

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 31, 2023

11 12:18 p.m.

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13
14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate
will come to order.

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

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

ACTING PRESIDENT MAYER: 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 MAYER: Reading of
the Journal.

THE SECRETARY: In Senate,
Thursday, March 30, 2023, the Senate met pursuant
to adjournment. The Journal of Wednesday,
March 29, 2023, was read and approved. On
motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Stavisky

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 1060A and substitute it for
3 the identical Senate Bill 1043A, Third Reading
4 Calendar 153.

5 Senator Krueger moves to discharge,
6 from the Committee on Finance, Assembly Bill
7 Number 3002 and substitute it for the identical
8 Senate Bill 4002, Third Reading Calendar 587.

9 ACTING PRESIDENT MAYER: So
10 ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Good afternoon,
19 Madam President.

20 Amendments are offered to the
21 following Third Reading Calendar bills:

22 By Senator Parker, Calendar Number
23 233, Senate Print 2474;

24 By Senator Comrie, Calendar Number
25 447, Senate Print 630.

1 ACTING PRESIDENT MAYER: The
2 amendments are received, and the bills will
3 retain their place on the Third Reading Calendar.

4 Senator Gianaris.

5 SENATOR GIANARIS: Can we now take
6 up previously adopted Resolution 605, by
7 Senator Bailey, read that resolution's title, and
8 recognize Senator Bailey.

9 ACTING PRESIDENT MAYER: The
10 Secretary will read.

11 THE SECRETARY: Senate Resolution
12 605, by Senator Bailey, mourning the death of
13 Bobby Caldwell, music industry icon, brilliant
14 artist, and inspiration to millions around the
15 world.

16 ACTING PRESIDENT MAYER: Senator
17 Bailey on the resolution.

18 SENATOR BAILEY: Thank you,
19 Madam President.

20 "What You Won't Do For Love" -- it's
21 a statement. One of the best love songs of all
22 time by one of my favorite artists of all time,
23 Bobby Caldwell. We lost him last week.

24 But there's a really interesting
25 story about Bobby Caldwell. You know, Bobby

1 Caldwell was a world-renowned artist who made a
2 lot of incredible music, but he was what they
3 called a "blue-eyed soul" singer. And "blue-eyed
4 soul," for those of you who don't know, is when
5 soul music is sung by people who are not
6 necessarily African-American, Madam President.

7 And music is one of those things
8 that can unify all of us, regardless of what we
9 look like. And I think Bobby Caldwell teaches us
10 never to judge a book by its cover. Because the
11 story is, as legend would have it -- but actually
12 as it would be true -- is that the record
13 executives did not think that Black audiences
14 would like Bobby Caldwell because he was a white
15 man. But he sung with such soul.

16 So when his album came out, they
17 took a picture of him that he liked, and they
18 actually had a silhouette of him, so that you
19 would not be able to tell whether -- that he was
20 not an African-American. And as legend would
21 have it, he went to a concert and the audience
22 was stunned that Bobby Caldwell in fact was not
23 Black.

24 But again, Madam President, it shows
25 that soul is soul. And if you have it in your

1 soul, it doesn't matter what you look like or
2 where you come from. Because "What You Won't Do
3 For Love" is one of the greatest songs of all
4 time. And one of our also dearly departed
5 artists, DMX -- hailing from your town of
6 Yonkers, New York, Madam President -- "What You
7 Won't Do For Love" was DMX's favorite song. And
8 he would sing it at karaoke places. It's been
9 world-renowned on the internet. It's pretty
10 awesome.

11 And I speak about hip-hop -- Bobby
12 Caldwell was sampled by so many artists in using
13 interpolations of his music. And he continues to
14 live on in -- on a humorous note, there's a
15 comedian called KevOnStage, and he did a bit
16 about the day that he found out that Bobby
17 Caldwell in fact wasn't Black, that he almost
18 called out of work because it was so shocking and
19 so surprising.

20 (Laughter.)

21 SENATOR BAILEY: But we shouldn't
22 be surprised that music has the transformative
23 power to change lives and to change perceptions
24 of individuals. And sometimes maybe it takes
25 that silhouette for us to realize that we all

1 have common ground that we can build upon.

2 The last thing I'll say is that the
3 week before -- excuse me, that same day -- the
4 day before Bobby Caldwell died on Tuesday, I was
5 coming up here on Monday and I was listening to
6 shuffle, and it had Bobby Caldwell's song "Open
7 Your Eyes," which was sampled by the artist
8 Common in his song "The Light." And may we all
9 open our eyes to the great wizardry of
10 Bobby Caldwell, who left us far too soon.

11 And, you know, I'll rap on the floor
12 but I'll never sing on the floor,
13 Madam President, but "What You Won't Do for Love"
14 is one of the most incredible love songs ever.
15 If you've never heard of it, I would implore you
16 to go to whatever streaming service that it is
17 that you have -- or if you have the vinyl, it
18 sounds even clearer and cleaner.

19 But thank you, Madam President. I
20 vote aye.

21 ACTING PRESIDENT MAYER: Thank you,
22 Senator Bailey.

23 The resolution was previously
24 adopted on March 28th.

25 Senator Gianaris.

1 SENATOR GIANARIS: Can we now move
2 on to previously adopted Resolution 614, also by
3 Senator Bailey, read that resolution's title, and
4 once again recognize Senator Bailey.

5 ACTING PRESIDENT MAYER: The
6 Secretary will read.

7 THE SECRETARY: Senate Resolution
8 614, by Senator Bailey, mourning the death of
9 Willis Reed, legendary Hall of Fame Center for
10 the Championship New York Knicks, celebrated
11 NBA All-Star, MVP, and Captain.

12 ACTING PRESIDENT MAYER: Senator
13 Bailey on the resolution.

14 SENATOR BAILEY: Thank you,
15 Madam President. This is my Tim Kennedy
16 impression.

17 (Laughter.)

18 SENATOR BAILEY: Where's TK?
19 Where's TK?

20 (Laughter.)

21 SENATOR BAILEY: Oh, man.

22 But 50 years ago, if you know -- if
23 you know anything about me, you know I love rap
24 music and you know I love the New York Knicks.
25 And it's been 50 years since we won our last

1 championship. I think we're going to win it this
2 year, Madam President. I hope so. Hope springs
3 eternal.

4 But one of the driving forces in the
5 1970 and 1972 championships was The Captain,
6 Willis Reed. We lost him a couple of weeks ago.
7 One of the most pivotal moments of like Knick fan
8 lore, or fandom -- even though I wasn't around, I
9 read about it -- was in Game 7 of the 1970
10 championship. See, Game 6 he had sustained a
11 severe injury to his thigh. It was later found
12 out that it was going to be a tear of his thigh.
13 And they did not think that Willis would be able
14 to play, much less play successfully.

15 Willis limped out on the court to
16 one of the most raucous crowd noises ever in
17 Madison Square Garden, the world's most famous
18 arena, and he scored the first two baskets of the
19 game. And rarely ever would you say that four
20 points in a basketball game would change the
21 course of not just a game, not just a series, but
22 history. But Willis Reed's two buckets in the
23 opening minutes of that game changed the
24 trajectory of the New York Knick franchise.

25 He played 27 minutes in that game,

1 and he didn't have the greatest stat line, but
2 the fact that the intangible thing that
3 happened -- (child screaming in balcony) -- maybe
4 there are some Celtic fans or Brooklyn Nets fans
5 here --

6 (Laughter.)

7 SENATOR BAILEY: And I understand,
8 I understand.

9 (Laughter.)

10 SENATOR BAILEY: You know, but this
11 is the Knicks' year, so.

12 But Willis Reed was affectionately
13 known as The Captain. And sometimes when you're
14 in a leadership position, you don't have to have
15 the greatest stat lines. You don't have to score
16 the most points or get the most rebounds or the
17 most assists. Just your presence sometimes will
18 inspire those.

19 And I think Willis Reed's
20 presence -- and I would say I know Willis Reed's
21 presence, by virtue of the interviews that have
22 happened since, with other legends like Walt
23 "Clyde" Frazier and Earl "The Pearl" Monroe and
24 Dave DeBusschere and Bill Bradley and so many
25 other Knick legends. And they said that

1 Willis Reed's presence on the court that day gave
2 them a rush, that they knew that they can beat
3 those Lakers. Those Lakers that were anchored by
4 one of the greatest also of all time, Wilt
5 Chamberlain. And that team was no -- there were
6 no slouches. And so for Willis Reed to be able
7 to play and do that was incredible.

8 He had a -- he went on to coach, he
9 went on to be an executive in the front office
10 with the New York Knicks, and he did a lot of
11 community, you know, give-backs in his time. But
12 I would just say that, you know, he -- you know,
13 sometimes in this town -- New York City is, I
14 think, the greatest sports town ever. And I
15 happen to believe that when the New York Knicks
16 are good, there is nothing like it in the entire
17 city. And we've been waiting 50 years for a
18 championship in New York City, and I'm hopeful
19 that when we get that, there's going to be
20 somebody else who rises to the occasion like
21 The Captain did.

22 So may God bless the memory of
23 Willis Reed, No. 19, born out of Louisiana, went
24 to an HBCU, historically Black college or
25 university -- you know, very important to note

1 that. And Willis, you know, if you're a
2 Knick fan, you know that No. 19, The Captain,
3 he's going to live forever in Knick fan lore.
4 And maybe when we win the championship and we go
5 on to -- go to the Canyon of Heroes soon,
6 Madam President, we can hold up a banner in his
7 honor.

8 Thank you, Madam President.

9 ACTING PRESIDENT MAYER: Thank you,
10 Senator Bailey.

11 Senator Sepúlveda on the resolution.

12 SENATOR SEPÚLVEDA: Thank you,
13 Madam President, for allowing me to speak on this
14 resolution.

15 I remember -- first of all, I have
16 nothing but the utmost respect for my colleague
17 on his choice of the Knicks. I question his
18 choice on baseball, being a New York Mets fan,
19 but that's for another discussion.

20 (Laughter.)

21 SENATOR SEPÚLVEDA: I remember
22 being six years old in 1970 and walking into the
23 living room, where they had the black-and-white
24 TVs, and my uncles screaming at the top of their
25 lungs because some guy named Willis Reed was

1 coming back into the game -- I remember Wilt
2 Chamberlain apparently had 45 points, 27 rebounds
3 in Game 6 -- so he went to the coach and says
4 "Put me in no matter what."

5 It was at that moment that I fell in
6 love with the game of basketball. And I was so
7 honored when the Knicks won again in 1973.

8 But I don't think many people know
9 that Willis Reed was also Rookie of the Year, he
10 was an MVP, and he was an executive in
11 basketball, one of the first ones, and also a
12 person who fought for civil rights and social
13 justice throughout his entire life.

14 And so I have nothing but the utmost
15 respect for Willis Reed. He will always live in
16 Knick lore, and hopefully the Knicks in the
17 immediate future will win the title, although I'm
18 not too hopeful.

19 Thank you.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Sepúlveda.

22 The resolution was previously
23 adopted on March 28th.

24 Senator Gianaris.

25 SENATOR GIANARIS: Thank you,

1 Madam President.

2 To correct the record,
3 Senator Bailey has the best taste in sports teams
4 of all sports.

5 (Laughter.)

6 SENATOR GIANARIS: And I know he
7 would like to open these resolutions for
8 cosponsorship, Madam President.

9 ACTING PRESIDENT MAYER: The
10 resolutions are open for cosponsorship. Should
11 you choose not to be a cosponsor on the
12 resolutions, please notify the desk.

13 Senator Gianaris.

14 SENATOR GIANARIS: Please take up
15 the reading of the calendar.

16 ACTING PRESIDENT MAYER: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 153, Assembly Print Number 1060A, by
20 Assemblymember Paulin, an act to amend the
21 Education Law and the Public Health Law.

22 ACTING PRESIDENT MAYER: Read the
23 last section.

24 THE SECRETARY: Section 6. This
25 act shall take effect 18 months after it shall

1 have become a law.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Senator
6 Canzoneri-Fitzpatrick to explain her vote.

7 SENATOR CANZONERI-FITZPATRICK:
8 Thank you, Madam President.

9 I have some concerns regarding this
10 bill. I understand the purpose, and I do applaud
11 that. However, as a mom of four who -- you know,
12 we have various health issues that are
13 contraindicated by some of these drugs that are
14 being able to be prescribed. And the scenario
15 that I can see is that a minor could go to a
16 pharmacist and get hormone replacement drugs or
17 hormone contraceptives and then not have the --
18 and opt out of the ability for the pharmacist to
19 consult with their primary care physician.

20 Some of these drugs have, you know,
21 blood-clotting issues and other
22 contraindications. And without the ability for a
23 pharmacist to then consult with a primary care
24 physician, I think we're putting our minors in
25 great jeopardy to have other medical

1 contraindications.

2 So for that reason, I'm voting no on
3 this bill. Thank you.

4 ACTING PRESIDENT MAYER: Senator
5 Canzoneri-Fitzpatrick to be recorded in the
6 negative.

7 Senator Stavisky to explain her
8 vote.

9 SENATOR STAVISKY: Yes, thank you,
10 Madam President.

11 In response, let me just say that
12 with the repeal of Roe v. Wade, there has to be
13 an opportunity for women to access birth control,
14 and this is one method.

15 There are a lot of safeguards in
16 this legislation. For example, the pharmacist,
17 when he dispenses the drugs, has to do a
18 self-screening questionnaire for the client, for
19 the patient to fill out. There are additional
20 safeguards. He must within 72 hours refer the
21 patient to her primary care provider. And if
22 there is none -- and he notifies the primary care
23 provider.

24 There are a lot of safeguards. The
25 most important one, I think, is that he can

1 refuse to fill the prescription.

2 So for all of these reasons,
3 Madam President, I vote aye.

4 ACTING PRESIDENT MAYER: Senator
5 Stavisky to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 153, those Senators voting in the
9 negative are Senators Borrello,
10 Canzoneri-Fitzpatrick, Gallivan, Griffio, Lanza,
11 Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,
12 Stec, Tedisco, Walczyk. Also Senator Martinez.

13 Ayes, 48. Nays, 15.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 265, Senate Print 527, by Senator Thomas, an act
18 to amend the Vehicle and Traffic Law.

19 ACTING PRESIDENT MAYER: Read the
20 last section.

21 THE SECRETARY: Section 5. This
22 act shall take effect on the 30th day after it
23 shall have become a law.

24 ACTING PRESIDENT MAYER: Call the
25 roll.

1 (The Secretary called the roll.)
2 ACTING PRESIDENT MAYER: Announce
3 the results.
4 THE SECRETARY: In relation to
5 Calendar Number 265, voting in the negative:
6 Senator Walczyk.
7 Ayes, 62. Nays, 1.
8 ACTING PRESIDENT MAYER: The bill
9 is passed.
10 THE SECRETARY: Calendar Number
11 349, Senate Print 2796, by Senator Breslin, an
12 act to amend the Insurance Law.
13 ACTING PRESIDENT MAYER: Read the
14 last section.
15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.
17 ACTING PRESIDENT MAYER: Call the
18 roll.
19 (The Secretary called the roll.)
20 ACTING PRESIDENT MAYER: Announce
21 the results.
22 THE SECRETARY: Ayes, 63.
23 ACTING PRESIDENT MAYER: The bill
24 is passed.
25 THE SECRETARY: Calendar Number

1 408, Senate Print 2088, by Senator Kavanagh, an
2 act to amend the General Obligations Law.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 408, those Senators voting in the
14 negative are Senators Ashby, Borrello,
15 Canzoneri-Fitzpatrick, Gallivan, Griffio, Lanza,
16 Martins, Mattera, Murray, Oberacker, O'Mara,
17 Ortt, Palumbo, Rhoads, Rolison, Skoufis, Stec,
18 Tedisco, Walczyk, Weber and Weik.

19 Ayes, 42. Nays, 21.

20 ACTING PRESIDENT MAYER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 439, Senate Print 2820, by Senator Skoufis, an
24 act to amend the Highway Law.

25 ACTING PRESIDENT MAYER: Read the

1 last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 439, voting in the negative:
11 Senator Brisport.

12 Ayes, 62. Nays, 1.

13 ACTING PRESIDENT MAYER: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 459, Senate Print 945, by Senator Gianaris, an
17 act to amend the Election Law.

18 ACTING PRESIDENT MAYER: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect immediately.

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar Number 459, those Senators voting in the
4 negative are Senators Borrello,
5 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
6 Lanza, Martins, Mattera, Murray, Oberacker,
7 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
8 Tedisco, Walczyk, Weber and Weik.

9 Ayes, 43. Nays, 20.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 488, Senate Print 4742A, by Senator Cooney, an
14 act to amend the Alcoholic Beverage Control Law.

15 ACTING PRESIDENT MAYER: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 60th day after it
19 shall have become a law.

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Announce
24 the results.

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 498, Senate Print 3392, by Senator May, an act to
5 amend the Elder Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

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

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Senator
14 May to explain her vote.

15 SENATOR MAY: Thank you,
16 Madam President.

17 And I want to thank my colleagues.
18 I want to thank the Aging chair for having
19 brought this bill forward.

20 Naturally occurring retirement
21 communities, or NORCs, are a wonderful New York
22 State invention. They started in some of the big
23 high-rise apartment buildings in New York City,
24 where a lot of families moved in at the same time
25 when the buildings were built, and then they aged

1 together in those buildings. And eventually you
2 had a critical mass of people who were fairly
3 elderly and in need of services of various kinds.
4 And rather than moving them all to other kinds of
5 retirement communities, they banded together and
6 got services right there in their buildings.

7 And we in this state codified this
8 into law as a -- as something we were going to
9 support. And it expanded to something called
10 Neighborhood NORCs as well. So there are some
11 residential developments upstate that have been
12 designated as NORCs. But in a city like mine,
13 where we don't have high-rise apartment
14 buildings, we have smaller apartment buildings,
15 it's harder to create a NORC by the way the
16 statute is created.

17 So I am very proud that we are now
18 opening this innovation, this wonderful New York
19 tradition, to some of our smaller cities and
20 communities all across the state that may look a
21 little different from the communities where they
22 originally started.

23 So I am very pleased that we are
24 passing this today, and excited that this
25 opportunity will be available to seniors across

1 this state.

2 And I vote aye. Thank you.

3 ACTING PRESIDENT MAYER: Senator
4 May to be recorded in the affirmative.

5 Senator Cleare to explain her vote.

6 SENATOR CLEARE: Thank you,
7 Madam President.

8 I want to thank Senator May for this
9 very important bill.

10 And I rise not only to commend us
11 for passing this out of my committee, because it
12 will expand what NORCs are considered to be, but
13 also it provides standards for the winding down
14 of NORC communities to make sure that people are
15 not left without services. And you know, we're
16 going to be informing residents where they can
17 get commensurate supportive services.

18 I think it's so important that we
19 help our seniors age in place, help them stay in
20 the neighborhoods that they know and they're
21 familiar with. So I am very happy to support
22 this bill, and I proudly vote aye and ask
23 everyone else to do the same.

24 Thank you. Thank you, Senator May.

25 ACTING PRESIDENT MAYER: Senator

1 Cleare to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 525, Senate Print 4790, by Senator Rivera, an act
8 to amend the Social Services Law.

9 ACTING PRESIDENT MAYER: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the 180th day after it
13 shall have become a law.

14 ACTING PRESIDENT MAYER: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 525, those Senators voting in the
21 negative are Senators Borrello, Rhoads and
22 Walczyk.

23 Ayes, 60. Nays, 3.

24 ACTING PRESIDENT MAYER: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 535, Senate Print 4505A, by Senator Liu, an act
3 to amend the Education Law.

4 ACTING PRESIDENT MAYER: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect immediately.

8 ACTING PRESIDENT MAYER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER: Senator
12 Chu to explain her vote.

13 SENATOR CHU: Thank you,
14 Madam President.

15 I would like to thank Senator Liu
16 for introducing this important piece of
17 legislation that acknowledges and respects the
18 diversity of students throughout the State of
19 New York.

20 Our state is made up of various
21 cultures, religions and experiences, and that's
22 the beauty of New York. And that's why it is so
23 important to protect those who have been
24 historically targeted for their religious
25 practice.

1 Schools are a place of learning and
2 fostering positive environments, but for some
3 this is not the reality. And it is our
4 responsibility to change that for the better.
5 Particularly as we are in the middle of Ramadan,
6 we seek to respect the observance of these
7 students and ensure that they are protected from
8 all forms of discrimination.

9 And I'm proud to be a cosponsor of
10 this bill. For these reasons, I vote aye.

11 So thank you, Madam President.

12 ACTING PRESIDENT MAYER: Senator
13 Chu to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 547, Senate Print 3354, by Senator Skoufis, an
20 act to amend the Executive Law.

21 ACTING PRESIDENT MAYER: Read the
22 last section.

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

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 547, those Senators voting in the
7 negative are Senators Borrello, Helming, Murray,
8 O'Mara, Ortt, Walczyk and Weik.

9 Ayes, 56. Nays, 7.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 587, Assembly Print Number 3002, Assembly Budget
14 Bill, an act making appropriations for the legal
15 requirements of the state debt service.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT MAYER: The bill
18 is laid aside.

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

21 SENATOR GIANARIS: Can we please
22 move to the controversial calendar.

23 ACTING PRESIDENT MAYER: The
24 Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 587, Assembly Print Number 3002, Assembly Budget
3 Bill, an act making appropriations for the legal
4 requirements of the state debt service.

5 ACTING PRESIDENT MAYER: Senator
6 O'Mara, why do you rise?

7 SENATOR O'MARA: Thank you,
8 Madam President. Through you, if I believe
9 Senator Krueger would yield for a few questions
10 on this.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you yield?

13 SENATOR KRUEGER: Absolutely.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR O'MARA: Good afternoon,
17 Senator. Thank you.

18 Now, this bill is the first budget
19 bill we're bringing to the floor of this budget
20 cycle, with probably another eight or nine or so
21 bills to come.

22 How many of those other bills are
23 ready to proceed?

24 SENATOR KRUEGER: I don't believe
25 any of the other bills have gone to print yet,

1 Madam President.

2 SENATOR O'MARA: Through you,
3 Madam President, if Senator Krueger would
4 continue to yield.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KRUEGER: Yes, I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR O'MARA: Senator Krueger,
11 have the capital budget portions been agreed to
12 yet?

13 SENATOR KRUEGER: Again, none of
14 the bills have gone to print. Hence, everything
15 is still under negotiation except for the one
16 budget bill we have before us today.

17 SENATOR O'MARA: Through you,
18 Madam President, if Senator Krueger will continue
19 to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR KRUEGER: Yes, I do.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR O'MARA: Senator Krueger,

1 what is the outstanding debt obligation of
2 New York State?

3 SENATOR KRUEGER: State-supported
4 debt is currently \$58.5 billion for fiscal year
5 '23.

6 SENATOR O'MARA: Thank you.
7 Madam President, if Senator Krueger
8 will continue to yield.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR KRUEGER: Absolutely.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR O'MARA: Senator, the
15 New York State Constitution requires that state
16 bonding be voter-approved. Of that nearly
17 \$60 billion figure you mentioned, how much of
18 that has actually been approved by the voters of
19 New York State?

20 SENATOR KRUEGER: The general
21 obligation debt is \$2.2 billion, which has been
22 approved. The remaining debt are revenue bond
23 debts, which is \$56.2 billion.

24 And you are incorrect -- a 1994
25 case, Schulz versus State of New York,

1 established the state's revenue bond finance
2 program and its financing is in fact
3 constitutional debt and therefore is not a
4 problem.

5 SENATOR O'MARA: Through you,
6 Madam President, if Senator Krueger will continue
7 to yield.

8 ACTING PRESIDENT MAYER: Do you
9 continue to yield?

10 SENATOR KRUEGER: Yes, I do.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR O'MARA: Did the voters of
14 New York have any say in that additional revenue
15 bond debt that you mentioned in the \$50 billion
16 range?

17 SENATOR KRUEGER: The voters of the
18 State of New York have something to say about
19 what is in our Constitution. And when challenged
20 in court as to whether this was constitutional,
21 the courts ruled it was constitutional.

22 So I think it's reasonable to say
23 that the people of New York did have a say in our
24 Constitution and what it decides.

25 SENATOR O'MARA: Thank you.

1 Through you, Madam President, if
2 Senator Krueger will continue to yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR KRUEGER: Yes, I do.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR O'MARA: Senator Krueger,
9 how much non-state-obligated debt is there
10 through the various authorities of New York
11 State? How much is that? My figures tell me
12 it's in the range of \$330 billion.

13 SENATOR KRUEGER: We believe it's
14 approximately 224 billion through the
15 authorities. So a bit lower than your numbers
16 show.

17 SENATOR O'MARA: Thank you.

18 Through you, Madam President, would
19 Senator Krueger continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR O'MARA: How much of

1 that -- whether you're right at 230 billion or my
2 figure is right at 330 billion, or somewhere in
3 between -- how much of that has been approved by
4 the voters of New York State?

5 SENATOR KRUEGER: So of that,
6 roughly 60 billion is the state-supported debt.
7 And the remaining is -- so the remaining is under
8 the authority of the individual public
9 authorities to issue the debt. So that does not
10 go before the voters.

11 SENATOR O'MARA: Thank you,
12 Madam President. If Senator Krueger will
13 continue to yield.

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: I do.

17 But I just want to clarify my last
18 sentence. It's not technically state debt when
19 it goes through the authorities.

20 SENATOR O'MARA: Thank you.

21 So, Senator, it's not technically
22 state debt. And we're talking authorities like
23 the MTA, the Thruway Authority and other ones.
24 Those are probably two of the bigger ones that
25 people are familiar with.

1 What is the obligation of New York
2 State and New York State taxpayers to pay that
3 debt?

4 SENATOR KRUEGER: Excuse me. Just
5 to make sure I'm understanding the question
6 correctly, that is assuming that for some reason
7 the authorities were to default on their
8 obligations? Is that the question?

9 SENATOR O'MARA: Yes, that's the
10 question.

11 SENATOR KRUEGER: Thank you.

12 So my understanding is that if an
13 authority defaults on its debt, the
14 responsibility is the authority's, not the
15 State of New York.

16 It brings up an excellent question,
17 which I think is the really core of this
18 discussion today: What if governments fail to
19 pay their debts? And unfortunately, the answer
20 is crisis. Banks fail. Recessions start.
21 People lose their jobs. Pensioners are
22 disproportionately invested in bonds,
23 underwritten bonds the State of New York bonds
24 through our authorities. Truly, there would be
25 statewide crisis if not actually, with a state

1 the size of New York, national crisis.

2 So this is why I'm asking my
3 colleagues today to please vote yes on this bill,
4 because I feel very strongly we can't possibly do
5 anything that would put at risk the State of
6 New York and the money of so many people in the
7 State of New York if we failed to pay our debts
8 and if we started a train that we wouldn't be
9 able to stop of there being possible default on
10 debts owed by the State of New York or its
11 related authorities.

12 SENATOR O'MARA: Through you,
13 Madam President, if Senator Krueger will continue
14 to yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: I will.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR O'MARA: In light of that,
21 is there anything in this bill before us today
22 obligating the state to make payments on the MTA
23 debt, the Thruway Authority debt, other
24 authorities' debt?

25 SENATOR KRUEGER: No specifics, no.

1 SENATOR O'MARA: Through you,
2 Madam President, if Senator Krueger will continue
3 to yield.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR O'MARA: I agree with you,
10 Senator, that there certainly would be crisis if
11 any of these major authorities were to collapse
12 in debt.

13 And while New York State itself and
14 New York State taxpayers are not be obligated as
15 guarantors of that debt, would there really, for
16 all intents and purposes, be any choice but the
17 state and the New York State taxpayers to step
18 up and take the obligation of making good on that
19 debt for those authorities?

20 SENATOR KRUEGER: Knock on wood, we
21 have not had that situation occur in the State of
22 New York. So I don't know how the State of
23 New York would respond.

24 Since my colleague chose to use the
25 MTA as an example, I guess I would highlight that

1 if the MTA were to be in so much trouble that it
2 were to default on any of its debt, it would
3 clearly message that the MTA was in a complete
4 crisis and meltdown.

5 And since the economy of the
6 12 southern counties of this state are completely
7 dependent on a functioning MTA, that would by
8 definition trigger an economic meltdown in the
9 12 southern counties of the state, which are
10 often referred to as the economic breadbasket of
11 the state.

12 So I think something like that not
13 only would be a statewide crisis but would
14 require the State of New York to come up with an
15 answer fast.

16 So, is there an obligation in law?
17 No. Would there be an obligation in the sense of
18 our responsibility to the people of New York,
19 wherever they live, to make sure something like
20 this did not happen or then in fact domino
21 throughout the state -- and, I would argue, if it
22 was the MTA, the entire multistate region? Yes,
23 I think we would be required to take action to
24 make sure that didn't happen.

25 SENATOR O'MARA: Thank you,

1 Senator.

2 Madam President, if Senator Krueger
3 will continue to yield.

4 ACTING PRESIDENT MAYER: Senator
5 Krueger, do you continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR O'MARA: Senator, I agree
10 with you, and I have no doubt that this body and
11 the other house and the Governor would certainly
12 have to take action on that. Yet none of that
13 debt, I guess my point is, has been really
14 approved by voters, although for all intents and
15 purposes we'll be making good on it if need be.

16 But for all that authorities' debt
17 that's out there, none of that is accounted for
18 in this bill before us today that has
19 appropriation authority of up to \$15.6 billion
20 for payment of the state's outstanding
21 obligations, correct?

22 SENATOR KRUEGER: That's correct.

23 This bill is to guarantee to the
24 people we owe money to that we are going to
25 continue to pay money to them as our state fiscal

1 year rolls over to the next fiscal year. So it
2 is to assure the people who we have borrowed
3 money from and owe that money to that we are good
4 for our commitments, there is no reason for them
5 to be concerned that the State of New York will
6 not continue to pay the debts we owe them.

7 And those are the numbers within
8 this bill because those are the monies we, the
9 State of New York, owe them from our General Fund
10 budget and other categories within the budget.

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

13 Madam President, through you, if the
14 Senator will continue to yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: Yes, I will.

18 ACTING PRESIDENT MAYER: Yes, the
19 Senator yields.

20 SENATOR O'MARA: So my reading of
21 the bill with the \$15.6 billion of payment
22 authority in this bill, it -- there's only really
23 clarified payments of about 3.5 billion to
24 actually be made throughout the course of the
25 fiscal year out of that authority of

1 15.6 billion.

2 SENATOR KRUEGER: Basically
3 correct. We show 15.7, of which 3.5 billion is
4 cash. But I'm prepared to, you know, agree --
5 0.6, 0.7, about the same, yes.

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

8 Through you, Madam President, if
9 Senator Krueger will continue to yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR KRUEGER: Yes, I will.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR O'MARA: I would agree that
16 may well be a rounding error, up or down, to get
17 to that.

18 But anyway, so that leaves a gap of
19 slightly over \$12 billion for what we're
20 anticipating paying throughout the course of the
21 year than what we're approving to be paid over
22 the course of the year.

23 SENATOR KRUEGER: Approximately,
24 yes.

25 SENATOR O'MARA: Does that --

1 through you, Madam President, if Senator Krueger
2 would continue to yield.

3 ACTING PRESIDENT MAYER: Senator,
4 do you continue to yield?

5 SENATOR KRUEGER: Absolutely.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR O'MARA: Then does that
9 roughly \$12 billion of gap there, does that
10 account for what's projected to be approved in
11 the capital budgets that may be forthcoming?

12 SENATOR KRUEGER: So this would
13 give us the authority to do this much additional
14 borrowing.

15 But we sincerely don't know the
16 exact numbers because we haven't negotiated a
17 full budget, so it is quite possible that we
18 would be giving authority that would not be used
19 in the next year to actually borrow against.

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

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR O'MARA: Is this bill
4 giving authority to make payments on whatever new
5 debt may come out of the budget this year in
6 payments on that obligation?

7 SENATOR KRUEGER: Yes. Although
8 you usually don't end up having to start the
9 payments in the same months that you're borrowing
10 money. So conceivably there would be some
11 initial interest payments on money that was
12 borrowed in the fiscal year, but usually you're
13 talking about paying that money out in the
14 outyears.

15 SENATOR O'MARA: Through you,
16 Madam President, if Senator Krueger will continue
17 to yield.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: Yes, I do.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR O'MARA: Would you agree
24 that -- the figure I have is that there's
25 basically a projection in the draft budgets that

1 are out there now that there would be another new
2 about \$9.8 billion in new debt if the budget
3 bills actually come in kind of where we are now?

4 SENATOR KRUEGER: That's the
5 Governor's number, not our number. So we
6 sincerely don't know what the final number will
7 be at this time.

8 SENATOR O'MARA: Through you,
9 Madam President, if Senator Krueger would yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR O'MARA: What is that
16 number in the Senate's one-house bill, as far as
17 projected new debt?

18 SENATOR KRUEGER: In our one-house,
19 we believe that the approximate borrowing would
20 be 10 billion.

21 SENATOR O'MARA: Thank you,
22 Senator.

23 Madam President, if the Senator will
24 continue to yield.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR KRUEGER: Yes, I do.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR O'MARA: In the projected
6 3.5 billion of estimated payments that's being
7 approved in this bill, how much of that is
8 payments going towards the \$8 billion
9 Unemployment Insurance Fund loan that we owe the
10 federal government?

11 SENATOR KRUEGER: The unemployment
12 fund is a completely separate issue and set of
13 responsibilities, so none of this money relates
14 to paying back the federal loans to the
15 unemployment fund.

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

18 On the bill, Madam President.

19 ACTING PRESIDENT MAYER: Senator
20 O'Mara on the bill.

21 SENATOR O'MARA: I certainly concur
22 and fully support this house taking action on our
23 obligation to pay the debt that we have
24 outstanding.

25 And those payments here are roughly

1 in the range of \$3.5 billion. However, this
2 authorization goes far beyond that to provide
3 appropriation authority of \$15.6 billion, in
4 excess of \$12 billion -- for what, we don't know.
5 We don't have the budget bills before us to know
6 what that's going to be, and we certainly want to
7 pay our bills that are due.

8 So not that this bill in itself is
9 premature, because we're going to pass the budget
10 deadline in about 11 hours from now. We clearly
11 will not have a budget, so we want to make it
12 clear to our lenders that the state is going to
13 make good on its obligations. But those payments
14 for the year at this point are about
15 \$3.5 billion, \$12 billion less than what's being
16 approved through appropriation in this bill.

17 And yet even with that, none of the
18 \$8 billion owed to the federal government for our
19 Unemployment Insurance Fund is being paid for
20 through this debt service bill.

21 So I would urge a no vote, a no vote
22 on this bill as a whole. I certainly support the
23 payment and approval of paying our obligations of
24 the 3.5 billion and think that this body should
25 be approving that today, at the eleventh hour of

1 when a budget is due, because we can always come
2 back and amend this at the time we're passing the
3 rest of the budgets, particularly the capital
4 portions of the budget, that will change what the
5 bonding might be throughout the year and what the
6 payments might be.

7 And I don't think we need a gap on
8 our obligation of 3.5 billion, that we need
9 another 12 billion approval on top of that at
10 this point.

11 Thank you, Madam President. I would
12 urge a no vote and that this bill be amended to
13 cover the 3.5 billion at this point and then
14 modified, amended, as we get the rest of the
15 budget put together. Thank you.

16 ACTING PRESIDENT MAYER: Thank you,
17 Senator O'Mara.

18 Senator Walczyk, why do you rise?

19 SENATOR WALCZYK: Through you,
20 Madam President, I wonder if the chair on Finance
21 would yield for some questions.

22 ACTING PRESIDENT MAYER: Senator
23 Krueger, do you yield?

24 SENATOR KRUEGER: Of course I do.

25 ACTING PRESIDENT MAYER: Yes, the

1 Senator yields.

2 SENATOR WALCZYK: Do we have a
3 financial plan for '23-'24 in writing right now
4 for the State of New York?

5 SENATOR KRUEGER: We have the
6 Governor's proposed, with her Executive Budget.
7 We have the version we gave out to you for our
8 one-house. I'm sure the Assembly had one also.

9 But since we continue to negotiate
10 pretty much all of the revenue and expenses for
11 the State of New York for the coming year, no, we
12 do not have a final one.

13 SENATOR WALCZYK: And through you,
14 Madam President, would the sponsor continue to
15 yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: I do.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR WALCZYK: When was the last
22 public hearing on any of these budget bills or
23 this process?

24 SENATOR KRUEGER: You mean the last
25 budget hearing?

1 SENATOR WALCZYK: Yeah, we sat in
2 the room together --

3 SENATOR KRUEGER: No, I remember,
4 I'm just trying to remember the last date. I
5 want to say it was -- the 27th? The 27th of
6 February, I believe.

7 Do you know the answer? Was this a
8 test question? I spent a lot of days in that
9 room.

10 SENATOR WALCZYK: Through you,
11 Madam President, I think it was right around the
12 end of February, beginning of March, I think was
13 the last time we heard from the public on this
14 budget, a month ago.

15 SENATOR KRUEGER: Oh, no. We keep
16 hearing from the public on this budget. I could
17 give you my emails from literally when I've been
18 in this room.

19 March 1st was the last hearing,
20 excuse me.

21 SENATOR WALCZYK: March 1st.

22 Through you, Madam President, would
23 the sponsor continue to yield.

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: Yes, I do.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR WALCZYK: So this is the
5 fist budget bill that we're taking up, the debt
6 service bill. Are the other nine or 10 bills in
7 print today as we take this up?

8 SENATOR KRUEGER: You know, I
9 believe Senator O'Mara asked me that question and
10 I said this was the only bill in print today.

11 SENATOR WALCZYK: Thank you.

12 Madam President, on the bill.

13 ACTING PRESIDENT MAYER: Senator
14 Walczyk on the bill.

15 SENATOR WALCZYK: So this is the
16 debt service bill in the State of New York. This
17 pays the state's mortgages and loans to the tune
18 of \$66 billion. It also pays the minimum on the
19 state's credit card.

20 And what this body is bringing
21 forward here today is asking that credit card to
22 increase our limit without knowing what we are
23 even going to spend. The Governor proposed
24 \$127 billion; you proposed 136 billion.

25 This is not your money. This is not

1 the Governor's money. This is not your debt that
2 you're accruing or planning for. This is not an
3 increase in a credit card that you have in your
4 wallet. This is the increase of the taxpayer of
5 the State of New York in the future generations
6 in this state. It belongs to your children, your
7 grandchildren, and your grandchildren's
8 grandchildren.

9 Do you think this state should pay
10 the bills? Of course. Yeah, we think we should
11 pay the bills. But this budget is due at
12 midnight tonight. We have no idea what the
13 spending plan is. Nothing is in print. And we
14 haven't heard from the public, as you can hear,
15 officially on what any plan is. Sure, you hear
16 feedback, but it's feedback into darkness,
17 because there's been no public hearings in over a
18 month.

19 There's a total lack of
20 transparency, and there's absolutely no excuse
21 for it. You're spending other people's money and
22 you're assuming debt on their behalf without a
23 spending plan.

24 Madam President, I vote no.

25 ACTING PRESIDENT MAYER: Senator

1 Tedisco on the bill.

2 SENATOR TEDISCO: Thank you,
3 Madam President.

4 The fact that this is the debt
5 service bill, where there's really not much
6 debate about this on your side, I don't think,
7 and nine other parts of the bill are not ready to
8 be discussed on behalf of the people of State of
9 New York -- I hate to have to say this to you,
10 but arguably you have failed to do the most
11 important thing you are elected to do, and that
12 is pass a good, balanced, timely budget which
13 helps the quality of life in the State of
14 New York and makes sure we keep people in this
15 state.

16 And I think we all realize that all
17 levers of power are controlled by my colleagues
18 on that side and the colleagues on the other side
19 in the Assembly, and the Governor.
20 Super-majorities. You've been given a
21 super-majority in this house, in the Assembly a
22 super-majority. You have a Governor of your
23 affiliation. If I had to define the process to
24 get to this point, we don't know what the final
25 process will look like right now. We know this

1 is a part of it, this debt service.

2 And I want to tell you, many of us
3 along the way in relationship to this bill have
4 not voted for this debt. When you listen to the
5 Comptroller, he talks about how about paying as
6 you go along on occasion? We just had a
7 \$4.2 billion infrastructure environmental bond
8 that was passed which added to debt. We got more
9 debt here. If I had to define the process to get
10 to this point, it's kind of like the Titanic
11 moving towards the iceberg. Now, it looks like
12 it's in slow motion, but it is going full steam.
13 But one caveat left. You're not rearranging the
14 chairs, you're rearranging less than the chairs
15 on the Titanic. You're doing less than that
16 right now to get to this point with that much
17 power.

18 You all had the understanding of
19 when the budget should be passed. You all had an
20 understanding of what the differences are with
21 the Governor, with you and the Assembly. And
22 right now we're standing here with less than
23 one-tenth of the budget, or maybe one-tenth of
24 the budget being done, moving into we don't know
25 how many days it's going to be late.

1 So I have to tell you, first of all,
2 I'm not going to vote for paying a debt service
3 on debt that I and I think my constituents didn't
4 agree to, because not much of this was put on the
5 ballot to vote for my constituents. But, I mean,
6 the process itself is arguably the worst you
7 could have had with all that power.

8 If you can't get the single most
9 important thing you're expected to do in a timely
10 fashion, controlling both houses and the
11 Governor, I think if we lost 319,000 people last
12 year, we're going to lose 600,000 in the upcoming
13 year, because they're talking about they can't
14 afford to live here anymore.

15 Not one of these bills spends less
16 than \$7 billion. You're spending up to
17 \$16 billion more when you combine what the
18 Governor wants to spend -- and I'm not sure
19 they're doing that much better in the Assembly.

20 So I'm not going to be voting for
21 this. And I want to see what it looks like when
22 you hit that iceberg and the chairs of the deck
23 go flying off the ship and you impact our quality
24 of life even worse and that bleeding continues to
25 happen.

1 So, very disappointed that the
2 budget's not in place. My constituents sent me
3 here to tell you that. And we're very hopeful
4 that you can look back and really look at the
5 fact you're not just Senators, you're not just
6 Assemblypeople, you're representatives. What
7 does a representative do? It listens to its
8 constituents. Every survey, every poll says the
9 two top areas -- affordability, we can't afford
10 to live here, and public safety.

11 You took the one thing out so far
12 that the Governor put in here which made some
13 sense. Forty-nine other states do it, talk about
14 the dangerousness of those individuals before our
15 judges and giving them the opportunity to have
16 discretion. You took that out of the budget.

17 So you're doubling down so far -- I
18 want to see the final analysis -- on the two most
19 important things in the surveys that our
20 constituents are talking to us about. It's not
21 only Republicans. On those two most important
22 issues, it's Democrats and Republicans.

23 So I can't be confident in voting
24 for this, and I'm certainly not confident going
25 forward, from what I've seen in the process.

1 Thank you, Madam Speaker.

2 ACTING PRESIDENT MAYER: Senator
3 Borrello on the bill.

4 SENATOR BORRELLO: Thank you,
5 Madam President.

6 So I realize the argument is we have
7 to pay our debts. And that's about \$3.5 billion.
8 Yet we're opening up a line of credit for
9 15.6 billion. And as Senator O'Mara pointed out,
10 we really have no idea where that money's going.

11 What makes this egregious, in my
12 opinion, is the fact that New York State opened
13 up a line of credit for \$11 billion on behalf of
14 every business owner in New York State, every
15 small business owner and everyone else. Governor
16 Kathy Hochul didn't address it in her budget,
17 didn't address it at all. Our Senate one-house
18 didn't address it. But we're saying, Well, you
19 know what, we might need another \$12 billion for
20 something else.

21 And what makes that particularly
22 concerning for me at this moment is that there's
23 really been no movement on deciding what we're
24 going to spend. And you're saying now, to all
25 the people out there, all the people that come

1 into the halls here and demand more free stuff,
2 that there's an extra \$12 billion for you to
3 spend on more free stuff. And that's why this is
4 irresponsible.

5 It's irresponsible because we're
6 opening up this line of credit while we have yet
7 to address the fact that every single business
8 owner, every single employer is paying an extra
9 \$200 per employee just because of the debt that
10 was racked up on their behalf by state
11 government. And we've ignored that debt. And
12 we've continued to ignore that debt.

13 So how can we say we're going to
14 lend a little bit more, spend a little bit more,
15 when we can't even tell you what we're going to
16 be spending it on?

17 I vote no. Thank you.

18 ACTING PRESIDENT MAYER: Senator
19 Gianaris.

20 SENATOR GIANARIS: Madam President,
21 we've agreed to return this bill to the
22 noncontroversial calendar.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Senator
6 Krueger to explain her vote.

7 SENATOR KRUEGER: Thank you.

8 I want to thank all my colleagues,
9 and for the dialogue today.

10 I just want to reinforce some people
11 have a frustration with the other bills of the
12 budget, but we're not on the other bills of the
13 budget. But we will get there.

14 And what it is really important
15 today to understand is this bill says let's keep
16 paying our debt. And yes, it has appropriation
17 language that would allow us to borrow, but only
18 if within the other bills of the budget we decide
19 to do so. So it doesn't mean that money is going
20 to be spent or how that money is going to be
21 spent, because that's not what's before us today.

22 But I want to reinforce -- and it
23 was mentioned that why should I vote yes, maybe
24 this wasn't even debt I had signed on to. Well,
25 I was in the Minority here many more years than

1 I've been in the Majority here, and every year we
2 do a bill like this, and every year I voted yes,
3 whether in the Minority or the Majority, because
4 I actually do understand, and I'm hoping everyone
5 understands, to not commit to paying our debts
6 would be basically the biggest financial crisis
7 we could imagine setting up for ourselves.

8 The last state to default on its
9 obligations was Arkansas in 1933. It took them
10 over 40 years to dig themselves out of the crisis
11 that was created by that, and it was created
12 during the Depression. So it's been a long time.

13 There are other countries around the
14 world that have gone into sovereign debt crises,
15 very often because of civil war or collapse of
16 the government or complete collapse of their
17 economic structure, and then the storylines just
18 get worse and worse from there.

19 We are literally watching, in
20 Washington, D.C., a debate continue of whether
21 the federal government is going to raise its debt
22 ceiling to avoid a crisis that -- there's data
23 showing the impact on New York State alone if
24 that issue doesn't get addressed.

25 So we can have our partisan fights,

1 and we're supposed to. We can disagree about
2 what's in the overall budget, expenditures and
3 revenues, and we're supposed to. We can agree we
4 don't want to be late, and we are running a
5 little late. But we should also admit that's
6 happened before, and thanks to options we have
7 available, frankly other than us not getting
8 paid, everybody else in the State of New York
9 will continue to get paid, and the state will
10 continue to function.

11 Even though I agree, I would prefer
12 to be closer to the actual deadline. But I also
13 prefer a good budget to a budget I am not happy
14 with.

15 But if we were to actually somehow
16 change the outcome of this vote today -- and I
17 hope we won't -- and say no, we're not going to
18 pass the debt service bill, we are not going
19 continue to make our payments, I think one could
20 comfortably say it would be the worst vote any
21 individual in this house ever took. Because what
22 they would be unleashing would be a Pandora's box
23 that I'm not sure if we would know how to close.

24 So I am urging my colleagues, even
25 if they've had their discussion about the

1 imperfection of our entire system, don't make it
2 worse by actually putting the State of New York
3 in a position where we wouldn't be legally able
4 to make good on our debt. Please vote yes.

5 Thank you, Madam President.

6 ACTING PRESIDENT MAYER: Senator
7 Krueger to be recorded in the affirmative.

8 Senator Rhoads to explain his vote.

9 SENATOR RHOADS: Thank you,
10 Madam President.

11 I think there probably is nothing
12 that is more symbolic of Albany under one-party
13 rule than what we are seeing unfold before us
14 when it comes to the State Budget.

15 We are supposed to have a budget in
16 10 hours and 43 minutes from now. Right now we
17 are debating Budget Bill No. 1. There is no hope
18 that there will be Budget Bills 2, 3, 4, 5, 6, 7,
19 8, 9 or 10 anytime in the near future. In fact,
20 we are probably moments away, after we take this
21 vote, from gaveling out to come back on Monday --
22 conceding that there will be no budget by the
23 deadline.

24 What we have before us, the only
25 thing we have before us to consider, is what

1 New York is known for -- debt. And the bill
2 that's before us is not a bill to pay the debt
3 service on the debt that we owe. That's only
4 \$3.5 billion. If this bill only had
5 \$3.5 billion -- which, so the public understands,
6 is not to pay off the state's debt but merely to
7 pay the interest that's owed on the state debt --
8 you would probably have 63 votes. But this isn't
9 a \$3.5 billion bill. This is a \$15.6 billion or
10 \$15.7 billion bill. But what's a hundred million
11 dollars between friends, right?

12 Money that the taxpayers owe. Four
13 and a half times more than what we actually need
14 to pay the state's debt. That's why there are
15 going to be "no" votes today. Because we're not
16 talking about what we owe, we're talking about
17 prospectively what we may owe after we have a
18 chance to take a look at the eight or nine other
19 budget bills that are going to be advanced.

20 And this doesn't even address the
21 entirety of the state's debt -- 8.1 billion for
22 the Unemployment Insurance Fund. Our employers
23 are paying for that. The state's not paying for
24 that. We incurred the debt, and we're pushing it
25 off.

1 We mentioned the MTA. The MTA is
2 hemorrhaging cash. They won't default, because
3 we keep going back to the taxpayers through
4 congestion pricing, through the MTA payroll
5 tax -- billions and billions of dollars that
6 we're sucking out of our state's economy to keep
7 the entity afloat.

8 The bottom line is I'm voting no to
9 this bill today not because we want to default on
10 the state's obligations, but because we continue
11 to ignore that those obligations are being paid
12 by 20 million people who are counting on us to do
13 our jobs. And we continue to keep them last in
14 the equation instead of putting them first.

15 I ask you to record my vote in the
16 negative.

17 ACTING PRESIDENT MAYER: Senator
18 Rhoads to be recorded in the negative.

19 Senator Lanza to explain his vote.

20 SENATOR LANZA: Thank you,
21 Madam President.

22 I just want to join Senator Rhoads
23 in explaining my vote in the same way, basically.

24 You know, to clarify for the people
25 back home, voting no is not some vote that is

1 going to more quickly usher in the apocalypse
2 here. As has been said, we believe that we ought
3 to pay our past debts. This goes well beyond
4 that. The world will not come to an end if we
5 vote no here on this bill.

6 What will happen, and what we're
7 suggesting, is let's come back and do what
8 everyone is saying we need to do, and that which
9 if we do not do, things will, you know, spiral
10 out of control. Put a bill on the floor that
11 pays our past debt. Instead of putting a bill on
12 the floor that not only does that but gives --
13 you know, creates this new line of credit for
14 some future and looming spending spree, the
15 details of which no one in the State of New York
16 knows anything about.

17 So, Madam President, I'm voting no,
18 my colleagues are voting no not because this bill
19 pays the past debt, but because it goes well
20 beyond and puts the State of New York and its
21 people further in debt. And at the end of the
22 day, we know who gets the bill when that credit
23 card statement comes in. It's handed to the
24 taxpayers, the people of the State of New York.

25 That's why, Madam President, I'll be

1 voting in the negative.

2 ACTING PRESIDENT MAYER: Senator
3 Lanza to be recorded in the negative.

4 Senator Gianaris to explain his
5 vote.

6 SENATOR GIANARIS: Madam President,
7 once again it falls to me to correct the record
8 because of the misstatements of some of my
9 colleagues in the Minority.

10 It is laughable to suggest that
11 one-party rule is a cause of late budgets in this
12 state. It is a complete ignorance of history and
13 even recent history of this state. The
14 Republicans controlled this State Senate for much
15 of the last century, and late budgets were a norm
16 up until recently. In fact, there was a time in
17 the nineties when, under the Republican Majority
18 in the Senate, the budgets were late by four and
19 five months. We're talking about a couple of
20 days here.

21 So give me a large break when you
22 try and suggest that that's because of one-party
23 rule in this state. Because when the Republicans
24 held the Majority, they did a lot worse. And by
25 the way, they passed debt relief bills also as

1 part of the budget process. Because that's what
2 happens, that's the responsible thing to do, and
3 that's what keeps the state functioning.

4 One of my colleagues mentioned or
5 made an analogy to the Titanic. Well, what
6 they're suggesting in trying to defeat this bill
7 is not waiting for the iceberg, they would just
8 take out a drill, puncture the hull of the ship,
9 and let it sink right now. Because that is what
10 would happen if New York was unable to fulfill
11 its debt obligations.

12 So I understand it's frustrating to
13 be in the Minority and not make decisions about
14 the direction of this state. That's where the
15 voters put you all. We'll all have to live with
16 it. I was there once. It's not fun, I get it.
17 But let's make the rhetoric match the reality a
18 little bit more.

19 I vote yes, Madam President.

20 ACTING PRESIDENT MAYER: Senator
21 Gianaris to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 587, those Senators voting in the
25 negative are Senators Borrello

1 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
2 Lanza, Martins, Mattera, Murray, Oberacker,
3 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
4 Tedisco, Walczyk, Weber and Weik.

5 Ayes, 43. Nays, 20.

6 ACTING PRESIDENT MAYER: The bill
7 is passed.

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

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

12 ACTING PRESIDENT MAYER: There is
13 no further business at the desk.

14 SENATOR GIANARIS: Madam President,
15 I move to adjourn until Monday, April 3rd, at
16 12:00 noon, intervening days being legislative
17 days.

18 ACTING PRESIDENT MAYER: On motion,
19 the Senate stands adjourned until Monday,
20 April 3rd, at 12:00 p.m., with the intervening
21 days being legislative days.

22 (Whereupon, at 1:24 p.m., the Senate
23 adjourned.)

24

25