senator Borrello.
(No response.)
THE SECRETARY: Senator Breslin.
SENATOR BRESLIN: Here.
THE SECRETARY: Senator Brisport.
SENATOR BRISPORT: Here.
THE SECRETARY: Senator Brooks.
SENATOR BROOKS: Here.
THE SECRETARY: Senator Brouk.
SENATOR BROUK: Here.
THE SECRETARY: Senator Cleare.
SENATOR CLEARE: Here.
THE SECRETARY: Senator Comrie.
SENATOR COMRIE: Here.
THE SECRETARY: Senator Cooney.
SENATOR COONEY: Present.
THE SECRETARY: Senator Felder.
(No response.)
THE SECRETARY: Senator Gallivan, excused.
Senator Gaughran.
SENATOR GAUGHRAN: Here.
THE SECRETARY: Senator Gianaris.
SENATOR GIANARIS: Present.
THE SECRETARY: Senator Gounardes.

SENATOR GOUNARDES: Present.
THE SECRETARY: Senator Griffo.
(No response.)
THE SECRETARY: Senator Harckham.
SENATOR HARCKHAM: Here.
THE SECRETARY: Senator Helming.
(No response.)
THE SECRETARY: Senator Hinchey.
SENATOR HINCHEY: Here.
THE SECRETARY: Senator Hoylman.
(No response.)
THE SECRETARY: Senator Jackson.
SENATOR JACKSON: Here.
THE SECRETARY: Senator Jordan.
(No response.)
THE SECRETARY: Senator Kaplan, excused.
Senator Kavanagh.
(No response.)
THE SECRETARY: Senator Kennedy.
SENATOR KENNEDY: Here.
THE SECRETARY: Senator Krueger.
SENATOR KRUEGER: Here.
THE SECRETARY: Senator Lanza.
(No response.)

THE SECRETARY: Senator Liu.
SENATOR LIU: Here.
THE SECRETARY: Senator Mannion.
SENATOR MANNION: Here.
THE SECRETARY: Senator Martucci.
(No response.)
THE SECRETARY: Senator Mattera.
(No response.)
THE SECRETARY: Senator May.
SENATOR MAY: Here.
THE SECRETARY: Senator Mayer.
SENATOR MAYER: Here.
THE SECRETARY: Senator Myrie.
SENATOR MYRIE: Here.
THE SECRETARY: Senator Oberacker.
(No response.)
THE SECRETARY: Senator O'Mara.
SENATOR O'MARA: Present.
THE SECRETARY: Senator Ortt.
(No response.)
THE SECRETARY: Senator Palumbo.
(No response.)
THE SECRETARY: Senator Parker.
SENATOR PARKER: Present.
THE SECRETARY: Senator Persaud.

SENATOR PERSAUD: Present.
THE SECRETARY: Senator Ramos.
SENATOR RAMOS: Presente.
THE SECRETARY: Senator Rath.
(No response.)
THE SECRETARY: Senator Reichlin-Melnick.
SENATOR REICHLIN-MELNICK: Present.
THE SECRETARY: Senator Ritchie, excused.
Senator Rivera.
SENATOR RIVERA: Aquí.
THE SECRETARY: Senator Ryan.
SENATOR RYAN: Here.
THE SECRETARY: Senator Salazar.
SENATOR SALAZAR: Present.
THE SECRETARY: Senator Sanders.
SENATOR SANDERS: Present.
ACTING PRESIDENT BAILEY: A quorum is present, and the Senate may proceed.
In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.
(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, December 21, 2022, the Senate met pursuant to adjournment. The Journal of Monday, December 19, 2022, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I move to adopt the Resolution Calendar.

ACTING PRESIDENT BAILEY: All in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed,

nay.

(No response.)

ACTING PRESIDENT BAILEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: At this time, Mr. President, we will call an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT BAILEY: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

THE SECRETARY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:34 p.m.)

(Whereupon, the Senate reconvened at 12:40 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris, I assume that was not "Hip-Hop Parade"; I assume that you were trying to get my attention.

SENATOR GIANARIS: (Laughing.)

Thank you, Mr. President.

I believe there's a report of the Rules Committee at the desk. Can we take that up, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bill: Senate Print 9617, by Senator Stewart-Cousins, an act to amend the Legislative Law.

The bill reports direct to third reading.

SENATOR GIANARIS: I move to accept the report of the Rules Committee.

ACTING PRESIDENT BAILEY: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The report of the Rules Committee is accepted.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 1927, Senate --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

That completes the reading of the supplemental calendar.

SENATOR GIANARIS: Can we please take up the reading of the controversial calendar now.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1927, Senate Print 9617, by Senator Stewart-Cousins, an act to amend the Legislative Law.

ACTING PRESIDENT BAILEY: Senator Lanza, happy holidays. Merry Christmas, Happy Hanukkah, Happy Kwanzaa. Why do you rise?

SENATOR LANZA: All the best to

you, Mr. President.

I rise because I believe, Mr. President, that there is an amendment at the desk. I waive the reading of that amendment and I ask that you recognize Senator Helming to be heard.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

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

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

ACTING PRESIDENT BAILEY: The appeal has been made and recognized, and Senator Helming may be heard.

SENATOR HELMING: Thank you, Mr. President. Happy holidays to you.

Mr. President, I rise to appeal the ruling of the chair. The proposed amendment before you is germane to the bill at hand because the bill before this chamber today provides a pay raise for members of the Legislature.

It has been widely reported that

legislative members in both chambers deserve a pay raise due to their hard work and to address the rising cost of living.

Mr. President, I agree that the cost of living is skyrocketing. But what we need to focus on and what we need to remember is that the cost of daily living is squeezing everyone in this state. This body should take immediate action to provide some relief for our constituents rather than prioritizing our own incomes.

New Yorkers are struggling, we all know this -- struggling to heat their homes, to keep their lights on, and to feed their families. They're trying to manage their budgets at this time of year, trying to stretch them during the holidays. Many are facing a new year filled with concerns about job security and wage freezes.

Our small local businesses are still suffering. They're suffering from the increasing costs as well as still trying to recover from the pandemic and mandated government closures.

And Mr. President, I sure hope we can all agree our state is facing an unprecedented affordability crisis. And if we're

being honest, we're also facing an unprecedented crime crisis.

Calling a special session to vote on a member pay increase makes it appear that many in this chamber are out of touch and more concerned with self-enrichment than providing much-needed relief for our constituents and our local employers.

Mr. President, rather than provide a pay hike to the 213 elected officials in both bodies, on behalf of our Republican Conference I have proposed a five-point plan that prioritizes and provides relief to millions -- millions of New Yorkers.

The first part of my proposal, Part A, deals with a state spending cap. This part would statutorily establish a 2 percent cap on state spending. It would increase the amount that the state is authorized to deposit in the state's rainy day reserve fund. This would effectively limit out-of-control state spending and tackle sky-high inflation.

The second part of our plan, Part B, deals with reducing income taxes by indexing to inflation. So many of us, we hear the reports

all the time -- the most recent one that I saw was from WalletHub, and it reported New York is the 2022 state with the most tax burden. Our constituents are looking to us, their elected leaders, for help to reverse this trend.

Part B would do this by providing New York taxpayers with a roughly 300 million annual tax break. Part B would prevent stealth tax increases by adjusting tax brackets for inflation, commonly known as indexing. Inflation causes what is known as bracket creep, which results in our taxpayers moving into higher tax brackets. This results in taxpayers paying higher taxes without any real increase to their income.

During this period of rampant inflation, taxpayers will face stealth tax increases never approved for or voted on or discussed by their elected lawmakers.

The third part of our plan, Part C, would increase child tax credits, something that we all hear is desperately needed. This part would increase and expand the value of tax credits, which would help to make childcare more affordable for struggling New York families.

Currently the Empire State Child Credit only applies to children above the age of 4. This proposal would eliminate that threshold and make it apply to all children.

Additionally, this proposal would recouple New York's tax credit to the federal tax credit, which would provide roughly 500 million in aid to New York's parents. This change, I believe, will also help us stabilize the workforce shortages impacting every business sector, from Main Street businesses to manufacturing, from our schools and our medical facilities to our nursing homes.

The fourth part of our plan, Part D, would reduce the tax burden for seniors with private pensions. I'm sure everyone in this chamber, like me, has heard from concerned seniors in their district. Inflation and rising costs are forcing many of our seniors to make difficult choices: Medications or groceries, gas in the car or pay the utility bills.

Part D allows seniors to keep more of their hard-earned retirement income by increasing the value of private pensions and annuities that are tax-free for people over the

age of 59½, from its current value of $20,000. The amount would be increased as follows. In 2023, it would go up to 25,000; in '24, 30,000; in '25, 35,000; in '26 and beyond, to $40,000.

The final part of our five-point plan, Part E, is a fix to Unemployment Insurance Fund issues by establishing set contribution rates and a reserve fund. This part would alleviate the billions of dollars in unemployment insurance taxes and assessments on small business as a result of the -- (pause for background noise to subside). This part would alleviate the billions in unemployment insurance taxes and assessments on small businesses as a result of pandemic-related job loss, failed state policy, forced closures, and rampant fraud. On fraud alone, the Comptroller's office recently identified $11 billion in improper unemployment payments.

Part E would protect businesses from these tax increases by reducing rates, paying down the deficit, and creating an unemployment insurance insolvency reserve fund.

So, Mr. President, with your support and with the support of all of our colleagues in

this chamber, we can pass this amendment and show our constituents and our local employers that they are our top priority -- not our own self-interest.

For all these reasons, Mr. President, I strongly urge you to reconsider your ruling.

ACTING PRESIDENT BAILEY: Thank you, Senator Helming.

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

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

SENATOR LANZA: Request a show of hands.

ACTING PRESIDENT BAILEY: So ordered.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 16.

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

The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1927, Senate Print 9617, by Senator Stewart-Cousins, an act to amend the Legislative Law.

ACTING PRESIDENT BAILEY: Senator Borrello, why do you rise?

SENATOR BORRELLO: First of all, to say Merry Christmas and Happy Holidays.

ACTING PRESIDENT BAILEY: Merry Christmas, Senator Borrello. Happy Holidays.

SENATOR BORRELLO: Thank you, Mr. President.

Would the sponsor yield for some questions -- for a question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Mr. President, Senator Krueger will be handling debate for the Majority.

ACTING PRESIDENT BAILEY: Thank you, Senator Gianaris.

Senator Krueger, do you yield?

SENATOR KRUEGER: I do, sir.

ACTING PRESIDENT BAILEY: Senator

Krueger yields.

SENATOR BORRELLO: First of all, Merry Christmas, Happy Holidays.

SENATOR KRUEGER: Thank you.

SENATOR BORRELLO: So just curious -- and I'm sure a lot of New Yorkers are curious -- we're here a couple of days before Christmas. So why are we here right now at this particular time to vote on this single bill? What's the reason?

SENATOR KRUEGER: Because technically you cannot vote for a salary raise for the existing legislative session, only for the next Legislature.

So come January 1, some of us won't be here anymore because we are not returning, and some new people on both sides will be here, and this salary raise will apply to them. Now, when I say "them," in your and my case, I think it includes both of us as part of "them."

But that is why we're doing it now, because otherwise any salary increase wouldn't go into effect until January '25.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor

continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So we have a few days left in the year, and that's an understandable explanation as to why. But yet we were -- we could have done this three months ago, six months ago, before the election -- which probably would have been a nice thing for the people of New York to understand this was the intent.

Why did we wait so long, until just a few days before the end of the year?

SENATOR KRUEGER: Because for any number of reasons -- and there are many -- there have been whole sections of decades where we didn't do increases in salary. And then we had a commission and then we had a court case, and we couldn't do any action during the court case.

And then you need a governor who's going to actually sign this, because otherwise what is the point. And we've had governors who

didn't want to sign this or governors who seemed to think they could do trading deals on other things the Legislature didn't support in exchange.

So we do find ourselves in this rare moment of the history that I have been part of where we can vote for it for the next session, we have justification for it. And sort of the stars have aligned that we believe both houses will pass this and a governor will sign it.

Now, I've been here since 2002, and I believe this will only be the second raise the Legislature has seen actually since 1998. So it's not like we do this very often.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, certainly.

ACTING PRESIDENT BAILEY: Senator Krueger yields.

SENATOR BORRELLO: So I understand the Legislature -- that there was some litigation that was going on. But you bring up the

Governor. And it actually brought up a thought in my head.

Now, let's just assume for a moment that every Democrat here votes for this and every Republican votes against it. You have a supermajority, which is enough to override a veto. Yet in the three years I've been here, I've never seen you override a veto.

In fact, we're coming here today after the Governor vetoed several bills, some of which that were really important to a lot of people on -- my friends on the other side of the aisle, that you could very easily override the vote on. You've got things that would help folks who are developmentally disabled, Senator Mannion's bill; things to help working seniors, Senator May's bill; dyslexia, climate change, shoreline flooding. Yet this body has never overridden a veto.

Why wouldn't you do that? And if you were to -- if she were to veto this pay increase, you could override that. Why do we have to wait for a Governor that would actually, you know, sign this, because clearly you don't need that.

SENATOR KRUEGER: Well, I don't know if that's actually true. Certainly evidence is even when either party in this house has had a supermajority, or the Assembly across the hall, it's been extraordinarily rare, as you point out, for people to actually pull off enough votes for a veto of the Governor.

So I, standing here today, certainly couldn't say in honesty that I imagined that we could get 42 votes to override any specific veto, nor that the Assembly could get the required number that they have, 76 -- a hundred votes, thank you. Oh, right, two-thirds, hello -- a hundred votes to override a vote. I'm not sure that that would be possible today either. I guess we would have to explore that if the option was before us.

But right now, we're hoping that we have the votes to pass this bill. The Assembly, we believe, is also intending to pass the bill; I know they are going to the floor or have gone to the floor today as well on the same bill. And I believe that the Governor will sign this. I don't know, but I believe.

So I don't think the supermajority

question comes into play today. But I think it also highlights what I think we all know. Even if you have a supermajority on any given day on any given bill, it's statistically very rare that 100 percent of us, in the case of the Senate Dems, would be in exact agreement and you could get all of us to vote in a certain way. We have differences in opinion in our conference as I am sure you have differences of opinion in your conference. That's what makes, you know, the magic of democracy.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Senator Krueger, do you yield?

SENATOR KRUEGER: I will, Mr. President.

ACTING PRESIDENT BAILEY: Senator Krueger yields.

SENATOR BORRELLO: So this salary increase is $32,000. Unprecedented. There are certainly people that don't make that in a year, and we're going to give this in one fell swoop. Why that number? Why $32,000?

SENATOR KRUEGER: So it is factoring in where the commission was likely or had recommended we go by 2021. And now we're talking about '23, so we made some adjustments going up from where '21 to '23 would bring us.

And we did factor in an inflation rate. And as you pointed out -- or, excuse me, as your colleague pointed out, we are living in a time of very high inflation.

We're also, frankly, assuming that we will go many, many years again before we increase the salary, based on the statistics of how infrequently we raise our salaries. And I know that I have had constituents tell me they don't understand how you would have a job that didn't do any increases in salary for 18, 20 years at a time, how that is that possible.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So you brought

up the salary commission. Which, yes, they had recommended originally to go to 130,000 in '21. So two years later, it's $12,000 over two years above their recommendation. That's -- even with this high inflation we're experiencing now, it's still well above the rate of inflation.

So, I guess, how do we justify $12,000 over the recommendation that would have only gone into place last year? That's my question.

SENATOR KRUEGER: So what we actually attempted to do was to calculate what the inflation impact would have been if we were correctly adjusting our salary over time for -- over the last 20 years.

So if we had just done -- so forget what the commission recommended. If we had just done an inflationary adjustment from 79,500, which it was 20 years ago, to today, we'd actually be raising our salary to 145,000. So we're actually raising it to below what inflation would have put us at.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So it was really, in essence, going against what the salary commission has done, it was just a calculation based on the inflation rate since the 79.5 when there were also stipends to the -- were those stipends included, like as an average? because there were additional stipends given for -- my understanding, I wasn't here -- for leadership positions and chairs of committees and ranking members and so forth. Which I'm understanding most, except for the most junior members, did receive.

So was that factored into your salary calculation?

SENATOR KRUEGER: So the commission did get rid of the vast majority of the stipends. I think there's only -- (pause).

So there's a small number of leadership stipends that are left in the law since the commission made its determination. We're not changing that.

And as far as historical stipends, I think it's sort of moot at this point because those are people who came and left, they were different points in time in the Legislature.

I personally have always held the philosophy that I didn't support stipends, so I never took mine. And I don't take mine now.

And again, everyone can have their own opinions on these. And I am perfectly comfortable with -- if your colleagues who vote no today don't want the increase in their salary, I have learned it's very easy to give it back. You just write a note to Tom DiNapoli, the Comptroller, saying "Don't give me the extra money," and he doesn't, and it stays in the General Fund.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: I am certain that my colleagues, who all work very hard,

aren't going to want to take less than those that perhaps don't work as hard at this job. So I would say that that's probably a moot point. In the private sector you get compensated for the work that you do; not so here.

So that being said, my question is, are you aware of what other legislatures make across this nation? And this would obviously make us the highest paid. Do you have any -- you know, was there any comparison to what other legislatures do?

I know you -- I know my friends on the other side of the aisle love to keep up with California. Well, you're going to surpass them in this particular race.

So was there any thought given to that?

SENATOR KRUEGER: We did do that work.

I'd like to point out, Mr. President, that I appreciate my colleague's point that their members work very hard, so he assumes that they will probably take the salary increase. I think we are actually all in agreement with that. We all work very hard. In

fact, I know few people who have job descriptions that require pretty much 24/7 response to their community -- that we come up here for six months a year and we do the work on the floor of the Legislature and in committees and in hearings, we go home, and guess what, everyone needs us on the weekends and on the evenings.

So I personally can happily stand here and say I know that all 63 -- maybe there are still 62 until January 1st, whatever -- 63 of us work extremely hard on behalf of our constituents. And I don't think anyone should decide not to take the salary increase. But if they feel so strongly about this issue, they certainly have the ability not to take the salary increase.

I think that you are correct, we will now be the highest-paid state legislature in the country. We're also, as also has been pointed out earlier, one of the most expensive countries -- excuse me, one of the most expensive states in the country, where our cost of living is significantly higher than most states. And some of us live in a section of the state where our cost of living is radically higher than most

of the State of New York or any of the other 49 states. Maybe not Hawaii; it's damn expensive in Hawaii. But we did look at the other states.

But we also looked at local-election governments. The City Council makes significantly more than we in the State Legislature. I believe that the Nassau and Suffolk County legislatures make more. I think there are other local governments around the state where they make more.

And I think we'd still be making less than pharmacies at -- the pharmacists, excuse me -- at which pharmacies did we look up? It was a report I read.

SENATOR BORRELLO: (Inaudible.)

SENATOR KRUEGER: So that -- pardon me? I love pharmacists. We need them all, trust me. But I'm not sure they work 24/7. And so we can find many career paths in the State of New York that would definitely be more lucrative than the Legislature before or after this salary increase.

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

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Do you happen to know what the average family income is in New York State?

SENATOR KRUEGER: We'll have to get that for you. But you might know the answer and tell me.

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

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Yes, the answer to the question, according to the U.S. Census for 2021, was $74,314. That's what the average family income is in New York State.

So we're going to give individuals in this chamber roughly double what the average family in New York State makes. I realize -- I agree with you, New York State is an expensive

place to live. Largely due to the actions that happen in this chamber, unfortunately. But it is still double what the average family income makes in New York.

So with that being said, you know, to have this big jump -- was there any consideration given to just taking the salary we have now and maybe indexing it to inflation so, as you said, we don't have to come back and have these debates and conversations and consternation over?

Why not just peg it to inflation so that if that salary was acceptable when you took it, and you stayed here for whatever period of time, it will still be essentially, in real dollars -- or, excuse me, inflation-adjusted dollars, the same salary? Why wouldn't we just do that?

SENATOR KRUEGER: That was not the agreement that was come to for this moment in history.

It's an interesting proposal. I always like inflation-adjusted programs. And since as I previously explained, technically this salary raise will still be below if we had just

done inflation for the last 20 years, you could make the proposal in January, perhaps, that we should pass a law that we are now also going to do an inflation adjustment for future legislative sessions, which will perhaps avoid this conversation or this scene in any future legislative years.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So state legislatures across the nation, some are part-time, some are full-time, but in California, which is a much larger state than New York, they make $119,702 a year. We'll be more than that. Much larger state, larger population.

The state of Florida, a much larger population than New York State, $29,697. Texas, a larger state than New York: $7,200 is what they make per year. Somehow these guys

survive -- these men and women survive making these salaries and still are legislators and also, with the exception of California, have a lower tax burden than New York State does.

So with that being said, you are now elevating this to $142,000 a year. We all agree that we work hard. Is this now going to be a full-time position? Since you're also limiting outside income, which would make it a, by definition --

SENATOR KRUEGER: We have limited outside income. And we have not written into this bill making it full-time, although I would certainly be a supporter of that.

Or, as I often explain to people, I have been here now 20, almost 21 years. I must be doing it very badly; it takes me 24/7 after 21 years. So I do believe it is a full-time job for myself, and I don't have another job. Other people have figured out how to combine what they do in the Legislature with outside income. My -- my hat goes off to them, because I just don't even understand -- I sometimes don't get my laundry done for X number of weeks because I'm so busy. So it's amazing that people can pull all

of this off.

Having said that, we are changing the rules so that the amount of outside income will be limited and actually even less available to you after a two-year period, because we implement new rules to go in two years from now.

And to be honest, I think the definition of part-time versus full-time may need clarification in our current law. But I would challenge any of my colleagues here with me today to stand up and say, yeah, they think it's a part-time job, they're really only doing it part-time, because I just don't see that reality in any of our districts anywhere in the State of New York.

So I would be fine with changing the definition to full-time.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, sir.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So I believe

that that -- that definition may be tied to the Constitution of this state of a part-time position. And I think that was wise, because we want citizen legislators, people who have skin in the game in the success of New York State's economy.

And those that are more insulated from that by bad policy decisions -- which we will now be that much more financially insulated from that -- I think that was the reason why, and probably should remain that way. That's why it should be a part-time position, in my opinion.

But with that said, I'm not sure -- and if you can answer this -- can we limit outside income when it is still, according to the Constitution, a part-time position?

SENATOR KRUEGER: I'm advised by counsel that yes, we can.

I suppose someone can litigate that question once it is the language of the law, since we all know everything can be litigated here once it passes. But we are fairly confident that the language in the law to be passed today would withstand constitutional scrutiny.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Krueger, thank you very much. Our last exchange I think in the literary world will be called foreshadowing when it comes to future litigation, potentially.

You know, the people of New York State have suffered a lot, Mr. President. They've suffered a lot unfortunately because of the self-inflicted wounds that have happened here. And they have asked us to come back and do a special session -- I've heard it from my constituents, I've heard it from pundits, I've heard it from local elected officials: Go back to Albany and fix the things that you've broken. Number first and foremost, public safety, crime, the so-called criminal justice reforms. Go back and fix that. We're not doing that.

Go back and take care of the Unemployment Insurance Fund, which is at its highest level -- its lowest level, it's practically bankrupt. And instead of refilling

that fund, and coming back to do that and using funds that we have available to help fill that crater that impacts every single business, every small business owner -- anyone that writes a pay check is being impacted by that. We're not coming back to do that.

We're not coming back to address the amendment that Senator Helming offered, all those great ideas that would actually do things to improve the lives of New Yorkers going into 2023.

We've come back here today, a couple of days before Christmas, to raise our own salary. That's what we're doing here today. None of the other stuff that New Yorkers really want. Because I don't think in a poll a majority of New Yorkers -- not even close -- would say you should go back to Albany in special session and give yourselves a raise and pat yourselves on the back. Because that's what we're doing today.

We're also talking about limiting outside income. Sounds like a great idea. I'm sure on the surface a lot of people would think that's a good idea. The problem with that is it further insulates us from the impact of the harm that we do. I'm a small business owner, my wife

and I. Every day we deal with the impact of the high taxes, of the overregulation. I bear the scars every day when I walk into this chamber or do my job back in the district of what it's like to do business here, to operate a business. As do others -- the farmers that we have in the Legislature, people that are professionals. They understand that.

And the less people like that in this chamber, the less -- the more out of touch this chamber will become.

Our founding fathers left tyranny because they were ruled by people that weren't impacted by their own decisions. They had lots of money, they had lots of food, they had lots of independence because they ruled the roost. And that's why our founding fathers came here and founded this nation. And they intended, in Washington as well, for there to be citizen legislators that had skin in the game in the success of our nation and our state.

Today we take a big, giant step backwards, a giant step backwards in ensuring that we are in touch with the needs of the people we represent. That's what this does today. You

can dress it up any way you want, but that's what it does today. We're going to get paid double what a family makes -- a family, an average family in New York State makes. We're going to get paid double that, each individual.

And you're not going to have to worry about paying those rising gas bills, thanks to the CLCPA and the CAC that just a couple of days ago signed what the New York Post aptly called the "green suicide pact" that's going to raise the cost of everything in New York State -- and get zero impact, by the way, on greenhouse gas emissions as we continue to import more power from dirty, old-fashioned coal plants in places like Homer City, Pennsylvania, to power New York State. So it's going to make it more expensive, and we're going to be that much more out of touch with reality.

And that's the problem with this bill. It is out of touch with what the average New Yorker has to deal with.

So, Mr. President, I'll be voting no. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

Are there any other Senators wishing to be heard?

Senator Lanza.

SENATOR LANZA: Mr. President, thank you. It's good to see you, all my colleagues, although I wish I weren't here to see you.

ACTING PRESIDENT BAILEY: Senator Lanza, are you on the bill or are you asking the sponsor to yield?

SENATOR LANZA: I'm on the bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator Lanza on the bill.

SENATOR LANZA: On the bill.

So there are two parts to this legislation, obviously. The one portion deals with a very steep pay raise for legislators, both here in the Senate and in the Assembly. And the other portion deals with moving beyond and ending the idea that a citizen legislature is best for the people of New York. I'll take up the first part.

So with respect to a pay raise, I -- you know, I think there are two valid theories

that I've often thought about with respect to the salary of a member of this body. On the one hand, I think, having come from the private sector -- I had a business that developed software, I worked to get my CPA at Peat Marwick a hundred years ago. I was in the DA's office in Manhattan -- not the private sector. But nevertheless, I keep doing different things. So I've seen a lot about -- I've seen a lot with respect to, you know, what different jobs pay and what they're worth.

And I think you can make a very good argument that if you do this job right and you devote yourself in the way that you ought to, that if you were to try to sort of equate the value of our service to what happens in the private sector, I think you could make a very good argument that the salary ought to be 162, 142, 175, 200, 225. I think you could make that argument, Mr. President. And I would make that argument.

I think there's another theory that I thought -- think is valid if you believe in the idea, as I do, in a citizen legislature, that would suggest that perhaps the salaries -- don't

throw anything -- that the salary ought to be cut dramatically.

The theory there -- and some states do this, by the way. The theory there is that you don't come here to make a living from the taxpayer, you come from your community, from your neighborhoods, from your jobs -- jobs like the people who are your constituents have -- you come here, you do the people's work, you do a budget, you pass important legislation, and then you go back to, quote, unquote -- I don't want to disparage -- but your real job. Which keeps you connected, as Senator Borrello suggested, keeps you connected to I think what is important to the people that we represent.

And so I think there are two sides to the argument. We can debate those. And I think there's some validity to both sides. I fall on the, you know, pay-cut side. I think you end up with a better legislature eventually.

But whichever side of the argument you subscribe to or support, it is said that timing is everything in life. And the really serious problem I have with respect to the pay raise is its timing. And I don't mean two days

before Christmas Eve. I don't mean in the Hanukkah season. I don't mean in the season that people are celebrating many different things. I don't mean a couple of days before the year end when we're going to have a new legislative session in a week or two. I don't mean that timing.

I mean the timing of what is happening right now in New York State, what is happening at this time in the lives of the people we represent.

Thousands of New Yorkers are going cry themselves to sleep tonight and every night because they lost their son or their daughter or their sister or their brother or their aunt or their uncle or their mother or their father to drug overdose deaths. Fentanyl, flooding into the State of New York for a variety of reasons, chief among them, in my opinion, because of bad policies and bad messaging by elected officials in this state. Because of things like sanctuary states and we think we ought to be more permissive when it comes to things that are killing our children rather than less permissive.

At this time, right now, today,

New Yorkers are trying to figure out how in you-know-what's name they're going to be able to afford to put a meal on their holiday table. I just saw, in the supermarket, iceberg lettuce. That was the cheapest of all the most affordable of all lettuce once upon a time. Nine dollars. Nine dollars.

Gasoline, prohibitive. Diesel fuel, prohibitive. The cost of groceries -- eggs and everything else -- with inflation, making people's lives miserable and not what they ought to be in the greatest state in the union. Again, because of what I believe to be bad policies in this state.

Student loans. People trying to figure out what they're going to do about that. Again, I don't think any of us have ever really addressed what to do about that in the proper way, either party.

Taxes. Off the charts in New York. Out of control in New York. If you work one job or two jobs in New York, you take home less of your money than just about anywhere on the planet. Again, bad policies handed down by our government.

Crime. Out of control. At this time, on this day, in the State of New York. Once upon a time I stood on this floor and said: Hey, if you go forward with these policies, as a former prosecutor I'll tell you that crime is going to become out of control. I was called by the Governor a fearmonger and a lot of other things besides a child of God. I see Senator Ramos shaking her head. Yup, fearmongering.

Well, guess what? Unfortunately and sadly -- and I said it that day, I hoped I would be wrong. But I was not, and crime is out of control.

I have constituents telling me, based on what they see happening, that they're afraid to stand on the subway platform, that they're afraid to ride the subway. We've got elected officials in New York City saying, Oh, there's a perception of crime. We had the MTA chairman say: Well, all these thousands of crimes, we ought to be happy. If we were a city of X amount of millions of riders or citizens, this would be a low crime rate.

When we talk about crime, it's a

word that has an impact at this moment, at this time, in the lives of all New Yorkers. More people over the last several years were burglarized, were robbed, were murdered, were raped, and the list goes on. And you cannot deny that that is the fact. We've had more victims of crime, our neighbors have been victimized more in the last several years than anything we've seen before. Again, I will say, because of bad policies here in New York.

So with all that going on, in this moment, at this time, my colleagues across the aisle, the Governor, the Democrats in the Assembly, they have a gift. They have the solution. They've had an epiphany. Let's hurry up back, in the waning days of 2022, for a special session because all this is going wrong and our constituents and our citizens are hurting. Here's what we're going to do about it. We're going to give ourselves a big fat raise. And we're going to hand the bill, we're going to hand the bill to the people of New York, who are burdened by everything I just discussed.

Hey, New Yorkers, you can't afford to put a meal on your table for the holiday?

Here's what I'm going to do for you. I'm going to raise your taxes by -- I didn't hear what the fiscal impact -- 6 million, 7 million? Whatever it is. Merry Christmas, Happy Hanukkah, Happy Kwanzaa, happy everything you celebrate. And in spite of everything you're going through, here's another bill, here's another something that you need to figure out how to pay for.

This timing is horrific. Two years ago, four years ago -- I don't know. I know it's never comfortable. It's never easy politically to do these things. I get that. I was in the majority too. We never did it. That's how hard it is, I suppose.

But of all the times in all the years that I've been living in New York State -- which is my entire life -- this is the worst time, the worst time to tell our constituents, Empty your pockets, tighten your belts even more, because the Legislature is going to give itself a big raise.

Oh, and by the way, it would be one thing if they were being handed this bill and some of those other things are being addressed in this special session that we needed to be called

from our homes and our families, with a couple of days left in New York, to address none of those things. Not a single one of those things. Tomorrow can any New Yorker wake up and say, Well, at least while they gave themselves a raise, at least I think next year there will be fewer drug overdoses? Maybe next year there's going to be less crime? Maybe next year the food prices are going to go down? Maybe next year I'll figure out how to pay for my kid's college? None of that happens here. It's terrible timing.

Citizen legislature. People could debate on both sides of the issue. I think it's important. I think it is important that the people who serve the people -- remember, government of the people, by the people, for the people -- that it's actually really people that are serving the people who understand exactly how their people live their lives. That the decisions that are made here affect the people who make them -- all of us -- in the same way that they affect the people we represent.

I don't believe that legislators ought to be immune from the decisions that they make. I believe legislators should come from the

same places that the people they represent come from. Otherwise, I believe what you end up with is a permanent elite political class. That is my fear, that whether it's a year from now or five years from now or 10 years from now, we're going to have a legislature comprised with people whose only skill is getting elected. Because that will be the only skill that matters in their lives, how to get elected.

The idea, in the citizen legislature, is that we would have farmers, we would have electricians and carpenters and bodega owners and bagel shop owners and pizzeria owners and lawyers and electricians and restaurateurs, and the list goes on. Because when legislation would be considered, someone would stand up and say, Hey, as a lawyer I can tell you how this affects my ability to represent the interests of the client. Hey, as a farmer I can tell you why this is going to make it more difficult for me to produce. As this or that or the other thing, I lived this. This is not words on a page. It's not academic. It's life. I get it. This is how it's going to affect the electricians in my district, because I'm an electrician. This is

how it's going to affect the teachers in my district and their ability to teach, because I'm a teacher. I know it. It's not theory, it's my life. And I understand it. And I bring that expertise to the table.

But more than that, because you'll -- there are smart people out there that have expertise that won't have outside income, but to have skin in the game means that you really have to feel it and know it and understand it. It's personal. And therefore, the interests of your constituents becomes personal.

My fear is that with a political -- permanent political class only, and not a citizen legislature, is that the legislature's interests will become so separated, as Senator Borrello I think said, from the people. And that if the only income you have if you're here as a Senator or an Assemblymember and you are dependent on only your salary and the taxpayer paying it for your livelihood -- because I've heard this notion about who are you going to serve and how many are you going to serve and all that kind of stuff. Well, there will be only one thing left to serve, and that is your reelection. Because that's all

you'll have.

For those of you -- for those of us -- maybe, you know, at one point as this progresses, maybe one day we'll only have billionaires and bums. Forgive the pejorative, I suppose on both ends. Billionaires and bums.

If you're a trust fund child, none of this affects you, you don't care. But for the overall majority of the people that I hope continue to want to serve the people of the State of New York, it won't only be people who live off trust funds, it won't only be people who are billionaires. It will be, you know, the people who do the living and the dying and the breathing and the bleeding and sweating in this state.

But what you'll end up with, I believe, when you eliminate a citizen legislature, is a political class whose only mission, if this is all that you have, this is all you depend on to provide for yourself and your family, if that's all you have, then you will only serve one interest, and that is to get reelected. And we'll have less government, more politics. I think there's already too much politics in the game today. Everyone's at fault,

both parties. And you're going to have more of it.

The idea of corruption, you've read the stories -- I've been here long enough to know that 98.9 percent -- I could give you all the cases. I don't want to mention names. It's the holiday season. It's not kind. It wouldn't be civil. It's never outside income. It's people selling -- selling their position. That's what it's always been. You don't need outside income to do that. We're replete, sadly, with cases of that type of corruption. People sell their vote, they sell their power. It has nothing to do with outside income.

We've had corruption in the City of New York with campaign finance, people running just so they can take a taxpayer check and pay themselves and their buddies and their consultants, having no desire or interest to actually serve or even win. That's coming to a theater near you soon.

So this has nothing to do with that. You know, that argument is out there. You look at all the cases of, quote, unquote, corruption and all the people that have been sort of

swallowed by those problems, and none of it has to do with them.

And anyway, there are exceptions. Right? So you could still have multi-million-dollar real estate holdings -- right, commercial real estate in Manhattan or wherever -- and receive millions of dollars in rental income. I'm sure you could do that as an absentee member of the Assembly -- of the Senate somehow. Right? Manage all your properties, make millions, that's okay.

I remember one of the reasons why we needed to do this, it was suggested, was, well, you look at the former governor, wrote a book. You can still write a book. It's there, you can write a book. Royalties.

Mr. President, there's an idea. There's an idea. I've been here long enough. I've seen a lot of interesting things. We could all write a book. It would certainly be engaging reading, if not disturbing. I've seen a lot. Senator Savino's seen a lot. Those of us who have been here have seen a lot. Write a book. That was the evil we were going to cleanse ourselves of: Oh, that governor, he wrote a

book, he made millions, evil. You can still write a book.

So there are a lot of exceptions even here. It's just there's exceptions for certain people. I would argue that some of the things you can still do would take far more time, Senator Krueger, away from your responsibilities and duties as a member of the Senate. It probably takes a lot of work to write a book. It probably takes a lot of work to manage your commercial real estate portfolio. It probably takes a lot of work.

You can still have -- and I agree with this, you can still have capital gains. It probably takes a lot of work and a lot of time to manage your multi-million-dollar investment portfolio. Right? If you were lucky enough to be born rich or made it before you got here or while you got here or whatever, you can still do that.

There are people that are doing that. They've made a lot of money off their investments. It doesn't happen by accident, you've got to manage it. You've got to go out there, you've got to do work, you've got to do

things. There are pitfalls there, there are temptations there, there are all sorts of things that are talked about in terms of why that might not be a good idea. It exists, with all these exceptions.

But again, for me, the biggest issue is that you will end up with a legislature one day, God forbid, comprised of members that really don't live the same kind of lives as the people they represent, that really don't have the same interests as the people they represent. And when that happens, when that happens, you are not going to have a legislature of the people. You are not going to have a legislature that even understands and appreciates what is the right thing to do and what is the wrong thing to do.

And in spite of some of the arguments by a few people out there that really -- I don't know what their qualifications are. I don't mean people in this body, I mean out there, the busybodies, the critics, whose only qualification seems to be able to send out tweets and criticize everything and have no skill of their own, but they do it.

At the end of the day, even the

thing they say that this will do will be so far from the truth. And by then it will be too late. You're not going to end up with -- here's another prediction. I hope I'm wrong, I'll say it again. You're not going to end up with less corruption, Mr. President. You're going to end up with more corruption. That is the nature of the way things work.

And the final thing I'll say -- applause, that's an applause line.

(Pause; laughter.)

SENATOR LANZA: The final thing I'll say, Mr. President, is the Constitution. And it matters. It does matter. You know, we're a state of laws, a land of laws. I believe, in my humble opinion -- I said not too long ago, a couple of months ago that there was a bill passed here that the Governor signed that I believed, in my legal opinion, was unconstitutional. I think so far it seems to be trending that way in the courts. I think ultimately it will end up that way, there's no doubt in my mind.

I think there is a serious constitutional issue here as well. I think this redefines the qualifications to become a member

of the Assembly, to become a member of the Senate. You know, it's analogous, Senator Myrie -- like the Constitution of the United States says that to be president -- you should look into it -- it's 35, you have to be 35 years old, you have to be a citizen of this country. If Congress were to propose a law that said you can run for president at 22, it would be unconstitutional because it would change the qualifications.

I think if you read the New York State Constitution, which establishes this body and the Assembly -- my attorney friend Senator Savino is shaking her head -- I believe that this changes the qualification, this puts in place a new qualification to become a member of the Senate or a Member of the Assembly.

And therein lies, I believe, the constitutional issue, which is yesterday you needed to be a citizen, yesterday you needed to be of a certain age, yesterday you needed to be a resident of your district. And tomorrow, metaphorically, you're going to also need to be a person that does not have an outside job with certain income.

And that, to me, means that you are changing the qualifications to become a Senator or a Member of the Assembly. And I believe therefore that this means that this bill is in violation of the Constitution. I know our Governor had no problem signing the last unconstitutional bill. I'm sure she'll sign this bill as well.

But for all those reasons, Mr. President, I believe this is bad public policy. I think the timing of this raise is horrific and it is really insulting to the people who can't -- that we represent who are finding a hard time making ends meet. The constitutional issue. The loss of a citizen legislature. I think those are all reasons why this is bad public policy and why I'm going to, at the proper time, vote in the negative, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect January 1, 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Tedisco to explain his vote.

SENATOR TEDISCO: Thank you, Mr. President and my colleagues.

All of us here today went through a process that I defined a while back as a savage attack on representative democracy. It was called the New York redistricting process. And it went through several different permutations. It finally got to the Court of Appeals, and the Court of Appeals basically validated that and said it was totally unconstitutional.

And then we went through a process to get new districts, and we all have new districts, changed a little bit. And I'll tell you, my 49th Senatorial District which I have right now is a wonderful district. When I move into the 44th next year, it's a wonderful district. They're kind, they're caring people.

They're going to go through some very holy holidays coming up and celebrate that. But they're also going to join their families and provide gifts for their families. And that's always a challenge for them: What do I get for my dad, what do I get for my brother?

As they contact me as their representative, they have a very important gift that they'd like me to say that we could give to you, and it is the best possible hearing aids that New York has to offer. Because they think, and I believe they're right, you're totally tone-deaf. You're not hearing.

I read three papers a day, and apparently you don't read the papers or listen to the media, because we're facing some of the worst inflation in more than 30 years. And in the worst inflation in 30 years, shortly the New York State Thruway, faceless bureaucrats, those who are not elected, those who said at one point it would be totally free to have a Thruway, our main construction system -- totally free -- it's going to provide a 75 percent increase to our impoverished population, the people who least can afford to put $30, $50, $80 inside an account and

let it languish there.

Where they spent 60 cents to bring their sons or daughters to the doctor's on the Thruway, they're going to get a bill for $2.60, because they're not E-ZPass users and it's a 75 percent increase. That's what's happening out there in the community.

Shortly, in a week and a half, you know this, you're going to add 16 cents on a gallon of gasoline for the 19.5 million people in New York State. For those who have to fill up their tank that may be $3 or $4, you're going to add 16 cents -- in the midst of a time where we're paying close to 1¾ or close to twice the amount they usually pay for gasoline.

And to pour some salt in the wound at this time, you brought us back here -- and I don't know if you know this or researched it, because I looked at it, I talked to the professionals, from our constituents who are leaving -- you're using thirty or more thousand dollars, thirty to $35,000 to get in this room today, to bring us all back. Now, I would think using $35,000 of my constituents' and constituents across the state's money to do some good things

here that would affect their quality of life, that might --

ACTING PRESIDENT BAILEY: Senator Tedisco, in the spirit of the holidays, I'm going to give you 30 more seconds. But you're past your two minutes to explain your vote.

SENATOR TEDISCO: Okay.

You might have taken care of the Thruway system, you might have eliminated the gasoline tax, but you didn't do that. You came here for one reason, aggrandize yourself and make you the highest paid in salary group of legislators in the United States of America. If that's not tone-deaf and shameful, I don't know what is.

You gave yourself a tremendous bonus for the holidays. You know what you gave your constituents? The largest lump of coal that anybody has ever received. Even the Grinch, who you probably conferenced with before you came out here and gave you some direction --

ACTING PRESIDENT BAILEY: Senator Tedisco --

SENATOR TEDISCO: -- couldn't get that lump of coal --

ACTING PRESIDENT BAILEY: Senator Tedisco, how do you vote?

SENATOR TEDISCO: -- down the top of the chimneys.

ACTING PRESIDENT BAILEY: Senator Tedisco --

SENATOR TEDISCO: That's how bad this is.

ACTING PRESIDENT BAILEY: Senator Tedisco, how do you vote?

SENATOR TEDISCO: I'm going to vote no.

ACTING PRESIDENT BAILEY: Senator Tedisco in the negative.

Thank you, Senator Tedisco.

Senator Rath to explain his vote.

SENATOR RATH: Thank you, Mr. President.

First of all, hello to all my colleagues, and happy holidays.

While many New Yorkers are working hard to make ends meet this holiday season, and many are living paycheck to paycheck, today this New York State Legislature is absolutely tone-deaf to their financial plight. The work we

are proposing here today is nothing short of shameful.

Instead of the transparent and accountable government that New Yorkers want, what our great state residents are settling for and what they're winding up with out of this state legislature is a legislature that is laser-focused, and I mean laser-focused, on lining their pockets with a 29 percent pay increase. Amazingly, this $32,000 increase in pay, just weeks after Election Day, is all for a part-time job. This raise would make New York State legislators the highest-paid in our nation, further contributing to our highest-in-the-nation tax status.

It is particularly frustrating to me that after months of political campaigns and hearing about pressing taxpayer issues such as public safety concerns and runaway inflation, New York Democrats have shown through their actions today that their top priority is a pay increase. This is absolutely unacceptable, and it is a complete betrayal of the voters' trust.

Making matters worse, we are called to a special session right here today on the eve

of a historic storm sweeping across our state, and in the middle of the holiday season, to make this vote. If this Majority and my colleagues on the other side of the aisle truly believe that this is warranted, they should have had the guts to express this six months ago in front of the voters or during a regular State Senate session.

Unfortunately, once again we are reminded today, once again we are reminded how truly out of touch this New York State government has become. I must ask this to my colleagues: How on earth do you justify this action here today?

So for these reasons, Mr. President, I will be voting in the negative, and I urge all of my colleagues to do the same.

Thank you.

ACTING PRESIDENT BAILEY: Senator Rath to be recorded in the negative.

Senator Jordan to explain her vote.

SENATOR JORDAN: Thank you, Mr. President.

There are two points I will make, and they have been made but I will reiterate them so that everyone is sure to hear and pay

attention.

First, how dare the Majority put a pay raise through for legislators just because you can? Because you can in this state, where one party rules. How extremely selfish and how boorish to do this to the people who pay your salaries, the already overburdened taxpayers who are struggling to pay for their needs. I'm not talking their wants, I'm talking needs, like heat for their homes, gas for their cars so that they can drive to their jobs, food for their families.

Every person in here knew what this job paid when you ran for election. If the job didn't pay enough for you, then you should have found employment elsewhere. Unless, unless this pay raise was something that you planned all along. Did any of you bring this issue up during the campaigns? Of course not. Why? Because you know the voters, our constituents, our employers, wouldn't go for it. Not in these times of inflation, in a state that is already costing everyone way too much to live here.

The second point I have to make is that this bill also carries the proviso limiting outside income for state legislators. By

limiting outside income while serving, you are redefining who may serve and excluding those with incomes more than $35,000, which I find is rather ironic in this world where inclusivity is stressed ad nauseam.

You are carving out a job description of professional legislator. In this bill there is no room for the citizen legislator, and that will result in Albany politicians being further disconnected from the real world and the true state of New York State's economy. How ludicrous and harmful that would be to the people we serve.

We look to our members, who are restaurateurs, builders, pharmacists, lawyers, store owners, chiropractors, real estate agents, farmers, food scientists, school bus operators, business owners to fill us in on the nitty-gritty of what hurts and what helps them. This gives us a true picture of what should or should not be acted upon.

If we want to redefine who should be a legislator, maybe we should turn today's bill totally around and say that a legislator must have a family, must be in business or have

another profession, must own property that they pay taxes for, because then the legislator would truly understand which legislation would harm or help society. What do you think of that?

For all of --

ACTING PRESIDENT BAILEY: Senator Jordan, we're approaching three minutes. If you can conclude, please.

SENATOR JORDAN: I will just say that I will vote a commonsense no, and I would wish that some of my colleagues across the aisle would change their votes to no as well.

ACTING PRESIDENT BAILEY: Senator Jordan to be recorded in the negative.

Senator Martucci to explain his vote.

SENATOR MARTUCCI: Thank you, Mr. President.

I've only been here in this room with all of you for two years. And while my time here is short, I'll start by saying I'm blessed to have made friendships that I know will last me a lifetime.

And I've come here to fight every single day on behalf of the people back at home,

even when, on days like today, the outcome was a foregone conclusion even before making my trip here. And all of us in this room have made a difference in our districts, a significant difference. And I'm proud to have worked with all of you, not only on this side of the aisle but also the other side of the aisle, for my constituents back home. And I thank all of you for your help in helping me do my job better. It really is a team effort. And that's an effort that I personally, Mr. President, will never forget.

In short, what I'm saying is that I've seen the best in all of my colleagues. I've seen my colleagues, both Democrats and Republicans, put the needs of their constituents before the needs of themselves. And not just once, but day after day, again and again. After all, that's why most of us are here, right?

That's why I'm saddened today that many of my colleagues on the other side of the aisle will be voting for this pay raise. During this time of year we should be renewing ourself and our focus to care for each other, care for one another, and in particular in this job, to

make sure that we're caring for our constituents. And voting yourself a $32,000 pay raise is not caring for your constituents, Mr. President. It's downright disrespectful.

There are many things that we could be doing here today. We could be addressing public safety. We could be passing a tax cut. We could be protecting our brave men and women in the fire service by passing Billy's Law. But today we're doing none of that. Today we're here and you're writing yourselves a big fat check on the backs of the people that you say you come here to fight for. Frankly, it's beneath this body. It's beneath the dignity and camaraderie of this chamber. And again, for that I'm sad.

Mr. President, I'm obviously voting no on this bill. I urge all of my colleagues, both Democrats and Republicans, to join me, because our constituents deserve better. I know that we're capable of better, because I've seen it myself. And I'm sad that this will be my last memory in the Senate.

And despite my affection for all of you, I will be voting strongly in the negative and urge my colleagues to do the same.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Martucci to be recorded in the negative.

Senator Krueger to close.

SENATOR KRUEGER: (Inaudible) -- colleagues. I'm a little shocked at some of the things that have been said.

I'm going to go to the concept of a citizen legislator and what that has meant in our history. That's what our founding fathers said. Guess what? They all needed to be white men who owned property. Not women, not people of color, not people who had actual other family responsibilities. Because if you were a property-owning member of the original Congress, you were a wealthy person.

Then I've heard attacks on wealthy people who might want to be here. I've heard attacks on people who don't have jobs who want to be here.

The only thing that matters to be here is that you care about this state, you are a citizen, and you can convince people that they ought to vote for you to represent them. Each of us in this room has met those standards, and yet

so much more.

But what I'm particularly concerned about is the statement that if we raise our salaries, we are somehow doing a disservice to our constituents. If we don't get the best and brightest to want to run for office, to be willing to put in the time and the hours on behalf of our constituents, who are willing to fight out the very hard fights -- and many of you listed critical issues to you and to us. And I'm not going to spend my time today saying, Well, actually we did a lot of good things in the previous session that I'm very proud of on behalf of our constituents, and the voters put us back to do more in the next two years. And they decided, even though some of these were political speeches, that they would actually reelect a Democratic majority to continue to work on their behalf with our Republican colleagues.

But the assignment today is to make sure that the people can both do these jobs with honor and integrity, not corruption, and also be able to pay their rent and feed their children and take care of themselves, and I believe hopefully to not have to do a second job that

might take them away from their responsibilities as a Senator.

And I'm not worried that people who have no skin in the game will be the ones rushing forward into the Legislature. Because with all due respect, if the only thing you can imagine doing to make money is to join the New York State Senate, you don't have much vision or much talent.

(Laughter.)

SENATOR KRUEGER: We're here for the right reasons. You should want us to actually not be in panic about our paychecks, and you should want us focusing our jobs for our constituents. And I'm confident, looking around this room, that that's exactly what we'll be doing the minute we get back here when the holidays and the New Year are over.

I also just want to highlight, again, the reference to in Texas they make $7,000 a year. Well, guess what? In Texas they're all rich white men who have property. So they haven't even learned a lesson from the original rep --

SENATOR SAVINO: Are any of them

single?

SENATOR KRUEGER: Excuse me?

SENATOR SAVINO: Any of them single?

(Laughter.)

SENATOR KRUEGER: I was going to say I was going to miss Diane Savino and many of my colleagues who aren't coming back, but she completely threw me off my cadence at a really important point. Shame on you.

I am proud that we are doing this. This is not the wrong thing to do, it is actually the right thing to do -- not just for ourselves, but for the people coming in, for the people we hope will come in after them. And the people who are thinking about whether they should decide to run for the Legislature, whichever party, whichever district, I don't want them saying, I can't do this, as much as I'm passionate to do it, because I might not actually be able to meet my bills.

And I, yes, understand that it is more than the average salary or the median salary for New York State. It's not an average job either. It doesn't even require an average

person. It requires a person prepared to be extraordinarily overcommitted to the public good. Because anyone who's here for any other reason shouldn't be here, and it has nothing to do with salary.

And I again encourage each person who said it was an outrage or an embarrassment or shame on us -- I can give you the address for Tom DiNapoli's office. You can send him a letter explaining you don't wish the salary raise, and you won't get it. And you can go home and explain to your constituents why your passion about this was so strong you turned down the increase in your salary. I will not be sending that letter.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT BAILEY: Senator Krueger to be recorded in the affirmative.

Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President. I thought they had saw me raise my hand before, so I apologize.

But, you know, I can't think of a more selfish reason that we're here today. Quite

frankly, it's despicable. It just shows, once again, how tone-deaf and uncaring this Majority is.

How do you guys go home and talk to the single parent or Mr. and Mrs. Senior that are struggling and they're saying, Gosh, I don't know how I'm going to pay for my gas, for my fuel oil -- let alone buy gifts for their families, right? It's the holiday season. It's supposed to be the season of giving. Right? Instead, it's the season of taking. Once again, the picture is going to be greedy politicians sticking your hands in the pockets of the people who quite frankly don't have any more to take. How do you do that?

You know, they said it's going to be over $6 million a year. Think about what that $6 million could do for HEAP, right, for people for heating oil, for the utilities right now, that are really, really struggling.

You know, if you really think that this is a great idea and you think that the public is going to say that you're deserving of this, then why don't you put it out to the public for a vote? I actually had a bill that would do

that. Right? If the pay commission said that you should get the pay raise, then it should go out to the public for a vote. That's only fair.

So I will proudly vote no, Mr. President. Thank you.

ACTING PRESIDENT BAILEY: Senator Serino to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 1927, those Senators voting in the negative are Senators Borrello, Brooks, Gaughran, Griffo, Helming, Jordan, Kennedy, Lanza, Liu, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Reichlin-Melnick, Serino, Skoufis, Stec, Tedisco and Weik.

Ayes, 33. Nays, 23.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Is there any further business at the desk?

ACTING PRESIDENT BAILEY: There is no further business at the desk.

SENATOR GIANARIS: In that case,

let me wish all my colleagues a Merry Christmas for those celebrating, a happy holiday season, a wonderful New Year, and we will see you in January.

I move to adjourn to a date and time at the call of the Temporary President of the Senate, intervening days being legislative days.

ACTING PRESIDENT BAILEY: Happy holidays to all, Senator Gianaris.

And on motion, the Senate stands adjourned until the call of the Temporary President, intervening days being legislative.

(Whereupon, at 2:00 p.m., the Senate adjourned.)