

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 17, 2023

11 4:07 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT PERSAUD: In the
9 absence of clergy, I ask everyone to please bow
10 our heads in a moment of silent reflection or
11 prayer.

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

14 ACTING PRESIDENT PERSAUD: Reading
15 of the Journal.

16 THE SECRETARY: In Senate, Friday,
17 April 14, 2023, the Senate met pursuant to
18 adjournment. The Journal of Thursday, April 13,
19 2023, was read and approved. On motion, the
20 Senate adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1 THE SECRETARY: Senator Hinchey
2 moves to discharge, from the Committee on
3 Cultural Affairs, Tourism, Parks and Recreation,
4 Assembly Bill Number 4822 and substitute it for
5 the identical Senate Bill 5345, Third Reading
6 Calendar 586.

7 ACTING PRESIDENT PERSAUD: The
8 substitution is so ordered.

9 Messages from the Governor.

10 Reports of standing committees.

11 Reports of select committees.

12 Communications and reports from
13 state officers.

14 Motions and resolutions.

15 Senator Gianaris.

16 SENATOR GIANARIS: Good afternoon,
17 Madam President.

18 On behalf of Senator Stavisky, I
19 wish to call up Senate Print 3473, recalled from
20 the Assembly, which is now at the desk.

21 ACTING PRESIDENT PERSAUD: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 515, Senate Print 3473, by Senator Stavisky, an
25 act to amend the Education Law.

1 SENATOR GIANARIS: Move to
2 reconsider the vote by which the bill was passed.

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 ACTING PRESIDENT PERSAUD: The bill
8 is restored to its place on the Third Reading
9 Calendar.

10 SENATOR GIANARIS: I offer the
11 following amendments.

12 ACTING PRESIDENT PERSAUD: The
13 amendments are received, and the bill will retain
14 its place on the Third Reading Calendar.

15 SENATOR GIANARIS: Can we now take
16 up previously adopted Resolution 545, by
17 Senator Sepúlveda, read its title, and recognize
18 Senator Sepúlveda on the resolution.

19 ACTING PRESIDENT PERSAUD: The
20 Secretary will read.

21 THE SECRETARY: Senate Resolution
22 545, by Senator Sepúlveda, celebrating the
23 historic visit of the Honorable Dr. Milton Ray
24 Guevara, President of the Constitutional Court of
25 the Dominican Republic, to the New York State

1 Senate and Court of Appeals.

2 ACTING PRESIDENT PERSAUD: Senator
3 Sepúlveda on the resolution.

4 SENATOR SEPÚLVEDA: Thank you,
5 Madam President, for allowing me to present this
6 resolution today.

7 It is with great honor that I bring
8 an incredible, esteemed group of individuals from
9 the Dominican Republic. They are the members of
10 the Constitutional Court of the Dominican
11 Republic, which is equivalent to our
12 United States Supreme Court, and they've been
13 here with us since this morning. We had a visit
14 to the Court of Appeals, where we met with
15 Acting Chief Judge Cannataro and Judge Singas,
16 and Judge Jenny Rivera, who joined us today.

17 It's my pleasure to welcome all of
18 them here today to the New York Senate for this
19 historic moment. It is the first time that a
20 delegation from the highest court of the
21 Dominican Republic has ever visited our chamber
22 and has visited the Court of Appeals.

23 The Dominican Constitutional Court
24 is a symbol of justice, equality, and the rule of
25 law of the Dominican Republic. As an

1 institution, it has played a pivotal role in
2 safeguarding the constitutional rights of the
3 Dominican people and ensuring that justice is
4 served in an equitable and transparent manner.

5 The visit of the court to our
6 State Senate is a testament to the strong and
7 enduring relationship between the
8 Dominican Republic and the United States. It is
9 an opportunity for us to strengthen our ties,
10 deepen our mutual understanding, and learn from
11 each other and our experiences in the field of
12 law and governance.

13 As a representative of the people of
14 New York, we are committed to upholding the
15 values of justice, democracy, and human rights.
16 And we recognize the vital role that the
17 Dominican Constitutional Court plays in promoting
18 these values in the Dominican Republic. And we
19 stand in solidarity with the court in its efforts
20 to defend the constitutional rights of all
21 Dominicans.

22 In closing, I would like to express
23 my sincere gratitude to the members of the
24 Dominican Constitutional Court for gracing us
25 with their presence today. We look forward to

1 engaging in fruitful discussions and learning
2 from our expertise and experience. Let us work
3 together to build a more just, equitable and
4 prosperous future for our people.

5 And I'd like to indulge in naming
6 these great court judges that are here and
7 visiting us today. But before that, I have to
8 acknowledge that we're also blessed with the
9 presence of the Dominican Ambassador,
10 Sonia Guzman. Also with us today is the
11 Consul General of New York, Eligio Jacquez, and a
12 member of the Dominican Senate who has been
13 instrumental in creating these exchanges that
14 we've been doing with the Dominican Republic,
15 with the New York State Senate, and with New York
16 State government, my dear friend Senator Alexis
17 Victoria Yep.

18 Now, we are blessed by the following
19 judges: The chief judge, Milton Ray Guevara;
20 Judge Rafael Díaz Filpo; Judge Víctor Joaquín
21 Castellanos Pizano; Judge José Alejandro Ayuso;
22 Judge Alba Luisa Beard Marcos; Judge Manuel
23 Ulises Bonnelly Vega; Judge Pedro Castellanos
24 Khoury; Judge Domingo Gil; Judge María del Carmen
25 Santana; Judge Miguel Valera Montero; Judge José

1 Alejandro Vargas Guerrero; Judge Eunisis Vásquez;
2 and also the secretary of the Tribunal,
3 Attorney Grace Ventura Rondón.

4 This, to me, is a high honor. I was
5 recently granted Dominican citizenship by the
6 president of the Dominican Republic about seven
7 or eight months ago. And it is because of
8 Judge Milton Ray Guevara, who rewrote the
9 Dominican constitution and added a provision in
10 there for dual citizenship, so that Dominicans in
11 the diaspora or any of you who would like to
12 become a Dominican citizen, you have the
13 opportunity, and retain your American
14 citizenship.

15 So I am really honored today. We
16 had a wonderful session at the Court of Appeals,
17 where we had an exchange of ideas and had a
18 discussion about dual citizenship here in
19 Hearing Room A.

20 And let me indulge us quickly in
21 Spanish. (In Spanish, translation as follows.)

22 "It is an honor to be here with
23 these judges of the Constitutional Court of the
24 Dominican Republic. We are honored to have them
25 here today.

1 "We took them to the Court of
2 Appeals, which is the highest court in the state
3 of New York. We had a conference with the
4 magistrates, with the members and with the
5 Ambassador Sonia Guzman, with the Consul General
6 Eligio Jaques, and my friend Alexis Victoria Yeb.

7 "It is an honor to have you all
8 here. It is an honor to participate in the
9 exchanges that we are doing, and to continue
10 working not only for the Dominicans here, but
11 also for the Dominicans of the diaspora. Thank
12 you very much."

13 Thank you, Madam President, for
14 allowing me to address the Senate and introduce
15 these fantastic individuals who represent justice
16 and fairness in the Dominican Republic.

17 Thank you.

18 ACTING PRESIDENT PERSAUD: Thank
19 you.

20 The resolution was adopted on 4/10.

21 To our guests, I welcome you to the
22 Senate. We extend to you the privileges and
23 courtesies of this house.

24 Please rise and be recognized.

25 (Standing ovation.)

1 ACTING PRESIDENT PERSAUD: Senator
2 Gianaris.

3 SENATOR GIANARIS: Madam President,
4 I believe Senator Sepúlveda would like to open
5 that resolution for cosponsorship.

6 ACTING PRESIDENT PERSAUD: The
7 resolution is open for cosponsorship. Should you
8 choose not to be a cosponsor of the resolution,
9 please notify the desk.

10 Senator Gianaris.

11 SENATOR GIANARIS: There will now
12 be an immediate meeting of the Rules Committee in
13 Room 332.

14 ACTING PRESIDENT PERSAUD: There
15 will be an immediate meeting of the
16 Rules Committee in Room 332.

17 SENATOR GIANARIS: The Senate will
18 stand at ease.

19 ACTING PRESIDENT PERSAUD: The
20 Senate will stand at ease.

21 (Whereupon, the Senate stood at ease
22 at 4:17 p.m.)

23 (Whereupon, the Senate reconvened at
24 4:23 p.m.)

25 ACTING PRESIDENT PERSAUD: The

1 Senate will return to order.

2 Senator Gianaris.

3 SENATOR GIANARIS: Madam President,
4 there's a report of the Rules Committee at the
5 desk. Can we please take that up.

6 ACTING PRESIDENT PERSAUD: The
7 Secretary will read.

8 THE SECRETARY: Senator
9 Stewart-Cousins, from the Committee on Rules,
10 reports the following bills:

11 Senate Print 1213B, by Senator
12 Cleare, an act to amend the Education Law;

13 Senate Print 5622, by Senator Mayer,
14 an act to amend the Tax Law;

15 Senate Print 6340, by
16 Senator Krueger, an act making appropriations for
17 the support of government.

18 All bills reported direct to third
19 reading.

20 SENATOR GIANARIS: Move to accept
21 the report of the Rules Committee.

22 ACTING PRESIDENT PERSAUD: All
23 those in favor of accepting the Rules Committee
24 report signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT PERSAUD: Opposed,
2 nay.

3 (Response of "Nay.")

4 ACTING PRESIDENT PERSAUD: The
5 Rules Committee report is accepted.

6 Senator Gianaris.

7 SENATOR GIANARIS: Please take up
8 the reading of the calendar.

9 ACTING PRESIDENT PERSAUD: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 194, Senate Print 965, by Senator Bailey, an act
13 authorizing and directing the Commissioner of
14 Education to conduct a study on the number of
15 children who are caregivers.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

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

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Announce
24 the results.

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 279, Senate Print 2854, by Senator Skoufis, an
5 act to amend the Alcoholic Beverage Control Law.

6 ACTING PRESIDENT PERSAUD: Read the
7 last section.

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

10 ACTING PRESIDENT PERSAUD: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PERSAUD: Announce
14 the results.

15 THE SECRETARY: Ayes, 56.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 304, Senate Print 2095, by Senator Thomas, an act
20 in relation to authorizing the County of Nassau
21 assessor to accept an application for a
22 retroactive real property tax exemption.

23 ACTING PRESIDENT PERSAUD: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Senator
6 Martins to explain his vote.

7 SENATOR MARTINS: Thank you,
8 Madam President. I just rise to recuse myself
9 from this vote.

10 Thank you.

11 ACTING PRESIDENT PERSAUD: Senator
12 Martins is recused from this vote.

13 Announce the results.

14 THE SECRETARY: Ayes, 57. Senator
15 Martins abstaining from voting.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 555, Senate Print 4596, by Senator Kennedy, an
20 act to amend the Local Finance Law.

21 ACTING PRESIDENT PERSAUD: There is
22 a home-rule message at the desk.

23 Read the last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 563, Senate Print 2266, by Senator Krueger, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

14 THE SECRETARY: Section 5. This
15 act shall take effect on the first of November.

16 ACTING PRESIDENT PERSAUD: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 569, Senate Print 3118, by Senator Mannion, an

1 act to amend the Mental Hygiene Law.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the 120th day after it
6 shall have become a law.

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce
11 the results.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT PERSAUD: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 573, Senate Print 400, by Senator
17 Stewart-Cousins, an act to amend the
18 Local Finance Law.

19 ACTING PRESIDENT PERSAUD: There is
20 a home-rule message at the desk.

21 Read the last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 575, Senate Print 2573, by Senator Gounardes, an
9 act to amend the Civil Practice Law and Rules.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 575, those Senators voting in the
21 negative are Senators Borrello,
22 Canzoneri-Fitzpatrick, Lanza, Rhoads and Tedisco.

23 Ayes, 53. Nays, 5.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 583, Senate Print 1458, by Senator Serrano, an
3 act creating a legislative task force on outdoor
4 environmental education.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect immediately.

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 586, Assembly Print Number 4822, by
19 Assemblymember Woerner, an act to amend the
20 Parks, Recreation and Historic Preservation Law.

21 ACTING PRESIDENT PERSAUD: Read the
22 last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce
4 the results.

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT PERSAUD: The bill
7 is passed.

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

10 SENATOR GIANARIS: Let's take up
11 the reading of the supplemental calendar.

12 ACTING PRESIDENT PERSAUD: There is
13 a substitution at the desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Krueger
16 moves to discharge, from the Committee on Rules,
17 Assembly Bill Number 6550 and substitute it for
18 the identical Senate Bill 6340, Third Reading
19 Calendar 592.

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

23 ACTING PRESIDENT PERSAUD: There is
24 a message of necessity and appropriation at the
25 desk.

1 SENATOR GIANARIS: Move to accept
2 the message of necessity and appropriation.

3 ACTING PRESIDENT PERSAUD: All
4 those in favor of accepting the message please
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT PERSAUD: Opposed,
8 nay.

9 (Response of "Nay.")

10 SENATOR LANZA: Lay it aside.

11 ACTING PRESIDENT PERSAUD: The
12 message is accepted and the bill is before the
13 house.

14 SENATOR LANZA: Lay it aside.

15 ACTING PRESIDENT PERSAUD: Lay it
16 aside.

17 Senator Gianaris, that completes the
18 reading of the supplemental calendar.

19 SENATOR GIANARIS: Can we now go to
20 the controversial calendar.

21 ACTING PRESIDENT PERSAUD: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 592, Assembly Print Number 6550, by

1 Assemblymember Weinstein, an act making
2 appropriations for the support of government.

3 ACTING PRESIDENT PERSAUD: Senator
4 Borrello, why do you rise?

5 SENATOR BORRELLO: Madam President,
6 would the sponsor yield for a question.

7 ACTING PRESIDENT PERSAUD: Senator
8 Krueger, do you yield?

9 SENATOR KRUEGER: I'm here to do
10 that. Yes, Madam President.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR BORRELLO: Through you,
14 Madam President, has the sponsor ever seen
15 Groundhogs Day {sic}, the movie Groundhogs Day?

16 (Laughter.)

17 SENATOR KRUEGER: I have. I
18 actually really like that movie.

19 SENATOR BORRELLO: Will the sponsor
20 yield for another question?

21 (Laughter.)

22 SENATOR KRUEGER: -- I like that
23 movie.

24 (Laughter.)

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield? Does the sponsor yield?

2 SENATOR KRUEGER: Yes, of course I
3 yield.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR BORRELLO: So we have a
7 three-day extender here in front of us for the --
8 just curious, what do we expect to see in the
9 budget negotiations? I mean, I think three days
10 is rather -- we'll call it ambitious at the
11 moment.

12 SENATOR KRUEGER: So actually this
13 isn't Groundhog Day, because you're right, it's a
14 different extender, a different timeline, a
15 different amount of money. So it's not
16 Groundhog Day.

17 I'm hoping we will be continuing
18 budget negotiations and getting closer and closer
19 to a moment in time where we can actually stand
20 on this floor and say, Look at the budget bills
21 we're here to debate.

22 But we're not there today. I don't
23 know that we will be there by Thursday. But I
24 suspect we would all like to be there.

25 SENATOR BORRELLO: Madam President,

1 will the sponsor continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR BORRELLO: Thank you for
8 that.

9 So do we have table targets? Have
10 they been decided yet, can you tell us?

11 SENATOR KRUEGER: Any specific
12 sections that have been decided?

13 SENATOR BORRELLO: Dealer's choice.

14 SENATOR KRUEGER: No,
15 Madam President, we have no budget bills before
16 us. Hence we have no actual official agreements
17 to discuss on this floor.

18 At the time that bills are in print,
19 we will know that agreements have been made in
20 such a way that we can all review, debate and
21 vote on.

22 SENATOR BORRELLO: Thank you,
23 Madam President. Will the sponsor continue to
24 yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR BORRELLO: Through you,
6 Madam President. So if we were to vote on a
7 budget this week, would we require -- would that
8 require a message of necessity from the Governor?

9 SENATOR KRUEGER: Yes, that would
10 be correct.

11 Well, let's see. If a bill went to
12 print by tonight, we could technically have three
13 days without needing a message of necessity. But
14 I suspect if we are doing budget bills for the
15 remainder of this week, they will probably need
16 messages of necessity, as this extender before us
17 just required a message of necessity.

18 SENATOR BORRELLO: Thank you,
19 Madam President. Will the sponsor continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR BORRELLO: So we obviously
2 had a Judiciary Committee meeting today, and
3 Judge Wilson was discussed. The timing,
4 considering we are in this budget overtime, seems
5 a little suspect.

6 Has there been any connection made
7 with the Governor between the nomination of
8 Judge Wilson and the budget? Budget negotiation,
9 I should say.

10 SENATOR KRUEGER: So I am not in
11 three-ways with the Governor and the two leaders,
12 but I'm not aware of any discussion tying in the
13 chief judge nomination with the budget
14 discussion.

15 I'm also not on the
16 Judiciary Committee, although I hear they had a
17 very robust hearing earlier today and did vote in
18 favor of bringing Judge Wilson to the floor as
19 the next chief judge.

20 But I don't think there was really a
21 timing correlation with the budget negotiations,
22 since we know we are looking to fill the chief
23 judge position. We had to turn down the last
24 nomination. So I don't sincerely think there's
25 much of a surprise that there would be a

1 nomination moving at this time, since I guess it
2 was right -- was it two weeks ago where the
3 commission made their recommendations of their
4 new list to the Governor?

5 And I think there's an expectation
6 by all of us that she would move to pick a
7 nominee from that list relatively quickly. That
8 does seem to be what happened, and the committee
9 has acted today in a timely way.

10 So I don't really think there's
11 intentional correlation between the timing of the
12 judge and the budget. They're both hitting
13 around the same time this year.

14 SENATOR BORRELLO: Madam President,
15 will the sponsor continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR BORRELLO: All right, so
22 we'll just take this as an amazing coincidence.
23 I understand.

24 So last Monday we were here and we
25 were told by the Comptroller that if we didn't

1 pass a bill by noon, our employees wouldn't get
2 paid, the extender -- all those things that this
3 extender entails. Yet here we are at 4:30 the
4 following Monday, and we still don't have an
5 extender, and yet there's been no warning from
6 the Comptroller that the employees won't get
7 paid.

8 So we've had three extenders that
9 have essentially had three different deadlines.
10 Can you explain why?

11 SENATOR KRUEGER: It's an excellent
12 question. I don't know that I can, other than it
13 is true, last week we were told by the
14 Comptroller there was a deadline of noon. I
15 don't believe we heard anything like that from
16 the Comptroller this week.

17 So I guess the timing for the filing
18 of papers and sending out checks didn't hit today
19 at noon. It's the best I can offer right now
20 unless I have some staff who want to update me on
21 that. (Pause.)

22 Oh. So I'm told that last week the
23 papers had to go out on Wednesday. Hence, there
24 was a Monday noon deadline for the processing.
25 This week they don't have to go out till

1 Thursday.

2 So I guess if we were having this
3 discussion tomorrow, it would have to be by noon.
4 But we're getting it done on Monday, hopefully.

5 SENATOR BORRELLO: Madam President,
6 will the sponsor continue to yield.

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR BORRELLO: Thank you for
13 that. So we'll just say it a little different
14 day.

15 You know, is there any -- this --
16 does this bill have any policy in it, this
17 particular bill? Is there any policy in this
18 extender?

19 SENATOR KRUEGER: No. Our
20 understanding, it's the same money that was added
21 last week for the DOH funding for the
22 community-based organizations who had been losing
23 340B. But it's just a continuation of that, and
24 we had the discussion last week with your
25 colleague next to you.

1 Otherwise, there's no other changes.
2 It's just different weeks have different costs
3 for the state, so they're different numbers.

4 SENATOR BORRELLO: Madam President,
5 will the sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: I do.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR BORRELLO: So within this
12 bill -- you know, obviously we got this bill
13 really quickly. Not a whole lot of time to
14 analyze it. But yet there are amendments made to
15 the language in the appropriations for the
16 Office of Temporary and Disability Assistance.
17 Can you explain why those changes were made?

18 SENATOR KRUEGER: One moment.

19 (Pause.)

20 SENATOR KRUEGER: I'm back. Sorry,
21 Madam President.

22 So my understanding is that last
23 week the draft from the Governor that we did pass
24 had some technical language incorrectness for
25 OTDA. So this week, the Governor's office has

1 corrected the language. So this appropriation
2 language is technically correct, when last week's
3 apparently had a problem.

4 SENATOR BORRELLO: Madam President,
5 will the sponsor continue to yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: I do.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR BORRELLO: So last week's
12 had a problem. But this would be considered,
13 then, a chapter amendment to last week's bill?

14 SENATOR KRUEGER: I don't know if
15 you'd call it a chapter amendment,
16 Madam President, because it's technically -- that
17 extender came and went, so that time period and
18 that money was spent. So this is a new bill for
19 a new period of time with more correct language
20 in it.

21 Chapter amendments are usually
22 defined as we pass a bill and we've already
23 discussed with the Governor why, in order not to
24 veto a bill, they would like us to make some
25 changes in it. Not that I'm sure that that's a

1 legal technical definition, but that's my
2 standard "how life works here" definition of
3 chapter amendments.

4 SENATOR BORRELLO: Madam President,
5 on the bill.

6 ACTING PRESIDENT PERSAUD: Senator
7 Borrello on the bill.

8 SENATOR BORRELLO: First of all,
9 thank you, Senator Krueger, for the time today.

10 You know, people talk about
11 transparency in government and a government
12 serves the people. Well, we have an extender
13 here that was dropped for a three-day extension,
14 as opposed to a week or whatever it might be.
15 And yet we only had a matter of hours before we
16 had a message of necessity from the Governor.

17 That's not really transparent,
18 that's just rushing things through so that
19 people -- particularly people outside this
20 chamber, outside this Capitol, actually have the
21 time to go through it and determine what it is.
22 We had plenty of time to do it. We could have
23 given this the full three days. We could have
24 let this bill age. We're here. It appears we're
25 going to be here most of the week. So why not

1 give it that opportunity?

2 We rush things through, we push
3 things through. As far as the nominee for the
4 highest court, the chief of the highest court, I
5 don't believe that it was just a due diligence
6 thing. I think the Governor is trying to
7 negotiate, and essentially she's going to perhaps
8 win the battle of getting a little bit of
9 tweaking to bail, but lose the war when it comes
10 to having a chief judge that is a good jurist and
11 not an activist.

12 And I think that's what we're facing
13 in the near future. That's a problem for
14 New Yorkers. So this might be, you know, a few
15 yards gained for the Governor, but we're going to
16 lose the big game for the people of New York
17 State.

18 So thank you, Madam President.

19 ACTING PRESIDENT PERSAUD: Thank
20 you.

21 Are there any other Senators wishing
22 to be heard?

23 Seeing and hearing none, the debate
24 is closed.

25 The Secretary will ring the bell.

1 Read the last section.

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

4 ACTING PRESIDENT PERSAUD: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce
8 the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

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

14 SENATOR GIANARIS: Thank you,
15 Madam President.

16 On behalf of Majority Leader
17 Stewart-Cousins, and in consultation with
18 Senator Ortt, I hand up the following committee
19 assignment of the Minority Conference and ask
20 that it be filed in the Journal.

21 ACTING PRESIDENT PERSAUD: The
22 hand-up is received and will be filed with the
23 clerk.

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

1 ACTING PRESIDENT PERSAUD: There is
2 no further business at the desk.

3 SENATOR GIANARIS: I move to
4 adjourn until tomorrow, Tuesday, April 18th, at
5 3:00 p.m.

6 ACTING PRESIDENT PERSAUD: On
7 motion, the Senate stands adjourned until
8 Tuesday, April 18th, at 3:00 p.m.

9 (Whereupon, at 4:41 p.m., the Senate
10 adjourned.)

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