

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 1, 2023

11 2:13 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: Reverend
9 Father Dan Quinn, from Blessed Sacrament Church
10 in Albany, New York, will deliver today's
11 invocation.

12 FATHER QUINN: I thank you for
13 having me with you today. I appreciate the honor
14 of being invited to pray with any group of
15 people, but today, with you all, I'm very pleased
16 to be here.

17 I usually begin my prayers in the
18 name of the Father and of the Son and the
19 Holy Spirit.

20 There is a scene in the Gospels
21 where Jesus is visiting with friends, Mary,
22 Martha, and Lazarus. And Martha is busy about
23 many things, lots of busy-ness, lots of -- she's
24 worried about taking care of things, making sure
25 everything is in order and things are getting

1 done. And meanwhile Martha believes that Mary is
2 neglecting those sorts of duties by just sitting
3 down and talking and having a good conversation
4 with Jesus, with the other people that they are
5 hosting, the other members of this family that
6 Jesus has gathered today.

7 I think regardless of our separate
8 religious traditions, there's something in that
9 about -- because Jesus has to remind her:
10 "Martha, you're busy with too many things.
11 Mary's chosen the better part of enjoying this
12 time together as a family and as friends and as
13 loved ones. And all that other stuff is
14 important, but it's secondary."

15 I think that's a good reflection for
16 times such as today where there's a lot of stuff
17 to be worried about, I'm sure you are all
18 concerned about. But in a way, it's secondary to
19 the primary relationships we have with one
20 another as colleagues, friends, loved ones,
21 neighbors within our community and within our
22 state, and enjoying and prioritizing those
23 fraternal bonds. And then of course also
24 going -- getting done what needs to be done, but
25 understanding them in the right order.

1 Let us pray.

2 Lord God, guide us into all truth
3 and give us the strength to do what is right and
4 what is just, especially as concerns this body
5 and the crafting of laws, the discussion of needs
6 and of priorities, and the discussion of the
7 requisites of basic human dignity.

8 May we respect all contributions to
9 these conversations and, on this Law Day, respect
10 the legal systems that have been devised to
11 protect the fair representation of ideas and of
12 our process of sharing them with one another, of
13 working to convince one another to see things
14 from other points of views and then voting on
15 them.

16 Help us, Lord, not to be short with
17 one another, but long, in a way -- taking the
18 time to hear arguments out, even when there will
19 be disagreement. Strengthen us with clarity of
20 mind and sound logic. And as we pray in the
21 Serenity Prayer, help us to have the wisdom to
22 know the difference between what is within our
23 purview and what is not, especially those things
24 that we must recognize only belong to You.

25 At the most basic level, Lord, help

1 us to protect all You have created, all into
2 which You have breathed life. And strengthen us
3 to be courageous, to act courageous, to speak --
4 and courageous in humility and recognizing when
5 we do not have all the answers, and being honest
6 about that.

7 Almighty and eternal God, You have
8 revealed Your glory to all nations. God of power
9 and might, wisdom and justice, through You
10 authority is rightly administered, laws are
11 enacted, and judgment is decreed. We pray for
12 the members of this Legislature who are entrusted
13 to guard our political welfare. May they be
14 enabled by Your powerful protection to discharge
15 their duties with honesty and ability.

16 We likewise commend to You all of
17 the citizens here of our state, that we may be
18 blessed in the knowledge and sanctified in
19 observance of Your law. Preserve our union, and
20 the peace, and give us peace that the world
21 cannot give. And after enjoying the blessings of
22 this life, of our time on earth, admit us to
23 those lands that are eternal, in heaven with You.

24 And we pray to You who are Lord and
25 God forever and ever. Amen.

1 (Response of "Amen.")

2 ACTING PRESIDENT PERSAUD: Reading
3 of the Journal.

4 THE SECRETARY: In Senate, Sunday,
5 April 30, 2023, the Senate met pursuant to
6 adjournment. The Journal of Friday, April 28,
7 2023, was read and approved. On motion, the
8 Senate adjourned.

9 ACTING PRESIDENT PERSAUD: Without
10 objection, the Journal stands approved as read.

11 Presentation of petitions.

12 Messages from the Assembly.

13 Messages from the Governor.

14 Reports of standing committees.

15 Reports of select committees.

16 Communications and reports from
17 state officers.

18 Motions and resolutions.

19 Senator Gianaris.

20 SENATOR GIANARIS: Good afternoon,
21 Madam President.

22 On behalf of Senator Ryan, I wish to
23 call up Senate Print 101, recalled from the
24 Assembly, which is now at the desk.

25 ACTING PRESIDENT PERSAUD: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number 70,
3 Senate Print 101, by Senator Ryan, an act to
4 amend the Vehicle and Traffic Law and the
5 Real Property Law.

6 SENATOR GIANARIS: Move to
7 reconsider the vote by which the bill was passed.

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT PERSAUD: The bill
13 is restored to its place on the Third Reading
14 Calendar.

15 SENATOR GIANARIS: I offer the
16 following amendments.

17 ACTING PRESIDENT PERSAUD: The
18 amendments are received, and the bill will retain
19 its place on the Third Reading Calendar.

20 Senator Gianaris.

21 SENATOR GIANARIS: There will now
22 be an immediate meeting of the Finance Committee
23 in Room 124.

24 ACTING PRESIDENT PERSAUD: There
25 will be an immediate meeting of the

1 Finance Committee in Room 124.

2 SENATOR GIANARIS: The Senate
3 stands at ease.

4 ACTING PRESIDENT PERSAUD: The
5 Senate will stand at ease.

6 (Whereupon, the Senate stood at ease
7 at 2:20 p.m.)

8 (Whereupon, the Senate reconvened at
9 2:37 p.m.)

10 ACTING PRESIDENT PERSAUD: The
11 Senate will return to order.

12 Senator Gianaris.

13 SENATOR GIANARIS: Thank you,
14 Madam President.

15 I believe there's a report of the
16 Finance Committee at the desk.

17 Can we take that up.

18 ACTING PRESIDENT PERSAUD: The
19 Secretary will read.

20 THE SECRETARY: Senator Krueger,
21 from the Committee on Finance, reports the
22 following bills:

23 Senate Print 4004D, Budget Bill, an
24 act making appropriations for the support of
25 government;

1 Senate Print 4005C, Budget Bill,
2 enacting into law major components of the
3 legislation necessary to implement the State
4 Public Protection and General Government Budget
5 for the 2023-2024 state fiscal year;

6 Senate Print 4007C, Budget Bill,
7 enacting into law major components of legislation
8 necessary to implement the State Health and
9 Mental Hygiene Budget for the 2023-2024 state
10 fiscal year;

11 Senate Print 4009C, Budget Bill,
12 enacting into law major components of legislation
13 which are necessary to implement the State Fiscal
14 Plan for the 2023-2024 state fiscal year.

15 All bills reported direct to third
16 reading.

17 SENATOR GIANARIS: Move to accept
18 the report of the Finance Committee.

19 ACTING PRESIDENT PERSAUD: All
20 those in favor of accepting the report of the
21 Finance Committee signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT PERSAUD: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT PERSAUD: The
2 report is adopted.

3 Senator Gianaris.

4 SENATOR GIANARIS: Please take up
5 the supplemental calendar.

6 ACTING PRESIDENT PERSAUD: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 715, Senate Print 4004D, Budget Bill, an act
10 making appropriations for the support of
11 government.

12 SENATOR GIANARIS: Is there a
13 message of necessity at the desk?

14 ACTING PRESIDENT PERSAUD: There is
15 a message of necessity at the desk.

16 SENATOR GIANARIS: Move to accept
17 the message.

18 ACTING PRESIDENT PERSAUD: All
19 those in favor of accepting the message of
20 necessity signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT PERSAUD: Opposed,
23 nay.

24 (Response of "Nay.")

25 ACTING PRESIDENT PERSAUD: The

1 message is accepted, and the bill is before the
2 house.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT PERSAUD: The bill
5 is laid aside.

6 THE SECRETARY: Calendar Number
7 716, Senate Print 4005C, Budget Bill, an act to
8 amend Chapter 887 of the Laws of 1983.

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

11 ACTING PRESIDENT PERSAUD: There is
12 a message of necessity at the desk.

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

15 ACTING PRESIDENT PERSAUD: All
16 those in favor of accepting the message of
17 necessity please signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT PERSAUD: Opposed,
20 nay.

21 (Response of "Nay.")

22 ACTING PRESIDENT PERSAUD: The
23 message is accepted, and the bill is before the
24 house.

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT PERSAUD: The bill
2 is laid aside.

3 THE SECRETARY: Calendar Number
4 717, Senate Print 4007C, Budget Bill, an act to
5 amend Part H of Chapter 59 of the Laws of 2011.

6 SENATOR GIANARIS: Madam President,
7 is there a message of necessity at the desk?

8 ACTING PRESIDENT PERSAUD: There is
9 a message of necessity at the desk.

10 SENATOR GIANARIS: Move to accept
11 the message of necessity.

12 ACTING PRESIDENT PERSAUD: All
13 those in favor of accepting the message of
14 necessity please signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT PERSAUD: Opposed,
17 nay.

18 (Response of "Nay.")

19 ACTING PRESIDENT PERSAUD: The
20 message is accepted, and the bill is before the
21 house.

22 SENATOR LANZA: Lay it aside.

23 ACTING PRESIDENT PERSAUD: The bill
24 is laid aside.

25 THE SECRETARY: Calendar Number

1 718, Senate Print 4009C, Budget Bill, an act to
2 amend the Tax Law.

3 SENATOR GIANARIS: Madam President,
4 I think there is another message of necessity at
5 the desk.

6 ACTING PRESIDENT PERSAUD: There is
7 a message of necessity at the desk.

8 SENATOR GIANARIS: Move to accept
9 the message of necessity.

10 ACTING PRESIDENT PERSAUD: All
11 those in favor of accepting the message of
12 necessity please signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT PERSAUD: Opposed,
15 nay.

16 (Response of "Nay.")

17 ACTING PRESIDENT PERSAUD: The
18 message is accepted, and the bill is before the
19 house.

20 UNIDENTIFIED SENATOR: Lay it
21 aside.

22 (Laughter.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Lanza, are you asking to lay it aside?

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT PERSAUD: Thank
2 you. The bill is laid aside.

3 Senator Gianaris, that completes the
4 reading of today's calendar.

5 SENATOR GIANARIS: Let's move to
6 the controversial calendar, please.

7 ACTING PRESIDENT PERSAUD: The
8 Secretary will ring the bell.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 715, Senate Print 4004D, Budget Bill, an act
12 making appropriations for the support of
13 government.

14 ACTING PRESIDENT PERSAUD: Senator
15 O'Mara, why do you rise?

16 SENATOR O'MARA: Yes,
17 Madam President. I have a few questions for
18 Senator Krueger on the budget bills before us.

19 ACTING PRESIDENT PERSAUD: Senator
20 Krueger, do you yield?

21 SENATOR KRUEGER: I do.

22 ACTING PRESIDENT PERSAUD: The
23 Senator yields.

24 SENATOR O'MARA: Thank you,
25 Madam President.

1 Well, Senator Krueger, here we are,
2 another year -- déjà vu all over again, as
3 Yogi Berra might say. Groundhog Day, as someone
4 else might say, who will remain nameless.

5 And we're proceeding on a budget
6 now, again with messages of necessity. We are
7 now a full month with an untimely budget. We
8 have passed extenders for spending to keep state
9 government going each week throughout this
10 period. State government has continued to
11 function. State workers have continued to get
12 paid. State services have continued to be
13 provided to everybody who receives them in the
14 state.

15 Why can't we wait an additional
16 48 hours? Since these bills were just introduced
17 yesterday, we wouldn't need a message of
18 necessity to bring them up on Wednesday under the
19 constitutionally provided three-day aging period.
20 What is the rush at this point? What are we
21 avoiding? And what is the necessity that we
22 can't wait two more days?

23 SENATOR KRUEGER: So the Governor,
24 as she previously in other weeks has given us
25 extenders -- and the Groundhog Day discussion

1 followed that. And happily it's not Groundhog
2 Day -- sorry, George. We're actually facing the
3 opportunity to pass budget bills. And my
4 colleague is correct, the Governor gave us
5 messages of necessity arguing there's a necessity
6 for us to move these bills in a rapid as opposed
7 to a three-day timeline.

8 I've been here now 20 years, under
9 Democratic governors, Republican governors,
10 Republican majority, Democratic majority. And
11 people just seem to like to use messages of
12 necessity to finally close down budgets. It
13 seems to happen over and over to us.

14 So I suppose we're doing it this way
15 because this is how the governors -- whoever they
16 are -- seem to prefer that it happen,
17 particularly, obviously, when we are a month
18 late.

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

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KRUEGER: Yes, I will.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR O'MARA: Senator Krueger,
3 do you believe it is important to allow the
4 citizens of New York State the three-day aging
5 period to have an opportunity to review any bill,
6 particularly these budget bills for what's going
7 to be a \$230 billion budget -- that they be given
8 the opportunity to review these bills, since
9 they're the ones that are going to be paying the
10 cost of these bills, and have some time to give
11 input to their representatives, all of us in this
12 body?

13 We're acting on these bills today,
14 with roughly a little over 24 hours notice, with
15 no input from our constituents. Or yours. Do
16 you believe it's important that the citizens of
17 New York should have that three-day period, at a
18 minimum, to be able to weigh in on this budget?

19 SENATOR KRUEGER: So I'll start
20 with the second half. I don't agree that
21 constituents haven't had an opportunity to weigh
22 in. People have been weighing in with us since
23 the day the Governor's proposed Executive Budget
24 came out. They have been commenting on the
25 concerns they have, they have been testifying at

1 budget hearings, they have been submitting, I
2 suspect, letters, calls and emails to all of us
3 here in the Senate, and they have been protesting
4 in our corridors and even at our homes in some
5 cases.

6 So definitely people are letting us
7 know what their feelings are about different
8 proposals and issues within the budget.

9 Now to jump to the first half of the
10 question, do I, Liz Krueger, think it would be
11 better to wait three days? I personally do. I
12 actually think I carried a bill for several
13 years -- you might have found it already --
14 calling for budget bills to actually be out in
15 print for 10 days, because I think they're so
16 important. That I actually think we should let
17 everybody take a look at them for 10 days.

18 Shockingly to me and others, I don't
19 actually get to control this city, so the fact
20 that I actually think we should probably let
21 people have even longer with the bills is not the
22 decision that we are operating under at this
23 time.

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

1 yield.

2 ACTING PRESIDENT PERSAUD: Will the
3 Senator yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 Senator yields.

7 SENATOR O'MARA: Senator Krueger,
8 you know, we have before us today four bills of
9 the budget that were just introduced yesterday.
10 We've done one bill, the debt service bill,
11 previously. That leaves five more bills that I
12 can tell you our conference has not briefed yet,
13 and hopefully they're not going to come up until
14 tomorrow, so we at least get 24 hours notice to
15 prepare for those.

16 But it's my understanding that two
17 of the bills have not even been finalized yet and
18 that issues are still being worked out in the
19 State Operations Budget and in the Education
20 Budget, which we're assuming is ultimately -- one
21 of those two is going to be what we call the
22 Big Ugly this year.

23 So major portions of these first
24 four bills that have been omitted because they're
25 controversial are going to be included in those

1 bills tomorrow that are yet to come, yet to be in
2 print, yet for you to read the language, yet for
3 us to read the language, and certainly yet for
4 any New York State citizen to read the language.

5 So how can we be proceeding on a
6 budget today when we've got incomplete bills out
7 there that are going to contain major policy
8 issues affecting all New Yorkers?

9 SENATOR KRUEGER: So we are asking
10 everyone to vote on bills that we do have before
11 us and have gone to print. Leaving aside that
12 there's not a long enough timeline for everyone
13 to perhaps feel that they've had a chance to
14 really review everything.

15 The bills that are not in print will
16 not come to the floor today. I suspect that they
17 will be done by the end of today and then will
18 likely come to the floor tomorrow. But I don't
19 know for sure because, again, it is not me
20 ultimately who is making that decision.

21 But there will be some time for all
22 legislators to review the two bills that are yet
23 to go into print.

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

1 Madam President, will the Senator
2 continue to yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR O'MARA: Now, Senator, to
9 the fiscal plan, the financial plan. Which,
10 again, we just received today. Is the financial
11 plan -- and I'm not even sure if it's final yet.

12 Is the financial plan that I have
13 indicating 229 billion, 823 million in spending,
14 is this the final financial plan that I have
15 before me?

16 SENATOR KRUEGER: Yes, as far as I
17 know. It's 229 billion, 823 million. We have
18 the same numbers today. We didn't every other
19 time.

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

23 ACTING PRESIDENT PERSAUD: Does the
24 Senator yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR O'MARA: This is roughly
4 2 billion, a little bit more, I think, than the
5 Governor's proposed budget -- and certainly
6 higher than the \$800 million revenue consensus
7 that was made between the Governor and the two
8 houses a month or so ago.

9 Where does the additional
10 \$1.2 billion come from to close that gap?

11 SENATOR KRUEGER: The Governor had
12 proposed a slightly higher amount to go into the
13 reserve fund than we have ended up with as a
14 final number.

15 And we -- there was an unofficial
16 reserves fund also for economic uncertainty, and
17 we have also reduced that. And then we also
18 learned that there was higher tax revenue last
19 month than expected, so about 900 million
20 additional in tax revenue that hadn't been
21 accounted -- hadn't been appropriated.

22 So between the two different changes
23 in the reserve funds and that additional
24 900 million from the -- today is May -- March?
25 March or April? (Conferring.)

1 Sorry, the 900 million additional
2 from April, I believe that the Comptroller's
3 office reported 2.9 billion additional in April.
4 Two billion was anticipated to be that one-time
5 pass-through money, and the other 900 million
6 was, I suppose, surprise good news.

7 So those three items add up to the
8 additional money from the Governor's proposed
9 executive budget to this proposed final budget
10 today.

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

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

15 ACTING PRESIDENT PERSAUD: Does the
16 Senator yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR O'MARA: Senator, just to I
21 guess maybe summarize that in a shorter version,
22 how much to balance this budget that we have
23 before us -- almost all of the budget before
24 us -- but I guess we know what the full spending
25 is going to be even though it's not written yet.

1 How much of New York State reserve funds are
2 being used to balance this budget?

3 SENATOR KRUEGER: Technically none,
4 because these are monies that were proposed to
5 increase the reserve fund for the State of
6 New York but had not gone in, were simply
7 proposed in the Governor's original
8 Executive proposal.

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

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR O'MARA: Yet you said,
17 Senator, that we're taking funds from the
18 economic uncertainty reserve fund in the state.
19 I believe most economists out there in the
20 country have significant concerns of an impending
21 recession which will certainly create economic
22 uncertainties going forward throughout this next
23 fiscal year. Um --

24 SENATOR KRUEGER: Just to clarify,
25 I misspoke. I should not have said they were

1 taken from them. They were not going to be put
2 in. So not as much money from the Governor's
3 original proposed budget will go into either the
4 reserve fund or the unofficial reserve fund.

5 So it's not that monies were taken
6 out, just less is going in as additional.

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

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR O'MARA: Well, given the
14 prognosis of impending recession and economic
15 uncertainties, wouldn't it be wise for the state
16 to be building upon our economic uncertainty
17 funds?

18 SENATOR KRUEGER: (Conferring.) So
19 there still will be more money in the reserve
20 funds than we have seen in a very long time in
21 this state: 16.8 percent of General Funds will
22 be in reserve funds.

23 I believe that a series of good
24 government groups have made recommendations that
25 a great target for a state to get to is

1 15 percent, so we would be over the recommended
2 proposals from good government organizations.

3 And as to whether or not we are
4 expecting a recession and the impact on that,
5 personally that is one of the great questions
6 open at this moment in history. For months now I
7 have read economists telling me: No, we don't
8 think we're having a recession; yes, I think we
9 are going to have a recession. We might be in a
10 recession, but it's a soft recession.

11 Data shows that employment continues
12 to go up at a national level, and yet we have
13 banks collapsing and yet we have all these
14 indicators that go in all different directions at
15 the same time.

16 So, Senator O'Mara, I don't think
17 you're an economist. I guarantee you that I am
18 not. So it's a fascinating question, what are we
19 going to be facing. I think it's an important
20 reason that of course the state should have
21 reserve funds, for exactly those issues.

22 But I sincerely don't know if we
23 could find anyone who would tell us -- I know we
24 actually, in our revenue forecasting meeting a
25 month and a half ago, we had four to five

1 different economists, and I don't think any of
2 them had a great answer either about if and when
3 we might have a recession, what one looks like,
4 and what it would mean for us.

5 So I certainly don't want to try to
6 take a giant guess either.

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

9 Through you, Madam President, if
10 Senator Krueger would continue to yield.

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR O'MARA: Senator, is the
15 financial plan before us today, is it balanced?

16 SENATOR KRUEGER: Yes.

17 SENATOR O'MARA: Does this
18 financial plan raise taxes? And if so, which
19 taxes?

20 SENATOR KRUEGER: (Conferring.)
21 Okay. I just want to make sure I had my facts
22 right.

23 So there's a cigarette tax increase
24 of about a dollar a pack, which we actually
25 project will lower tax revenue for the state.

1 Some people think that's a funny story. Others
2 think that reflects if you make cigarettes more
3 expensive, fewer people buy them, fewer people
4 smoke them, and that's a good public health win.
5 So there's that tax increase.

6 And then there's a specific tax
7 increase only for businesses within New York
8 City, the payroll mobility tax that increases and
9 goes to help pay for the MTA operating revenue
10 crisis. But that is not specific to the entire
11 state, and actually the revenue side is only from
12 New York businesses.

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

15 Madam President, if the Senator will
16 continue to yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 Senator yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR O'MARA: What is the
23 increase in state operating funds from year to
24 year in this budget?

25 SENATOR KRUEGER: Approximately

1 5 billion in total.

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

5 ACTING PRESIDENT PERSAUD: Does the
6 Senator yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 Senator yields.

10 SENATOR O'MARA: With that spending
11 increase within this budget, are there any
12 cost-containment provisions for uncertainties
13 that might come down the road?

14 SENATOR KRUEGER: So, I'm sorry,
15 just to make sure I understand the question, are
16 we discussing the concept that there would be
17 language in the budget that cut the budget
18 automatically if something happened? Is that the
19 question? Or is there another example that you
20 had in mind?

21 SENATOR O'MARA: Through you,
22 Madam President. Yes, Senator, that would
23 automatically either cut the growth off in a
24 certain category, given certain situations.

25 Or are there -- on new programs in

1 the budget, are there built-in caps on what the
2 new program -- or existing programs,
3 continuing -- what they can exceed in this fiscal
4 year?

5 SENATOR KRUEGER: Okay. So really
6 the only programs that don't have a cap on them
7 are programs called entitlement programs, pretty
8 much which are federal programs with some kind of
9 perhaps state match.

10 We don't really have entitlement
11 programs that are state law which would
12 automatically rise above what we budgeted for
13 them based on the number of people eligible.

14 And as far as what would we do to
15 control spending if in fact we found ourselves
16 with some emergency or crisis or a plummet in
17 projected revenues? I guess we are that fallback
18 position, the Legislature. Because the Governor
19 could then come to us and say, Our projections
20 were really off and now we have to reevaluate our
21 spending plan for the remainder of the year.

22 And I suspect the Legislature would
23 do our due diligence and our jobs and negotiate
24 some change in the budget midyear because of
25 something that happened.

1 I know that I was -- I was brand-new
2 in the Senate in February 2002, I won in a
3 special election, so soon after 9/11, and there
4 were sudden emergency fiscal needs, and I believe
5 the Legislature did come back and change the
6 budget.

7 I have been here in years where
8 revenues dropped and we had to face enormous cuts
9 in the budget during the budget negotiations, and
10 we did our jobs and did that.

11 So I have to believe that if
12 something either imaginable or unimaginable
13 happened during the next 12 months changing our
14 revenue situation or our need for expenditures,
15 we would be responsible and respond at that time.

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

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

20 ACTING PRESIDENT PERSAUD: Does the
21 Senator yield?

22 SENATOR KRUEGER: Yes, I do.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR O'MARA: Senator Krueger,

1 based on the fiscal plan I have before me, the
2 total of all the various reserve funds we have,
3 both statutory reserves and unofficial reserves,
4 is about \$33.3 billion. And that's about
5 1.6 billion less than what the Governor had
6 proposed. Is that about accurate?

7 SENATOR KRUEGER: Yes, that is
8 correct.

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

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR O'MARA: In this budget,
17 Senator Krueger, how much is being spent to pay
18 down the unemployment insurance debt owed to the
19 federal government?

20 SENATOR KRUEGER: None of the
21 General Fund money is used for that purpose. The
22 Unemployment Insurance Benefit Trust Fund is a
23 separate item not technically on-budget, and it
24 is not a state obligation to pay that back. It
25 is the Unemployment Benefit Fund that is

1 obligated to pay that back.

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

5 ACTING PRESIDENT PERSAUD: Does the
6 Senator yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 Senator yields.

10 SENATOR O'MARA: So under that,
11 Senator Krueger, the pay-back of that is left
12 upon every business in New York State with
13 increased unemployment insurance costs until that
14 gets paid off.

15 How long are you anticipating it's
16 going to take the businesses of New York State to
17 pay down this massive unemployment insurance
18 debt, which is in the range of \$8 billion,
19 according to my sources.

20 SENATOR KRUEGER: Through you,
21 Madam President, I'm just hearing discussion, but
22 my belief is that yes, it's about \$8 billion, a
23 little less, and that it should be paid off by
24 2027.

25 SENATOR O'MARA: Thank you.

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

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR O'MARA: Senator, is there
9 an effort underway by the Majorities or by the
10 Executive of this state to encourage the federal
11 government to forgive some of that unemployment
12 insurance debt? And do you think that is
13 something that the federal government should do?

14 SENATOR KRUEGER: We don't know if
15 the Governor has made that request of the federal
16 government.

17 And I just want to clarify. So the
18 purpose of unemployment benefits are that
19 businesses pay in to make sure that there's
20 adequate funds to address unemployment, with an
21 expectation built into the design of the program
22 that they're going to be, to use a biblical
23 reference -- not such a great territory for me,
24 Madam President -- but fat years and thin years
25 for the cattle. Remember that rule, that

1 teaching from Sunday school? I do.

2 And that so unemployment is there,
3 so you're paying in for the -- to have the grain
4 ready for the thin years, and then you hand out
5 the grain when people need it, and then you build
6 it back up during the fat years so you've got it
7 again during the next thin years.

8 Maybe it wasn't a biblical story;
9 maybe it was a farming story. But I was thinking
10 it was a biblical story.

11 And that's to some degree the exact
12 design of unemployment benefits. I'm teasing a
13 little because I know Madam President is actually
14 a religious woman, and we've had some discussions
15 about religion, and I'm not the one to have the
16 analogies. But I think that was the design of
17 unemployment.

18 So some people will tell you, Yes,
19 now we owe all this money back and it is going to
20 cost businesses something. And other people
21 would come here and tell you, Well, we actually
22 should have been increasing the unemployment
23 payments during some of the good years. And most
24 states did, and so they found themselves with a
25 larger trust fund when they needed it.

1 And we did not have enough money in
2 our trust fund when we hit a particularly tough
3 time for employment, and that is one of the
4 reasons that we are actually in this situation.

5 So some people might come to the
6 floor of the Senate and say the solution should
7 be and should have been to increase the payments
8 during the good years so that we didn't find
9 ourselves as we have in the bad years.

10 But nonetheless, the program is
11 designed to replenish itself. And we are on
12 schedule to do that by '27. And I certainly hope
13 we don't end up in any kind of giant drop in
14 employment any time soon where that would become
15 a new crisis for us.

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

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

20 ACTING PRESIDENT PERSAUD: Does the
21 Senator yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR O'MARA: Is it your

1 position, Senator, or that of the Majority in
2 this Senate that the cost of doing business is
3 New York is not high enough and they should be
4 paying more?

5 SENATOR KRUEGER: I don't speak for
6 the Senate when we get into a discussion about
7 policy around unemployment benefits. But I do
8 know that if you look at what New York's rate for
9 unemployment benefits is compared to neighboring
10 states and even states around the country, and in
11 fact how much we actually pay in unemployment
12 benefits, we're below the standard for much of
13 the country.

14 And I do think it is a worthwhile
15 discussion for us as a Legislature and a
16 government to have. And there are a variety of
17 reform proposals for unemployment benefits that
18 have been recommended that would address the fact
19 that our unemployment benefits system doesn't
20 even necessarily match the model of the economy
21 we have, where people who may not have full-time
22 jobs end up not being eligible for unemployment
23 benefits. People who have to have multiple
24 part-time jobs can never really add up to get
25 unemployment.

1 So there's a significant number of
2 workers in New York who find themselves not even
3 eligible for UI benefits, and I think that is an
4 important question so be asked. The benefit
5 level that we pay is lower than many surrounding
6 states. I think that's an important question to
7 ask.

8 And yes, in fact many of the
9 businesses in New York actually pay lower amounts
10 into unemployment than they would in other
11 states, and I think that's an important
12 discussion to have.

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

16 ACTING PRESIDENT PERSAUD: Does the
17 Senator yield?

18 SENATOR KRUEGER: Yes, I will.

19 ACTING PRESIDENT PERSAUD: The
20 Senator yields.

21 SENATOR O'MARA: Senator, is it the
22 position of the Majority of this body and the
23 Governor that the businesses of New York State
24 should have anticipated a global pandemic that
25 resulted in huge costs around the globe, so they

1 should have been prepared for that with their
2 unemployment insurance reserves?

3 SENATOR KRUEGER: No, sir, I don't
4 think that anyone thinks anyone should have been
5 able to have a crystal ball and know that there
6 was going to be a global pandemic that was going
7 to trigger such an enormous impact on our labor
8 markets and our employers and employees.

9 I was pointing out, I think in
10 answer to the previous questions, that when you
11 understand what UIB is supposed to be for, it is
12 designed to supposed to be flexible enough to
13 increase its trust funds during good years in
14 preparation for bad years.

15 But if you're asking me do I think
16 that everybody should have known that in 2020 and
17 '21 we would have hit this reality of that
18 pandemic which had such an enormous impact pretty
19 much on everyone? No.

20 Although I guess I would argue that
21 for the future, I think we as a society and even
22 as the world need to understand we're now living
23 in a time where there are scientists projecting
24 more pandemics to come. And they're projecting
25 that some of them are directly correlated to

1 climate changes.

2 So I guess on that laundry list of
3 things we just have to get better about, we
4 probably have to get better about planning for
5 pandemics as well as other global crises.

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

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

10 ACTING PRESIDENT PERSAUD: Does the
11 Senator yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR O'MARA: The federal
16 government throughout the COVID pandemic was
17 extremely generous to the states in providing
18 COVID relief funds. How much in total did
19 New York State receive in COVID relief funds from
20 the federal government?

21 SENATOR KRUEGER: One minute.
22 (Conferring.)

23 We believe that the number was
24 \$53 billion from the federal government. It was
25 broken out into many different pots of money.

1 Almost all had specific requirements of what it
2 could and could not be used for.

3 SENATOR O'MARA: Through you,
4 Madam President, if the Senator will continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 Senator yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR O'MARA: How much of
12 that -- 53 billion?

13 SENATOR KRUEGER: Yes, sir.

14 SENATOR O'MARA: -- remains in the
15 state coffers?

16 SENATOR KRUEGER: It's a relatively
17 small amount, all of which is spoken for and I
18 believe has to be spent by the end of the fiscal
19 year we are just starting -- wait, I want to be
20 careful.

21 So a small amount. We can try to
22 get you an actual number; I don't have one right
23 now. But we agree it basically all has to be
24 spent by the end of the fiscal year that we are
25 technically a month into.

1 SENATOR O'MARA: Thank you,
2 Senator.

3 Madam President, if the Senator will
4 continue to yield.

5 ACTING PRESIDENT PERSAUD: Does the
6 Senator yield?

7 SENATOR KRUEGER: Sure.

8 ACTING PRESIDENT PERSAUD: The
9 Senator yields.

10 SENATOR O'MARA: You mentioned that
11 there were various limitations and certain areas
12 that that federal COVID relief money had to be
13 spent in. I believe 32 states in this country
14 utilized a portion of their COVID relief funds to
15 pay down their unemployment insurance debt.

16 Why is New York State correct in not
17 spending money to help pay that down when
18 32 other states utilized that relief money for
19 that purpose?

20 SENATOR KRUEGER: Well, there are
21 50 independent states so we each make our
22 decisions as we believe are in the best interests
23 of our people.

24 Without having evaluated how those
25 other 32 states chose not to spend their money

1 because they spent some of it for UIB, I don't
2 know if I'd be in a position to answer.

3 I know -- at least initially I'll
4 point out New York was one of the earliest states
5 to be hit hard by COVID, and I think
6 disproportionately proved to be one of the states
7 hit hardest by COVID. So I think an enormous
8 amount of the money went into emergency
9 healthcare-related costs.

10 I don't know -- not only do I not
11 know how other states spent theirs, if you look
12 at every imaginable list of what they would have
13 spent on, I don't know that we as a group or
14 individually would have thought that the
15 decisions made by this state were the wrong
16 things to decide to spend money on, versus not
17 spend money on.

18 Because certainly I agree with my
19 colleague that trying to save money for our
20 businesses and having to expend money on UIB is
21 one important issue. But I hazard to guess, if
22 we looked at the list of all the ways that COVID
23 emergency federal funds were spent, we would all
24 have a very long list of things we thought that
25 the money should be spent on, and probably some

1 differences of opinion on prioritization.

2 SENATOR O'MARA: Thank you,
3 Senator. I think that's it for my questions.
4 Thank you, Senator Krueger, for the answers.

5 If I can speak on the bill --

6 ACTING PRESIDENT PERSAUD: Senator
7 O'Mara on the bill.

8 SENATOR O'MARA: -- for a moment.

9 You know, I think that last question
10 and answer kind of demonstrates the attitude of
11 this Governor and the Majorities of this
12 Legislature when it comes to the economy of
13 New York State and how it treats its businesses
14 and entrepreneurs in New York State, with the
15 really unconscionable cost of doing business in
16 this state compared to many other states.

17 Which in the end ultimately limits
18 the opportunities that New York's entrepreneurs
19 and businesses are able to offer up to the
20 citizens of New York State, through employment
21 opportunities and other areas that we're missing
22 out on because of the cost of doing business in
23 New York.

24 And this spending also results in
25 making just the cost of living in New York State

1 unaffordable, which we see with the exodus of
2 New Yorkers from New York State every year.
3 There's just been a report out in the last day or
4 two from the IRS about the loss of adjusted gross
5 income of the largest blue or Democrat-controlled
6 states in the country. New York's is the
7 second-largest loss, losing adjusted gross income
8 to other lower-cost states.

9 This budget that we're here to vote
10 on today, it's not even complete. We don't even
11 have the Big Ugly put together, which is going to
12 have who knows what in it in the end. We don't
13 know. Those discussions have been kept entirely
14 in secret. There's even really been very few
15 leaks from the -- to the media, that the media's
16 put out, on this during this behind-closed-doors
17 budget negotiation.

18 Yet we're being asked to vote on
19 budget bills now when there are still probably
20 the two most significant bills yet to get put
21 into print to know how this whole budget comes
22 together. We don't know that.

23 But we do know what the overall
24 spending is going to be, \$230 billion. And
25 under -- this is the fifth year of one-party

1 control in this state. Spending in the state has
2 increased by about \$60 billion in those
3 five years -- a 26 percent increase in overall
4 state spending in just five years.

5 The costs are astronomical. The
6 impacts to New York as a whole on the cost of
7 affordability of living here and the cost of
8 doing business here suffer because of that.

9 That \$60 billion increase over the
10 past five years is larger than the entire budgets
11 of I think about 35 states in this country --
12 35 states, annually, spending less than just what
13 our increase has been in the last five years.
14 The states of Florida and Texas combined, their
15 budgets don't exceed -- and they're lower than
16 what this budget in New York State is. Both of
17 those states have greater populations than
18 New York State. Yet combined, their budgets
19 don't match up to what we're spending here in
20 New York State.

21 And before you jump to conclusions
22 and say, well, those are big red states, they're
23 conservative, they don't provide the services we
24 provide, they don't do this, they don't do
25 that -- the State of California, with double the

1 population of the State of New York, we spend in
2 this state, in this budget, 50 percent more than
3 what the State of California spends in its
4 budget, despite them having twice the population.
5 Fifty percent more. That's a per-capita figure,
6 50 percent more. Per capita, based on the
7 population, California spends less than we do in
8 New York with this budget.

9 It's unconscionable spending that's
10 out of control. It's unsustainable. And yet we
11 are at the eleventh hour again, being asked to
12 vote on this budget through messages of
13 necessity. So that we didn't have the
14 constitutionally required three-days aging to
15 review these bills. The citizens of New York
16 have not had the opportunity to review these
17 bills and tell us, their representatives, what
18 they like or don't like, whether I should be
19 voting up or down.

20 And it's not even a complete package
21 yet. It's premature. We should be waiting till
22 at least Wednesday of this week to be bringing
23 these bills up, to provide the minimum requisite
24 amount of aging for these bills. It is just
25 really, I think, an insult to the citizens of

1 New York that you're not going to allow them the
2 ability to review and provide feedback.

3 Individually, the various interest
4 groups out there hanging in the balance on what's
5 coming or not coming.

6 And certainly with a \$230 billion
7 budget, there's going to be a lot of things in
8 there that people like, including a lot of people
9 on this side of the aisle. But overall, the
10 amount of spending, the amount of taxing, and
11 that impact on the cost of living in New York and
12 the cost of doing business in New York, is too
13 much, it's unsustainable, and I'm advocating for
14 a no vote on this budget.

15 Thank you, Madam President.

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator.

18 Senator Helming.

19 SENATOR HELMING: Thank you,
20 Madam President. If the sponsor will yield for a
21 question.

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR KRUEGER: I do,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR HELMING: Thank you,
4 Senator Krueger.

5 Over the past several years the
6 state has closed a number of our correctional
7 facilities. This includes Butler, in
8 Wayne County, and Groveland, which is located in
9 Livingston County.

10 In the very short amount of time
11 I've had to review the budget because of the
12 short amount of time that we're given by the
13 Majority, it appears that there are a number of
14 line items for the redevelopment of certain
15 locations and facilities. And I'm wondering if
16 any of the allocations are specifically earmarked
17 for the redevelopment of our closed correctional
18 facilities.

19 SENATOR KRUEGER: We're looking for
20 additional staff. I guess we guessed wrong what
21 your question might be. So if you'd give me
22 another minute, please.

23 SENATOR HELMING: Through you,
24 Madam President, while we wait if I can ask
25 another question.

1 ACTING PRESIDENT PERSAUD: Will the
2 sponsor yield? The sponsor yields.

3 SENATOR KRUEGER: Yes.

4 SENATOR HELMING: Senator Krueger,
5 are you aware that in December of 2022 the Prison
6 Redevelopment Commission presented a blueprint
7 for redeveloping the shuttered facilities?

8 SENATOR KRUEGER: No, I did not
9 know of that, Madam President.

10 SENATOR HELMING: Through you,
11 Madam President, if the sponsor will continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR HELMING: According to ESD,
19 the commission is looking to utilize the New York
20 State Budget to maximize funding and incentives
21 for redevelopment, and ultimately generating
22 positive economic, environmental and fiscal
23 impacts in our communities where these facilities
24 had been closed.

25 So I guess we're going to have to

1 wait for the actual question, which is, is there
2 new funding in the budget for the Economic
3 Transformation Program?

4 SENATOR KRUEGER: I think we may
5 have to wait because -- oh, because -- one
6 second. (Conferring.)

7 Sorry. So my understanding is that
8 the state has not put in additional money for
9 additional sites and is still working to resolve
10 issues from previous times -- or resolve reuse of
11 prisons closed at earlier times and follow
12 through on commitments for them.

13 But I think that the answer I'm
14 getting is for these two prisons -- and I didn't
15 ask you the name -- but we don't think there's
16 anything new for them in this budget.

17 SENATOR HELMING: Thank you,
18 Madam President. If the sponsor will continue to
19 yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR HELMING: Thank you.

1 So yes, there are transformation
2 funds for the two prisons that I mentioned. Yet
3 when those -- when the funding needs were
4 determined, it was done years and years ago. And
5 we know what's happened with inflation, how the
6 cost of everything has skyrocketed. So to hold
7 that level flat doesn't make much sense.

8 So, Senator, are you saying that
9 there is no additional money in the budget for
10 the Butler or Livingston County facilities?

11 SENATOR KRUEGER: Yes, that is what
12 I'm being advised, correct.

13 SENATOR HELMING: And if the
14 sponsor will continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR HELMING: Are you also
21 saying that there isn't any funding in the budget
22 at all for the Economic Transformation Program
23 for the 12 facilities that were identified by the
24 Governor's commission?

25 SENATOR KRUEGER: We're

1 double-checking, but my first advice is that
2 there is no money for those 12 recommendations
3 within the Governor's Executive Budget or final
4 budget.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR HELMING: Senator Krueger,
13 so many of these facilities have the
14 infrastructure capacity for redevelopment -- they
15 have sewer, they have public water. One of them
16 that I'm familiar with is located on the shores
17 of one of our Finger Lakes. They're prime for
18 development, for redevelopment.

19 Do you feel it's wise or even
20 fiscally responsible to leave these facilities to
21 continue to decline and decay, reducing their
22 capacity and capability to be brought back online
23 for the benefit of our local communities?

24 SENATOR KRUEGER: Through you,
25 Madam President, I admitted that I had not read

1 the report. I know very little about this topic.

2 But based on the question I was just
3 asked, perhaps some of these are actually very
4 ripe for redevelopment and don't need state funds
5 at all to be redeveloped for some other purposes.
6 That's also beyond my knowledge base.

7 SENATOR HELMING: Thank you,
8 Madam President.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Senator Walczyk.

12 SENATOR WALCZYK: Thank you,
13 Madam President. Would the sponsor yield.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: First I've got
20 some questions on the elections portion.

21 SENATOR KRUEGER: Sorry, I didn't
22 hear?

23 SENATOR WALCZYK: Elections.

24 SENATOR KRUEGER: Sorry, I missed
25 the word "elections." Yes, please ask questions.

1 SENATOR WALCZYK: So this bill has
2 provided \$15 million made available to local
3 boards and administered by the State Board of
4 Elections, the way that I read it. The language
5 specifically says "reimbursement of eligible
6 costs."

7 What costs will be eligible when our
8 local boards of elections are looking at this
9 budget?

10 SENATOR KRUEGER: Thank you.

11 Yes, he's correct, it's \$15 million
12 for eligible costs. And according to the bill
13 language, it's for reimbursement of eligible
14 costs including but not limited to the
15 replacement of voting systems and equipment,
16 absentee ballot scanners, mail processing
17 equipment, and infrastructure to protect the
18 connectivity and security of county election
19 software.

20 SENATOR WALCZYK: Thank you.

21 And through you, Madam President,
22 would the sponsor continue to yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: Are mobile
4 polling sites -- we passed a bill in this house
5 promoting mobile polling sites and requiring them
6 of local boards of elections. Are -- will they
7 be eligible for reimbursement under this budget?

8 SENATOR KRUEGER: No. Because
9 unfortunately that bill was only passed by the
10 Senate, not the Assembly, so it's not the law.

11 SENATOR WALCZYK: Through you,
12 Madam President, would the sponsor continue to
13 yield.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: So if that bill
20 does become law, the allocation here of the
21 \$15 million won't apply to mobile polling sites,
22 and they won't be funded; is that right?

23 SENATOR KRUEGER: My guess would be
24 that if we were attempting to pass that bill to
25 go into effect in this fiscal year, we'd want to

1 make sure that we clarified in language that if
2 that law was going into effect in this fiscal
3 year that these monies should include those
4 polling sites as well.

5 SENATOR WALCZYK: Thank you for
6 that.

7 And through you, Madam President,
8 would the sponsor continue to yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR WALCZYK: We also passed a
15 bill that mandated additional full-time staff at
16 local boards of elections.

17 Will -- if they've got to build out
18 additional space at their board of elections, or
19 lease additional space, will this \$15 million --
20 would the additional space be eligible under
21 infrastructure?

22 SENATOR KRUEGER: So that was
23 language for additional staff. And I don't
24 believe that this money is allowed to be used for
25 staffing.

1 SENATOR WALCZYK: Through you,
2 Madam President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR KRUEGER: Excuse me. And
7 just to clarify the previous answer, that bill
8 also didn't pass both houses, so it's not law
9 this year.

10 And now of course I'll take the next
11 question.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor will yield.

14 SENATOR WALCZYK: Thank you.

15 Yeah, the question is specifically
16 about space for that staff. If the other chamber
17 agrees and that bill that we pass here does
18 become law and we've mandated that our local
19 boards of elections do have to have additional
20 staff, will they be eligible for this \$15 million
21 for the space required to expand and account for
22 that additional staff at local boards of
23 elections? Is that considered infrastructure?

24 SENATOR KRUEGER: No, we don't
25 believe that space for staffing was assumed

1 included in this infrastructure list.

2 Although there are funds for capital
3 monies for expansion as needed at the local
4 level. So conceivably if you had a board of
5 election that was so tight on space you couldn't
6 squeeze a couple more people in, you could
7 explore capital funds for expansion.

8 SENATOR WALCZYK: Through you,
9 Madam President, would the sponsor continue to
10 yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR WALCZYK: We also passed a
17 bill in this house, the New York Voting and
18 Elections Database and Institute. Can the State
19 Board of Elections use a portion of this
20 \$15 million for that database, as we're talking
21 about replacing voting systems and infrastructure
22 and security?

23 SENATOR KRUEGER: So no, this money
24 cannot be used for that database. And that bill
25 also has not passed both houses.

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

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR WALCZYK: I'd like to shift
11 gears, if that's okay, on to some energy policy,
12 if you would.

13 SENATOR KRUEGER: I'm going to
14 shift staff for that purpose, yes.

15 SENATOR WALCZYK: Understood.

16 SENATOR KRUEGER: I don't have all
17 \$230 billion memorized, just telling you.

18 (Laughter.)

19 SENATOR KRUEGER: I'm ready for the
20 question, Madam President.

21 SENATOR WALCZYK: So there was
22 \$200 million for residential low-income energy
23 efficiency -- the Governor calls this the EmPower
24 Plus program -- for heating, cooling, health and
25 safety-related improvements and expenses. That's

1 what I'd like to focus on.

2 My first question, does someone have
3 to own their home outright to be -- or own their
4 home at all, have a mortgage on it, do they have
5 to be a homeowner in order to be eligible for
6 this program?

7 SENATOR KRUEGER: You can be a
8 renter as well.

9 SENATOR WALCZYK: Okay. In this
10 \$200 million for the --

11 ACTING PRESIDENT PERSAUD: Are you
12 asking the sponsor to yield?

13 SENATOR WALCZYK: Oh. Through you,
14 Madam President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT PERSAUD: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: This \$200 million
22 for the EmPower Plus program, what qualifies as
23 "low income"?

24 SENATOR KRUEGER: You're eligible
25 if your income is 60 percent less than the state

1 median income. So that would then be driven by
2 the size of your household as well.

3 SENATOR WALCZYK: And through you,
4 Madam President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR WALCZYK: I noticed also
12 the language with this \$200 million says "health
13 and safety improvements." What health and safety
14 improvements would we anticipate in the
15 EmPower Plus program?

16 SENATOR KRUEGER: So
17 energy-efficient appliances. Not only do they
18 save the costs of energy and perhaps switch you
19 from one form of energy or another, the newer
20 approvable forms of energy are actually safer and
21 healthier for you and your family.

22 So gas is actually proving to be
23 exceptionally dangerous in many situations.
24 We've even learned that they -- that gas actually
25 explains the rate of asthma in low-income

1 children far more than we even understood a few
2 years ago.

3 SENATOR WALCZYK: Through you,
4 Madam President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR WALCZYK: So just to
12 clarify -- and I may have some disagreements, but
13 it's probably a debate for a different day. Just
14 to clarify, the health and safety portion is
15 really just talking about electrification and
16 removal of gas appliances, is that right?

17 SENATOR KRUEGER: I suppose oil
18 boilers also. So it's not just gas. Gas and
19 oil.

20 SENATOR WALCZYK: Thank you.

21 And through you, Madam President,
22 would the sponsor continue to yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: The way that the
4 Governor has written the EmPower program
5 currently, we're eligible for heating and cooling
6 appliances. Where in New York State is any
7 cooling appliance using fossil fuels?

8 SENATOR KRUEGER: (Conferring.) I
9 think he might have caught us with no answer. I
10 don't actually know if there are any cooling
11 systems that operate on gas or oil.
12 (Conferring.)

13 We sincerely don't know. Maybe
14 something on a very large commercial level. But
15 if this was a game show, you've stumped me.

16 (Laughter.)

17 SENATOR WALCZYK: Well, I'm not
18 going to sit down just yet.

19 (Laughter.)

20 SENATOR WALCZYK: Through you,
21 Madam President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR KRUEGER: Yes, I do.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: Would -- you
4 know, this has said related improvements and
5 expenses are eligible under the \$200 million that
6 we've allocated here for the Governor's
7 EmPower Plus program. Would upgrades to
8 electrical service to a home or apartment be
9 eligible for that?

10 SENATOR KRUEGER: I do have a
11 possible answer to the stumped-me question.

12 So my husband and I actually put in
13 a new HVAC system in our home which is heating
14 and cooling. So we paid for one system, which is
15 then not using oil and gas for the heating, but
16 it actually has an option to cover cooling as
17 well, which I'm very happy about in summer. So
18 maybe that's what was meant. (Conferring.)

19 So my understanding is it would be
20 for electric upgrade for specific purposes and
21 specific appliances.

22 SENATOR WALCZYK: Through you,
23 Madam President, would 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 WALCZYK: So electrical
6 upgrades to the home. If your home was 100-amp
7 service and you needed 200-amp service in order
8 to electrify and get the electric appliances that
9 this program is really driving at, those -- that
10 wouldn't be eligible as far as related
11 improvements and expenses go under the EmPower
12 program? Do I understand that correctly?

13 SENATOR KRUEGER: I'm being told it
14 would depend on the specific requirements of the
15 installation. So I think some of the electric
16 upgrading systems do require an upgrade in the
17 level of electricity coming into a specific home.

18 I have to go to engineering school
19 now also, Madam President.

20 SENATOR WALCZYK: Thank you.

21 Madam President, on the bill.

22 ACTING PRESIDENT PERSAUD: Senator
23 Walczyk on the bill.

24 SENATOR WALCZYK: So this is an
25 important line of questioning because we don't

1 always think about how old our housing stock is
2 in New York State. NYSERDA said a few years ago
3 that a minimum of 200-amp service will be
4 required if New Yorkers are going to be upgrading
5 their residential units to electric.

6 Fifty-three percent of housing was
7 actually built in the 1950s or earlier. We
8 didn't start installing as a general standard,
9 not a requirement, 200-amp service until the
10 1990s. A few hundred thousand homes have been
11 built in New York State since then.

12 So, you know, without considering
13 all of the upgrades that we don't know about out
14 there, a giant portion of our electric stock
15 right now in homes would need a massive upgrade
16 just in the wire from the street to their home in
17 order to install the electrical appliances that
18 this program is driving at.

19 And if you just took that one
20 portion out of this bill -- and this is a
21 \$200 million portion right here -- if you took
22 that just for the homes that need to upgrade, you
23 could upgrade between 40,000 and 60,000 homes
24 from 100-amp to 200-amp service with
25 \$200 million.

1 So this program really doesn't go
2 very far. And I think it's important because I
3 know a lot of the colleagues across the aisle are
4 really driving at this electrification thing.
5 It's going to cost each New Yorker a tremendous
6 amount of money, and this really doesn't get it
7 there.

8 So telling them, you know, you'll be
9 eligible for, you know, a new ductless mini-split
10 that costs \$5,000, that might be nice. But if
11 you don't have 200-amp service to your home to
12 supply the replacement for your gas stove, the
13 ductless mini-split, the heat pump water
14 heater -- all of the great things that we're
15 pushing -- it is pretty much moot. People won't
16 be able to afford the access to even get that
17 technology.

18 I've got a a lot of concerns about
19 the overall budget, but I'll hit them on some of
20 the other bills. I'll be voting no on this one,
21 and I encourage my colleagues to do the same.

22 Thank you, Madam President.

23 ACTING PRESIDENT PERSAUD: Thank
24 you.

25 Senator Ashby.

1 SENATOR ASHBY: Thank you,
2 Madam President. Will the sponsor yield for
3 questions regarding veterans.

4 ACTING PRESIDENT PERSAUD: Will the
5 sponsor yield?

6 SENATOR KRUEGER: Yes, I do,
7 Madam President.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR ASHBY: In terms of funding
11 for the new veterans agency that we have, I see
12 that there's 4 million allocated for capital
13 funding. How much of that has its origins in
14 federal dollars?

15 SENATOR KRUEGER: Two million
16 dollars, Madam President.

17 SENATOR ASHBY: Through you,
18 Madam President, will the sponsor continue to
19 yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: I do.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR ASHBY: And the only

1 capital project that we have for veterans is the
2 State Cemetery?

3 SENATOR KRUEGER: Correct.

4 SENATOR ASHBY: Would the sponsor
5 continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR ASHBY: Last year we had \$5
12 million that went towards funding capital
13 projects for nonprofits, such as the VFWs,
14 American Legions. Why is that not included in
15 this year's budget?

16 SENATOR KRUEGER: So the 5 million
17 that we put into last year's budget for that
18 purpose apparently had some kind of problem with
19 the appropriation language. So that money has
20 not been spent. So the appropriation language
21 has been corrected in this year's budget, so that
22 money is available to be spent. But it's not
23 seen as new money, because it's actually
24 reappropriated money brought forward from last
25 year.

1 SENATOR ASHBY: Would the sponsor
2 continue to yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR ASHBY: Is there
9 consideration to increase the amount of funding?
10 Because in my district, when we found out that
11 this money was there, we had a tremendous outcry
12 and there were a number of posts that applied for
13 it. But 5 million doesn't go very far in terms
14 of capital improvements for these posts.

15 And, you know, just last week we had
16 veterans coming in and out, we had West Point
17 here. And to think about what these posts do for
18 our veterans, 5 million falls short. So is there
19 an effort to increase this funding?

20 SENATOR KRUEGER: Through you,
21 Madam President, I think that the Senate would
22 certainly be open to searching for additional
23 money after that 5 million is spent.

24 But again, that was assumed to be an
25 annual allocation for last year that did not get

1 spent, so to some degree we're starting a year
2 later in this effort. So it's absolutely
3 conceivable that by the end of this year there
4 will be evaluations concluding that there needs
5 to be additional funds for future years.

6 SENATOR ASHBY: Would the sponsor
7 continue to yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR ASHBY: Being that this is
14 a new state agency and eligible for federal
15 funding, are there any other programs, capital
16 projects, to your knowledge, that we're thinking
17 about funding? In terms of there's a number of
18 opportunities, now that this is a state agency,
19 to help our veterans, whether it's through
20 healthcare, whether it's through education, that
21 other agencies get a lot of money for.

22 Are you aware of any other programs
23 or projects that are being put forward?

24 SENATOR KRUEGER: Through you,
25 Madam President, I am not personally aware. And

1 I'm not a member of the committee that will be
2 working or was already working with the new
3 agency.

4 I do know that quite a few of the
5 programs designed to address the needs of our
6 veterans are not necessarily unique to having a
7 federal veterans agency and are out there and
8 available currently to veterans. They often
9 don't know about them. So I know that a major
10 part of the goal of a new agency focusing on
11 veterans in New York State was to make sure that
12 veterans are getting access to services and
13 benefits that may exist in law and may exist
14 under other funding streams, but they are not
15 taking advantage of them because they do not know
16 about them.

17 I know when the City of New York,
18 where I live, decided to create its own city
19 agency to help veterans, it was shockingly good
20 news to see how quickly so many additional
21 services could be provided to veterans living in
22 New York City -- not because there was per se
23 additional budget money of significance, but
24 rather the recognition that veterans were
25 eligible for but not participating in programs

1 because there was no connection between them and
2 the program.

3 So I do think that as this agency
4 matures and has staff, they also will find there
5 are many programs and services that can and
6 should be accessed by veterans, but they need the
7 help to learn about them.

8 And very likely as the agency also
9 evolves and matures, they will be coming to us
10 with additional asks themselves. I think it's
11 all too new to know an answer right now.

12 SENATOR ASHBY: Thank you,
13 Madam President. On the bill.

14 ACTING PRESIDENT PERSAUD: Senator
15 Ashby on the bill.

16 SENATOR ASHBY: Well, for those of
17 us who don't reside in New York City and don't
18 have the opportunity to take advantage of that,
19 we have to wait, the veterans and their families
20 have to wait for the maturation of this program.
21 And it's been a long time coming. It's been an
22 effort that has been an enormous undertaking for
23 a number of people for years.

24 And to see the numbers that we're
25 seeing now in this budget, it's apparent that

1 it's not a priority. It's apparent that it's not
2 a priority for this administration and some in
3 this body. And it's a sad day. Because just
4 last week we had a number of veterans and their
5 families here, and we were talking about how --
6 all the great initiatives that we're trying to
7 push for. And yet when push comes to shove and
8 we look at this budget, it is not evident.

9 Thank you, Madam President.

10 ACTING PRESIDENT PERSAUD: Thank
11 you.

12 Senator Martins.

13 SENATOR MARTINS: Thank you,
14 Madam President.

15 Would the -- would Senator Krueger
16 please yield for a few questions.

17 ACTING PRESIDENT PERSAUD: Will the
18 Senator yield?

19 SENATOR KRUEGER: Yes, I will.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR MARTINS: Thank you,
23 Senator Krueger.

24 SENATOR KRUEGER: (Indicating.)
25 They know what the question's going to be before

1 I do.

2 SENATOR MARTINS: The questions are
3 on housing.

4 SENATOR KRUEGER: Oh, damn. I just
5 thought they were really good. He didn't tell me
6 he had a list of who was asking what questions.

7 (Laughter.)

8 SENATOR KRUEGER: Please let
9 Senator Martins ask me a question that my
10 colleagues know about already.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR MARTINS: Thank you,
14 Madam President.

15 Senator, I'm looking at this bill,
16 specifically the section dealing with the
17 Division of Housing and Community Renewal, and I
18 notice that there was originally in the
19 Governor's budget \$250 million in that allocated
20 to DHCR for helping with housing needs,
21 infrastructure improvements that local
22 municipalities may need in embracing,
23 constructing additional housing.

24 Is that money still available?

25 SENATOR KRUEGER: No. The Governor

1 removed all of her housing proposals from the
2 budget.

3 SENATOR MARTINS: I also --
4 Madam President, through you, if Senator Krueger
5 would continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR MARTINS: I also recall
12 that in the one-house from this very body, the
13 Majority also advanced monies that would be
14 available to local communities for infrastructure
15 improvements that would also allow for
16 communities to embrace constructing housing.

17 Were we as a Senate able to impress
18 upon the Governor the need for funding for
19 housing specifically to help local communities
20 with their infrastructure needs?

21 SENATOR KRUEGER: No, we were not,
22 Madam President. I would guess both sides of the
23 aisle are equally frustrated about this story.

24 SENATOR MARTINS: Thank you,
25 Madam President. On the bill.

1 ACTING PRESIDENT PERSAUD: Senator
2 Martins on the bill.

3 SENATOR MARTINS: And thank you,
4 Senator Krueger, very much. I appreciate that
5 answer.

6 You know, we did an awful lot of
7 talking this year about housing, about the need
8 for housing, about the need for us to build
9 greater housing stock so that our children would
10 have a place to live, empty-nesters would be able
11 to continue to live in their local communities.
12 And we talked about it in the context of an
13 emergency, that we have an emergency and that
14 there is a critical need. And for that, I think
15 we all agree, both sides of the aisle, Governor,
16 Senate and the Assembly.

17 And yet here we are discussing a
18 budget that increases state spending from
19 \$219 billion to \$230 billion, and we managed
20 somehow to take \$250 million out of the budget
21 that was specifically designated to advance the
22 concept of building housing in our downtowns.

23 So I'm at a loss as to how we can
24 advance a concept of something so important as to
25 build housing -- understanding, Madam President,

1 how important it is that we build that housing,
2 that we provide help to our local communities.
3 Whether it's water and sewer, utilities, whether
4 it's parking facilities, whether it's
5 transportation, we live in communities where we
6 rely on our local governments to take care of
7 those things.

8 But when there are larger
9 initiatives, statewide initiatives that we could
10 all agree are priorities, the idea that we will
11 not put funding in our budget where it's
12 necessary, for a priority that we could all agree
13 is a priority and should be a priority, frankly
14 is unacceptable.

15 So with that, Madam President, I
16 thank again the sponsor for answering those few
17 questions, and I yield the balance of my time.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: Senator
20 Rhoads.

21 SENATOR RHOADS: Thank you,
22 Madam President. Will the sponsor yield to a
23 couple of questions.

24 ACTING PRESIDENT PERSAUD: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Yes. What's the
2 topic?

3 SENATOR RHOADS: First, the topic
4 will be the message of necessity.

5 SENATOR KRUEGER: Oh, okay.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR RHOADS: Thank you,
9 Madam President.

10 Senator Krueger -- through you,
11 Madam President -- what is the purpose of the
12 three-day waiting period?

13 SENATOR KRUEGER: The purpose --

14 SENATOR RHOADS: What is the
15 purpose of the three-day waiting period?

16 SENATOR KRUEGER: I'm not totally
17 sure what language was written in the
18 Constitution originally for the three-day
19 message, so I don't know that. You might know
20 the answer.

21 But I think from a perspective of
22 ensuring that there is time for legislators and
23 others to review the legislation, I would guess
24 that that was written at a time pre-computers and
25 pre-laptops, and when a bill was written and

1 submitted for a bill number it was -- then had to
2 be printed on some kind of device, maybe not even
3 copier machines back then, and made available to
4 people.

5 So in fairness, probably three days
6 at that time was the minimum number you needed to
7 even make sure someone could even get a written
8 copy. I actually remember when we had to have
9 written copies of the bills on our desks, and at
10 budget time they would bring these giant piles
11 in. And we would wait for hours sometimes
12 because the copier machines had all overheated
13 and broken and the paper was so hot that the ink
14 melted all the papers together.

15 And that was in not even historic
16 times; I've only been here 20 years, not
17 120 years. So I'm guessing that the time frames
18 were probably just completely different then.

19 SENATOR RHOADS: And would the
20 Senator continue to yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 Senator yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

1 SENATOR RHOADS: Has the advance in
2 technology made it any less difficult to digest
3 the complexity of a budget bill?

4 SENATOR KRUEGER: So it's certainly
5 made it easier to get ahold of. People can sit
6 in their homes and call it up on their home
7 computers.

8 Is it easier to absorb and
9 understand legislation? I don't know, are we
10 smarter or less smart than we were a hundred
11 years ago?

12 SENATOR RHOADS: I have my own
13 opinion.

14 SENATOR KRUEGER: Yeah, I do too.
15 I'm not sure I will choose to use it right now.

16 Probably -- it's probably not any
17 easier or harder to digest the substance of the
18 legislation today. Although I do think
19 government has become much more complicated as
20 time's gone on.

21 SENATOR RHOADS: I would certainly
22 tend to agree.

23 Would the sponsor continue to yield?

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR KRUEGER: Yes, Madam
2 President.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR RHOADS: The budget bill
6 that we're debating today, that was filed
7 yesterday?

8 SENATOR KRUEGER: Yes, I believe
9 that is correct. The budget bills went into
10 print -- most of them yesterday, some of them
11 today.

12 SENATOR RHOADS: Okay. And this
13 particular budget bill, which I believe is
14 4004C -- if the sponsor will continue to yield.

15 ACTING PRESIDENT PERSAUD: Are you
16 asking -- will the sponsor yield?

17 SENATOR KRUEGER: Yes, I will. I
18 believe we're on the same bill, yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR RHOADS: 4004C, how many
22 pages is this bill?

23 SENATOR KRUEGER: Back when we had
24 paper, I could have actually sat here and spent
25 an hour counting the pages.

1 Does anyone actually know the page
2 numbers on this bill?

3 SENATOR RHOADS: Actually, I can
4 ask answer that question for you, if you like.

5 (Laughter.)

6 SENATOR KRUEGER: Madam President,
7 can I ask the questioner to yield to a question?
8 How many pages are in this bill?

9 ACTING PRESIDENT PERSAUD: Senator,
10 will you yield?

11 SENATOR RHOADS: I will certainly
12 yield. 1,155 pages.

13 SENATOR KRUEGER: Thank you for
14 saving me the time of counting.

15 SENATOR RHOADS: My -- my pleasure.
16 Will the sponsor continue to yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 SENATOR RHOADS: I believe in
21 response to Senator O'Mara's questions you had
22 indicated that the public and the media had an
23 opportunity to participate in the process and
24 digest what was in the budget -- the proposed
25 budgets -- through the budget hearing process.

1 Is that correct?

2 SENATOR KRUEGER: Through you,
3 Madam President, yes, they got to review the
4 Executive's proposed budget; I think her 30-day
5 amendments as we were in the middle of budget
6 hearings; and then to continue to get our
7 attention in various legitimate ways since then.

8 SENATOR RHOADS: Thank you.

9 And will the sponsor continue to
10 yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR KRUEGER: Yes,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR RHOADS: And the Budget
18 Bill before us today, 4004C, is that identical to
19 the Governor's proposed budget, the
20 Executive Budget?

21 SENATOR KRUEGER: No,
22 Madam President, it is not.

23 SENATOR RHOADS: And will the
24 sponsor continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR RHOADS: And is this
6 particular bill, 4004C, identical to the
7 one-house that was passed by the Senate?

8 SENATOR KRUEGER: No,
9 Madam President.

10 And technically when we pass a
11 one-house, it's a resolution, so it's all of our
12 wishes and dreams and hopes in one document. And
13 of course when we do budget bills, there are
14 individual budget bills that break the budget up
15 into different categories. So they're not --
16 they're really apples and oranges.

17 SENATOR RHOADS: And will the
18 sponsor continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR RHOADS: And is the portion
25 of the bill that's before us today, 4004C,

1 identical to the Assembly one-house?

2 SENATOR KRUEGER: I'm sorry, is it
3 identical to the Assembly bill that they are
4 taking up today, is that what you just asked?

5 SENATOR RHOADS: To the one-house
6 bill that the Assembly passed.

7 SENATOR KRUEGER: Again, I'm more
8 familiar with the Senate one-house versus the
9 Assembly one-house. But I'm quite sure that the
10 Assembly one-house is also not broken up into
11 individual bills such as the budget, so they do
12 not break theirs up into appropriations and
13 Article VIIIs broken down by categories into the
14 10 budget bills we are dealing with today, so --
15 or today and tomorrow.

16 So no, it's not identical to the
17 Senate or the Assembly one-house.

18 SENATOR RHOADS: Will the sponsor
19 continue to yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR RHOADS: So this bill

1 that's before us today is different from all of
2 the three proposals, the Governor's Executive
3 Budget as well as the two one-houses that were
4 passed by the respective chambers of the
5 Legislature, is that correct?

6 SENATOR KRUEGER: Yes,
7 Madam President.

8 SENATOR RHOADS: And will the
9 sponsor continue to yield.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR RHOADS: Incidentally, how
16 was this bill crafted?

17 SENATOR KRUEGER: How was this
18 bill --

19 SENATOR RHOADS: Crafted.

20 SENATOR KRUEGER: Crafted. Ooh.

21 So I explained to a reporter earlier
22 today that I thought that budget bills were a
23 combination of money amounts, policy amounts,
24 dancing, and theater. So I think that's probably
25 the answer I'll offer you.

1 SENATOR RHOADS: Will the sponsor
2 continue to yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR KRUEGER: Yes, I will.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR RHOADS: Through you,
9 Madam President. Would it be a fair statement
10 that leadership from both houses as well as staff
11 from the Governor's office met to craft a
12 negotiated budget that's before us today, at
13 least the portion that we're considering now?

14 SENATOR KRUEGER: Yes,
15 Madam President. And I think that explains why
16 this bill is not identical to the Governor's
17 Executive bill -- the original Executive proposed
18 budget or the -- or different from each house's
19 one-house. Because if we hadn't had meetings and
20 negotiated changes resulting in a different bill
21 before us today, we'd have even more explaining
22 as to why we're a month late.

23 SENATOR RHOADS: And will the
24 sponsor continue to yield?

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR RHOADS: What television
6 station covered the negotiations that took place
7 between the leaders in both houses and the
8 Governor?

9 SENATOR KRUEGER: So if the
10 question is what TV cameras were in those rooms,
11 I don't believe any TV cameras were in those
12 rooms. I think that probably every news outlet
13 in the state, with their reporters, were digging
14 around to try to find out and report on as much
15 information as possible. So probably all news
16 stations covered some pieces of budget and budget
17 negotiations.

18 But I think your question was
19 simpler, were there TV cameras aimed at anyone in
20 these rooms during the negotiating sessions. No,
21 there were not.

22 SENATOR RHOADS: And will the
23 sponsor continue to yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR RHOADS: Through you,
5 Madam President, thank you.

6 Were any of those negotiation
7 sessions or meetings open to the public at all?

8 SENATOR KRUEGER: No. Not that I'm
9 aware of, Madam President.

10 SENATOR RHOADS: Will the sponsor
11 continue to yield?

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR RHOADS: Through you,
18 Madam President. Then how would the public know
19 what's contained in the 1,155-page bill before us
20 today, having had less than 24 hours to review
21 it?

22 SENATOR KRUEGER: Through you,
23 Madam President, I don't think it is realistic to
24 imagine that the 20 million citizens in this
25 state would know the details in the

1 one-thousand-whatever number of pages, or than
2 the other nine bills.

3 I think that is actually the
4 assignment of representative government, which is
5 us, to be elected to do that work on their behalf
6 and to be able to answer their questions and to
7 be held accountable by them.

8 I personally don't know that a model
9 of government where you would put every single
10 imaginable question coming before government, I
11 don't know, on a website and ask everybody to
12 vote every four seconds for every day of the year
13 would get us very far. That's my personal
14 opinion.

15 So I think that we are sent here to
16 do this work, we are elected to do this work, and
17 that is the expectation of our constituents that
18 this is exactly what they have sent us up here to
19 do on their behalf, and that is what we are
20 trying to do.

21 SENATOR RHOADS: Will the sponsor
22 continue to yield?

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR RHOADS: Thank you,
4 Madam President. Through you.

5 Senator Krueger, have you read the
6 1,155 pages of this bill?

7 SENATOR KRUEGER: No, I have not.

8 I feel like probably I have gone
9 through many, many more of the issues than any
10 individual legislator -- perhaps Tom O'Mara has
11 done more than I, because we do spend so much
12 time on the budget.

13 But no, this is a group product.
14 And frankly I don't think either house, either
15 party, could get their work done without having
16 terrific staff who spend -- I don't even want to
17 ask how many hours, days and nights over the last
18 several months getting us to this point here
19 today.

20 SENATOR RHOADS: And would the
21 sponsor continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR RHOADS: Would the Senator
3 agree that three days would be a more adequate
4 time for legislators and staff, as well as the
5 media, to be able to go through the budget bill
6 to see what's in it?

7 SENATOR KRUEGER: I think I
8 answered this question for Senator O'Mara
9 earlier. Yes, I, Liz Krueger, would probably
10 prefer that we spend three days.

11 The staff might prefer we spend
12 three minutes, because they're just damned tired
13 and want to leave us and go home and get some
14 rest, so I don't want to speak for them.

15 But I do think that actually three
16 days of opportunity to have a bill age is a
17 reasonable time period. And unfortunately that
18 is not what has happened, I think in every year
19 that I have been here, for 20 years.

20 SENATOR RHOADS: And will the
21 Senator yield to an additional question.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KRUEGER: Yes, I do.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR RHOADS: Thank you.

3 Through you, Madam President.

4 Is there anything that prevents us
5 from passing an additional extender to allow
6 these three days to take place so that we can all
7 digest what's in this bill?

8 SENATOR KRUEGER: The only way we
9 could pass such an extender for that purpose is
10 if the Governor were to give us one. We do not
11 control extenders in the Assembly or the Senate.
12 It is only a bill that the Governor can create
13 and submit and put whatever language she chooses
14 in it.

15 I suspect, given the fact that we
16 are getting messages of necessity, that is not
17 her goal at this time. But I can't speak for the
18 Governor.

19 SENATOR RHOADS: And will the
20 sponsor yield to an additional question.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR RHOADS: Thank you.
2 Through you, Madam President. Has anyone asked
3 the Governor for additional time to review these
4 bills by the issuance of an extender?

5 SENATOR KRUEGER: Raise your hand
6 if you've asked the Governor for an additional
7 extender.

8 SENATOR RHOADS: She doesn't take
9 my calls.

10 SENATOR KRUEGER: She didn't return
11 your call? I'm sorry, did you?

12 SENATOR LANZA: (Inaudible.)

13 SENATOR KRUEGER: Oh, apparently
14 your leadership did, earlier today. So I guess
15 they didn't get an answer yet either.

16 (Inaudible.)

17 SENATOR KRUEGER: Oh, the action of
18 voting against the message of necessity is the
19 equivalent of asking her for an extender? I
20 think you might have to be more literal.

21 I'm sorry, I'm responding to the
22 wrong person. Excuse me. I'm sorry.

23 (Laughter.)

24 SENATOR KRUEGER: I think you might
25 have to be more literal in your ask of the

1 Governor.

2 SENATOR RHOADS: I appreciate that.
3 Changing topics for one moment, just
4 two more quick questions, if the sponsor will
5 continue to yield.

6 ACTING PRESIDENT PERSAUD: Will the
7 sponsor yield?

8 SENATOR KRUEGER: Yes. I'm
9 enjoying this.

10 (Laughter.)

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR RHOADS: Turning to
14 page 115 of our 1155 pages, specifically with
15 respect to the budget for the Division of
16 Criminal Justice Services.

17 My understanding is is that there's
18 an appropriation for \$50 million for services,
19 expenses and grants related to the acquisition
20 and development of technology to support
21 discovery, including but not limited to
22 equipment, software, hardware, consulting
23 services related to discovery reform.

24 Is that correct?

25 SENATOR KRUEGER: Yes. I can get

1 staff who knows more, but my understanding is
2 that's to provide for a -- for capital money for
3 the district attorneys specifically in New York
4 City to create a system where they can collect
5 the data necessary for discovery and exchange it
6 with the defense attorneys, to speed up the
7 process by which all of this can be done and to
8 be less demanding of the actual time of the human
9 beings in the DAs' offices.

10 It's also my understanding is that
11 the rest of the state already has a system in
12 place to do this and highly recommended it for
13 the City of New York. And that's why the money
14 is there for the City of New York, but the rest
15 of the state does not need this capital funding.

16 SENATOR RHOADS: Will the sponsor
17 continue to yield?

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR RHOADS: I know, for
24 example, in Nassau County, the county has spent
25 millions of dollars in technological improvements

1 to attempt to deal with discovery reform, and
2 probably could spend millions more.

3 Were any other district attorneys
4 asked if the state -- if they could have used
5 additional funds to be able to better comply with
6 discovery reform?

7 SENATOR KRUEGER: For capital
8 purposes.

9 SENATOR RHOADS: Yes.

10 SENATOR KRUEGER: I will look to
11 other staff. Do either of you know?
12 (Conferring.)

13 Okay, my understanding is that there
14 were no other requests for capital outside of the
15 City of New York DAs. There was additional money
16 requested by DAs throughout the state for local
17 assistance to assist them to hire additional DAs
18 and other staff that they believe they need, and
19 I believe that we've put a significant amount of
20 money into the budget for that purpose as well.

21 SENATOR RHOADS: Thank you.

22 Will the Senator yield to -- will
23 the sponsor yield to an additional question?

24 SENATOR KRUEGER: Sure.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR RHOADS: And through you,
3 Madam President. Is this in response to the
4 recent report that there was a surge in DWI
5 dismissals, for example, in Manhattan, that over
6 half of the DWI cases actually were dismissed in
7 2022 because of discovery-related issues?

8 SENATOR KRUEGER: You know, I read
9 that story also. So I don't know whether that
10 factored into anyone's logic.

11 But we do know that the DAs asked
12 for the capital money to build out a system that
13 they were confident could work for them and
14 assist them in completing their jobs of their
15 obligations for discovery and moving their cases
16 forward more quickly, regardless of what the
17 cases were.

18 So I would guess that if that was
19 that large an example, that that probably would
20 be one of the examples, yes.

21 SENATOR RHOADS: And will the
22 sponsor continue to yield?

23 ACTING PRESIDENT PERSAUD: Will the
24 sponsor yield?

25 SENATOR KRUEGER: Yes, I will.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR RHOADS: Given that that's
4 the case, and given the fact that we don't have
5 the rest of the budget to be able to review, was
6 any consideration given or can we expect there
7 being anything in the budget to create more
8 realistic deadlines, rather than investing
9 \$50 million in this one instance?

10 SENATOR KRUEGER: So apparently
11 your questions are so interesting that my
12 colleague Senator Bailey has asked whether he can
13 stand up and answer your questions. So he
14 probably will correct any mistakes I might have
15 made already.

16 Senator Bailey.

17 SENATOR BAILEY: Thank you,
18 Senator Krueger.

19 Through you, Madam President. I
20 wouldn't say that Senator Rhoads has made any
21 mistake, but I just want to refer you to the
22 Public Protection budget hearing. District
23 Attorney Mary Pat Donnelly, when asked about
24 whether reforms were necessary, she indicated --
25 she didn't indicate that any statutory reforms

1 were necessary. And in fact she asked -- she
2 requested that money be provided to district
3 attorneys.

4 In furtherance of that discussion,
5 to some other thing that you were saying to
6 Senator Krueger, it was noted that in fact
7 19 counties had yet to apply for funding that was
8 provided in a prior-year budget.

9 So in sum and substance, the --
10 there were no requests made by district attorneys
11 at the Public Protection hearing in relation to
12 making statutory changes.

13 SENATOR RHOADS: Thank you,
14 Senator Bailey.

15 Will Senator Bailey yield to an
16 additional question?

17 SENATOR BAILEY: Yes. Through you,
18 Madam President, I will.

19 ACTING PRESIDENT PERSAUD: The
20 Senator will yield.

21 SENATOR RHOADS: How many district
22 attorneys testified during the budget hearings?

23 SENATOR BAILEY: Through you,
24 Madam President. In place -- instead of district
25 attorney -- of DA -- of DAASNY President Jordan,

1 Mary Pat Donnelly testified.

2 SENATOR RHOADS: So one?

3 SENATOR BAILEY: Through you,
4 Madam President, one.

5 SENATOR RHOADS: Will
6 Senator Bailey continue to yield.

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR BAILEY: I will.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR RHOADS: How many district
13 attorneys are there in the state?

14 SENATOR BAILEY: Through you,
15 Madam President. Senator Rhoads knows very well
16 that there are 62 counties and each county has a
17 district attorney.

18 It would be incumbent upon
19 Senator Rhoads to ask the president of the
20 District Attorneys Association why they selected
21 Ms. Donnelly to testify on behalf of the
22 62 district attorneys in the association.

23 SENATOR RHOADS: And will the
24 Senator continue to yield?

25 ACTING PRESIDENT PERSAUD: Does the

1 Senator yield?

2 SENATOR BAILEY: I do.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR RHOADS: Was any attempt
6 made by the Senate, and specifically by the
7 Majority, to contact any of these 61 other
8 district attorneys?

9 SENATOR BAILEY: Through you,
10 Madam President --

11 SENATOR RHOADS: To provide
12 testimony.

13 SENATOR BAILEY: Through you,
14 Madam President. If Senator Rhoads will recall,
15 two weeks or a week and a half prior to the
16 Public Protection hearing, we had a hearing about
17 public safety in general where, again,
18 invitations were sent out to district attorneys,
19 a number of district attorneys.

20 And simply because they weren't
21 testifying -- and just to go back about the
22 pattern and practice, because I know,
23 Senator Rhoads, that you're -- that you're new
24 here. Every year, only one individual can
25 testify on behalf of the District Attorneys

1 Association, and in the past it had been the
2 president.

3 So it doesn't mean that the other
4 61 voices aren't heard. It just means that there
5 is a representative, like each chamber has a
6 leader, each conference has a leader. They've
7 chosen a representative to testify on their
8 behalf at these hearings.

9 SENATOR RHOADS: And will the
10 Senator continue to yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR BAILEY: I do.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR RHOADS: Is it not true
17 that the Albany County district attorney, for
18 example, wanted to testify but was not permitted
19 to?

20 SENATOR BAILEY: Through you,
21 Madam President, I am not aware whether the
22 Albany district attorney wanted to testify or
23 not. I am not -- again, I've read the media
24 reports that allude to that. I am not privy to
25 that information.

1 SENATOR RHOADS: Thank you,
2 Senator Bailey.

3 SENATOR BAILEY: You're welcome.

4 SENATOR RHOADS: On the bill.

5 ACTING PRESIDENT PERSAUD: Senator
6 Rhoads on the bill.

7 SENATOR RHOADS: Obviously we have
8 an issue with respect to discovery reform in this
9 state. In speaking certainly with our local
10 district attorneys, we have an issue complying
11 with the aggressive discovery reform that was put
12 forth by the state. We have no indication
13 whether or not there are any planned reforms to
14 those discovery reforms to provide more realistic
15 deadlines, because we have not seen the remainder
16 of the budget.

17 I am particularly concerned,
18 however, about the fact that we continue to pass
19 budget bills, or consider budget bills, through
20 messages of necessity when there was there is no
21 real necessity here. We have been passing
22 extenders -- five or six, if I'm not mistaken,
23 over the course of the last 31 days. In fact,
24 we're continuing to operate under an extender
25 now.

1 The real issue here is one with
2 respect to transparency. We have one budget bill
3 out of nine that we will be debating. Four of
4 them we know are coming up today. This one bill
5 was over a thousand pages long, and it was
6 provided to legislators yesterday.

7 How is the public supposed to
8 understand what's in the bill? How is the media,
9 whose very job is to report to the public so that
10 they can understand what's in the bill -- how are
11 they going to be able to review it? How are we,
12 as Senator Krueger conceded, how are we supposed
13 to review 1100 pages of text in one bill? And
14 you'll see that the remaining bills have similar
15 lengths. How are we supposed to understand
16 what's in it and have reviewed it and digested it
17 so that we can get feedback from our
18 constituents? It's simply not possible.

19 And so what we're seeing today is
20 the very opposite of openness and transparency.
21 We're able to ask a couple of questions because
22 we were able to pick some things out of the bill
23 that we wanted to inquire more about, but we
24 haven't given this a comprehensive review. The
25 public hasn't seen a comprehensive review. And

1 we have it within our power to make it more
2 realistic to be able to do that by simply waiting
3 three days.

4 We've said last week these messages
5 of necessity have simply become messages of
6 convenience. It's more convenient, or perhaps
7 more advantageous to the Governor and to the
8 Majority, simply to get this passed before too
9 many eyes are on it and people can ask too many
10 questions.

11 That's not what we should be doing.
12 We're spending \$230 billion of taxpayer money.
13 The public has a right to know how that's being
14 spent and has a right to be able to have input.
15 Their representatives have the right to know how
16 that money is being spent and have input. And
17 that's simply not happening now.

18 I will be voting no on this bill,
19 and I would urge my colleagues to do the same.

20 Thank you for the courtesy,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: Senator
23 Tedisco.

24 SENATOR TEDISCO: Thank you so
25 much, Madam President. It's been a very long

1 haul here today.

2 Would the good Senator yield for a
3 few questions.

4 ACTING PRESIDENT PERSAUD: Senator
5 Krueger, do you yield?

6 SENATOR KRUEGER: Did he mean me --
7 (Laughter.)

8 SENATOR KRUEGER: -- when he said
9 the good Senator?

10 ACTING PRESIDENT PERSAUD: You are
11 the good Senator.

12 SENATOR KRUEGER: So that makes all
13 the other Senators not so good?

14 (Laughter.)

15 SENATOR KRUEGER: Yes, I will
16 yield.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR TEDISCO: Mr. Lanza said I
20 said "good," didn't I?

21 SENATOR KRUEGER: That's why I
22 wondered if you meant me. Yes.

23 SENATOR TEDISCO: Senator, you've
24 probably heard, like most of us have heard, that
25 sometimes it's said that the worst words in the

1 English lexicon is "it's always been done that
2 way." And you kind of mentioned that along the
3 way here talking about past history and how we've
4 done things.

5 I want to ask you this question to
6 begin with. Not too long ago we added a concept
7 to our budget process; it was called budget
8 subcommittees. What was the purpose of putting
9 those budget subcommittees in place?

10 SENATOR KRUEGER: I'm having a
11 memory problem, Madam President. I actually
12 don't remember whether the budget subcommittees
13 were existing when I first got to the Senate or
14 came after I got here.

15 SENATOR TEDISCO: I'm pretty sure
16 you were here.

17 SENATOR KRUEGER: Okay. Did
18 they -- Madam President, may I ask the Senator a
19 question before I have him ask me another?

20 ACTING PRESIDENT PERSAUD: Senator
21 Tedisco, do you yield to a question?

22 SENATOR TEDISCO: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR KRUEGER: Did it come out

1 of some specific piece of legislation that we
2 created these?

3 SENATOR TEDISCO: I think yeah, we
4 voted on that and the Governor signed it and we
5 had our own budget subcommittees.

6 SENATOR KRUEGER: I'm sorry, Madam
7 President, through you. So when he says budget
8 subcommittees, that's what we've often talked to
9 about -- as like the tables that would be broken
10 out and have a few meetings during the course of
11 the budget process? Is that what we're talking
12 about?

13 SENATOR TEDISCO: Through you, yes,
14 good Senator.

15 SENATOR KRUEGER: Thank you. Only
16 because we also technically have now in the
17 Senate a Budget and Revenue Committee. We have a
18 chair of that committee. So I just wanted to
19 make sure I wasn't answering a question about a
20 different topic. So thank you.

21 So I will agree with you that that
22 did happen. I don't remember what year that it
23 happened. But yes, we did start at some point a
24 process where we would have what we call sort of
25 break-out subcommittees to discuss priorities for

1 certain sections of the budget.

2 SENATOR TEDISCO: Would the good
3 Senator yield for another question.

4 ACTING PRESIDENT PERSAUD: Does the
5 Senator yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR TEDISCO: So it appears you
10 had no opinion on what the purpose of those
11 budget subcommittees were.

12 But I think I can tell you it was
13 for transparency, for rank and file members to be
14 involved in the process, to say that it wasn't
15 just three people in a room doing a budget and
16 then coming back to us, the other 213, and
17 saying, you know, take it or leave it or just
18 negotiate with the majorities.

19 But I'll ask you this question
20 secondly. After we've blown by the April 1st
21 deadline, how many of those budget subcommittee
22 meetings have we had in the last four weeks, in
23 the last month we were late -- the latest we've
24 been in the five years since we had total control
25 by one voice from one political affiliation from

1 one region of the state. How many committee
2 meetings did we have from -- after April 1 when
3 we were late till now, do you know?

4 SENATOR KRUEGER: I don't believe
5 any, Madam President.

6 SENATOR TEDISCO: I think -- excuse
7 me, I think the good Senator said we haven't had
8 any. And I'll ask her to yield again, if she
9 would.

10 ACTING PRESIDENT PERSAUD: Will the
11 Senator yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR TEDISCO: Over the last,
16 oh, decades, let's say 40 years, would you have
17 any realization of how many legislators and
18 governors were late with budgets? Any concept,
19 any estimate? Probably a hard question to
20 answer. Several.

21 SENATOR KRUEGER: I'm going to
22 guess you know the answer. I don't know the
23 answer. And my history only really goes about
24 20 years back --

25 (Overtalk.)

1 SENATOR TEDISCO: -- the question?

2 I don't --

3 SENATOR KRUEGER: Oh. May I ask
4 him a question? I'm sorry.

5 ACTING PRESIDENT PERSAUD: Senator
6 Tedisco, would you yield for a question?

7 SENATOR TEDISCO: Yes, I do.

8 SENATOR KRUEGER: I don't know how
9 many over 40 years, so I'm asking if you might
10 know.

11 SENATOR TEDISCO: I don't know.

12 SENATOR KRUEGER: Neither of us
13 know, Madam President.

14 SENATOR TEDISCO: Would the
15 gentlelady and good lady yield again.

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR TEDISCO: Over the last
20 many years that I've just been talking about --
21 let's say 40 years -- do you know in how many
22 years one political affiliation had total
23 control -- supermajority in the Senate,
24 supermajority in the Assembly -- and also the
25 same affiliation in the Governor's office? Over

1 the last 40 years. How long has that existed, or
2 has it ever existed?

3 SENATOR KRUEGER: I do not know the
4 answer.

5 SENATOR TEDISCO: Would the good
6 lady yield again? Senator.

7 SENATOR KRUEGER: Sure.

8 ACTING PRESIDENT PERSAUD: Does the
9 Senator yield?

10 SENATOR KRUEGER: Yes, I do.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR TEDISCO: I will give you
14 the answer. Except for a short period of time
15 during Governor Paterson, and then there was a
16 consolidation -- you probably remember that --
17 you are the petri dish over the last 40 to
18 48 years. You, in your majority here, and the
19 Democratic majority in the Assembly, and the
20 Governor, are the only political affiliation who
21 controlled all levers of power in New York State.

22 I want to ask you this question. Do
23 you remember when you took over all that power?

24 SENATOR KRUEGER: Do I remember
25 when the Democrats took the majority in a 2018

1 election? Yes, I do.

2 SENATOR TEDISCO: So would that --
3 would she yield for another question.

4 ACTING PRESIDENT PERSAUD: Does the
5 Senator yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR TEDISCO: So that would
10 be -- good Senator, so that that would be in
11 2019, 2020, 2021, 2022, 2023. For five years,
12 you, the good Senate, the Governor was totally
13 one affiliation. Could you tell me how many late
14 budgets there were in those five years that you
15 controlled all houses? Not one day, not just
16 seven days, but in 31 days, how many late
17 budgets?

18 SENATOR KRUEGER: I believe last
19 year and this year.

20 SENATOR TEDISCO: Well, I believe
21 there was five. Okay? I don't know what you're
22 counting as a late budget.

23 SENATOR KRUEGER: You know, I will
24 believe the Senator --

25 ACTING PRESIDENT PERSAUD: Senator

1 Tedisco, are you asking the Senator to yield, to
2 answer that question?

3 SENATOR TEDISCO: Yes. I will ask
4 her to yield again, yes.

5 ACTING PRESIDENT PERSAUD:
6 Senator --

7 SENATOR KRUEGER: Sure.

8 ACTING PRESIDENT PERSAUD: The
9 Senator will yield for you to ask that question.

10 SENATOR TEDISCO: Let me ask you
11 this, Senator. We're talking about messages of
12 necessity. Would it be right to say that every
13 single part of this budget process where an
14 extender came to the floor, where a real budget
15 bill now as it comes to the floor -- every single
16 part of a bill coming to vote and put in place a
17 budget was done by a message of necessity
18 completely?

19 Bypassing what we've been talking
20 about, a three-day period for a review, an
21 evaluation, a digestion of us -- and your members
22 also -- of the \$230 billion budgets that we're
23 looking at over the next couple of days. Would
24 it be right to say every vote we've made was from
25 a message of necessity, bypassing the three-day

1 constitutional mandate of us to have the bill
2 there to read?

3 Once by paper, now by electronics.
4 So it's much easier to have this done and have it
5 on our -- I know you talked about -- to my
6 colleague Senator Rhoads about having it printed,
7 having to get it on your desk. That doesn't
8 exist anymore. So there's nothing that takes
9 more time to get it on our desks by printing. It
10 all comes through our process through this
11 tablet, which I had something to do with a while
12 back and carried the bill, sponsored the bill.
13 And it saves \$13 million a year that we use a
14 tablet now and don't put paper into landfills or
15 tear down trees.

16 But am I right in saying everything
17 was done by a message of necessity? Because
18 someone once said "In darkness, democracy dies."
19 So I think that creates a little darkness, as has
20 been said by our constituents, by the media --
21 who, by the way, has to read all those 1000-so
22 many pages of this particular budget bill we
23 have. But would I be right in saying that
24 everything was a message of necessity?

25 SENATOR KRUEGER: So I believe that

1 the 20 years I have been here, I think that the
2 budgets have been done through messages of
3 necessity.

4 So the Republicans controlled the
5 Senate for I think 75 of the last hundred years,
6 longer -- I think more than that, more than 75 of
7 the last hundred years. I don't know how many of
8 those were done by message of necessity. But it
9 is true since I've been here, when there was
10 Republican control of the Senate, a Republican
11 governor, a Democratic Assembly, they were done
12 by message of necessity.

13 So I think both parties can use
14 examples of frustration that that is the model we
15 use to get budgets done. But it's not
16 unconstitutional, because the Constitution also
17 recognizes the ability to use messages of
18 necessity. So I don't think we're doing anything
19 unconstitutional. In fact, I'm quite sure of it.
20 Because when I was a young Senator and I was in
21 the minority, I sued over the use of messages of
22 necessity, and I lost, because the Court said
23 it's constitutional, it's allowed.

24 So we're using a model that is
25 constitutional, apparently has been used for

1 extended numbers of decades. And people can have
2 differing opinions about whether they like it or
3 not. As I've already said to multiple
4 questioners, I prefer that we don't use it. But
5 that doesn't mean it's not being used and that it
6 hasn't been used -- perhaps not forever, but for
7 a very long time.

8 SENATOR TEDISCO: Would the Senator
9 yield for another question.

10 ACTING PRESIDENT PERSAUD: Will the
11 Senator yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR TEDISCO: Senator, you
16 brought forth a point -- not a good point, a very
17 bad point. Because what you talked about is
18 what's been happening when I said the worst words
19 in the English lexicon was "it's always been done
20 that way." And what you did is you went back to
21 Republicans again. And you said, you know, the
22 Republicans did the same thing.

23 No, we didn't do the same thing.
24 I'll tell you why. Because over the last 40 to
25 48 years, Republicans blamed Democrats, Democrats

1 blamed Republicans for late budgets. And you
2 know what? They were able to do that. You know
3 why? Because you mentioned it. We had the
4 Senate for many years, but at the same time
5 Sheldon Silver was there and the Cuomos were
6 there and the good Spitzers were there, and you
7 had the -- and your party had the Assembly for
8 many years, so we were mixed.

9 The reason why your point is bad,
10 this is the first time one party had complete
11 control of the Senate, the Assembly, and the
12 Governor's office. The first time. We as
13 Republicans never had that. And you cannot do a
14 timely budget. Wouldn't you agree this is a
15 different setting -- let me put it this way. You
16 really can't blame the Republicans for a late
17 budget this year, that's obvious.

18 But who can you blame this year if
19 you control the Senate, the Assembly, and the
20 Governor and have supermajorities? Who's to
21 blame for a late budget? Because as you looked
22 back a little bit and said, well, Republicans
23 were involved with late budgets -- well, we're
24 not involved with a late budget right now.
25 Because none of us were part of developing it.

1 We didn't vote for messages of necessity. We
2 wanted the bills to come out clearly by
3 April 1st. And you control all levers of power.

4 So wouldn't you say your party is
5 responsible for this late budget, last year's
6 late budget? And I believe there was five or at
7 least four years of late budgets. So isn't that
8 a little bit different than having a mixed group
9 of parties, when you control everything and you
10 still can't get the job done? Isn't that the
11 petri dish? Didn't you ask for -- when you said,
12 Give us all control of the Senate, the Assembly,
13 and the Governor, isn't this the experiment that
14 New Yorkers voted for? Give full power to the
15 progressives, to woke, to full control,
16 supermajorities in both houses and the Governor,
17 and let's see what we can do. Well, you can't
18 get it done.

19 And at the end of this whole
20 thing -- Madam Speaker, on the bill.

21 (Laughter.)

22 SENATOR TEDISCO: Thank you,
23 Senator.

24 ACTING PRESIDENT PERSAUD: So there
25 is no question?

1 SENATOR KRUEGER: Madam

2 President --

3 ACTING PRESIDENT PERSAUD: So
4 before you go on the bill, Senator Tedisco,
5 Senator Krueger has a question. Would you yield
6 for a question?

7 SENATOR TEDISCO: She wants to ask
8 me a question?

9 ACTING PRESIDENT PERSAUD: Yes.

10 SENATOR TEDISCO: Sure.

11 ACTING PRESIDENT PERSAUD: Do you
12 yield for a question?

13 SENATOR KRUEGER: No, I think I
14 wanted to answer the last question briefly.

15 I don't know that any of us are
16 complaining about a late budget. We're trying to
17 get a budget done. As my colleague the ranker
18 explained in the beginning, we're passing
19 extenders, government continues, people are
20 getting paid, programs are continuing. So we're
21 taking care of all of that.

22 Would we prefer not to be late? I'm
23 sure we'd all prefer not to be late. I don't
24 know that it's the end of the world that we are
25 late. And I would far, far prefer a budget that

1 I believed had as many good things in it as
2 possible than a budget that hit the March 30th
3 mark and then it was declared done.

4 So I don't quite understand to some
5 degree what this ruckus is about of which party
6 was in control, since apparently all parties have
7 had this storyline. And I don't remember
8 actually promising the people of New York we
9 would never have a late budget.

10 Thank you, Madam President.

11 ACTING PRESIDENT PERSAUD: Senator
12 Tedisco on the bill.

13 SENATOR TEDISCO: Yeah, on the
14 bill.

15 Yeah, you did promise them that.
16 And that's the point. You said you'd have good
17 timely budgets. You said they'd incentivize and
18 keep people in New York State.

19 And the fact of the matter is we set
20 up budget subcommittees; you haven't had one
21 budget subcommittee in the four weeks, in the
22 month that you've been late on a budget. You've
23 used extenders. You haven't lived up to the
24 constitutional content of having three days for
25 Democrats and Republicans to see what's in these

1 budget bills, as well as the public.

2 The most important part of our
3 representative democracy is not us, Senators or
4 Assemblypeople or governors, they're the people
5 who didn't get to read that. The media, the
6 Fourth Estate, is important to be able to see the
7 debates in a coherent way. It's tough to be
8 coherent when you're giving us a bill and in
9 45 minutes, an hour and a half, we have to read
10 these thousand-page particular bills.

11 Now, what's going to happen here --
12 and you could say what you want about blaming
13 Republicans in the past or Democrats. But let me
14 accentuate once again: This is the only time you
15 have full power of all three areas of this
16 Legislature and the Governor's office. And it's
17 not that this is a late budget, it's also that
18 it's a very bad budget.

19 And I've said this before. They've
20 talked to you in a series of ways of
21 affordability in this state. Now, at the end of
22 this whole thing, I know your side of the aisle
23 is going to get up and say, Hey, listen to all
24 the good things we've done in this -- it's a
25 \$230 billion budget, 8 billion more than the

1 previous year. You're going to go through a
2 whole litany, a whole list of wonderful things,
3 but there will be no postscript.

4 I'm going to give you the postscript
5 now, because you're not going to give it after
6 you say all those wonderful things about the
7 budget and what you've done over these past five
8 years. Because what's -- here's holistically
9 what is happening. And I've said this before,
10 but I want the public and the media to hear it,
11 because it becomes a one-day story.

12 We're number one in outmigration.
13 Do you understand that? Last year 319,000 people
14 left the State of New York. They're voting with
15 their feet. Now, you can tell all those nice
16 things at the end. You can't get around the fact
17 that they're walking out of the State of New
18 York. In fact, Hochul said that on the first day
19 of this year: I'm going to incentivize people to
20 stay here.

21 You're one of seven states that lost
22 another representative. That's a good thing?
23 That says your agenda and all these wonderful
24 things have created something wonderful? Do you
25 know you're number two in Tax Freedom Day? And

1 Mr. Gianaris has been here a long time, like me.
2 He knows what Tax Freedom Day is.

3 That means anybody who works in
4 New York State, who actually takes a dollar home
5 from working, of all 50 states, is number two.
6 You're going into May, of everybody who works in
7 this state, who takes a dollar home. The rest
8 all goes to taxes. That's a third, that's a
9 third of what people earn in this state goes to
10 taxes.

11 We're behind Florida now in
12 population. And what you've done in this budget
13 is just doubled down on those things that have
14 created that.

15 Now, I'm going to close by saying
16 this about it, because this is the simplest way
17 to say what this budget is all about. It's not
18 only pie in the sky, it's pie and pork in the
19 sky. It's not sustainable. It's the same old,
20 same old. It's people being not secure in their
21 community. It's people not staying home and
22 quarantining because of COVID -- they're afraid
23 to go out in the night. And the statistics and
24 the data know that. Your Governor was telling
25 you that.

1 And \$8 billion more you want to
2 spend? And what are you going to spend it for?
3 \$700 million for moguls and millionaires and
4 billionaires who come from Hollywood to spend
5 three days or a week here to get people some jobs
6 and say, Okay, get out of here now, I'm leaving.
7 That's going to help our economy? That's going
8 to build jobs, \$700 million for tax credits? I
9 mean, even some of your guys over there think
10 that's not a smart thing to do.

11 So, Madam President and my
12 colleagues, by the simple fact that we're not
13 getting these bills in a timely fashion -- you
14 and I are not just public servants, we're
15 representatives. That means you read a bill, you
16 discuss it, you understand it, you come out, you
17 debate it. That's impossible for us.

18 Now, I know you get the bills
19 earlier than we do and you have a better
20 understanding of those bills. But that's not the
21 point. We represent millions of individuals on
22 our side. You should want us to help you do a
23 better job to keep people in New York State. And
24 this is not going to do it.

25 So thank you, Madam President. And

1 I'm going to be voting against this particular
2 bill and probably a large part of the budget,
3 unfortunately. Because I would be derelict in my
4 duties if you didn't allow me to read these
5 budget passages and really understand them fully.

6 Thank you so much, and thank you to
7 the good Senator for answering some of my
8 questions.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Are there any other Senators wishing
12 to be heard?

13 Seeing none, debate is closed. The
14 Secretary will ring the bell.

15 There's a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Krueger
18 moves to discharge, from the Committee on
19 Finance, Assembly Bill Number 3004D and
20 substitute it for the identical Senate Bill
21 4004D, Third Reading Calendar 715.

22 ACTING PRESIDENT PERSAUD:
23 Substitution so ordered.

24 Read the 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 Gianaris to explain his vote.

7 SENATOR GIANARIS: Hi,
8 Madam President.

9 Since my name was brought up, I feel
10 compelled to say something. And I heard Senator
11 Tedisco mention a lot of historical names as he
12 went through the history of the late budgets in
13 New York. Two names you did not hear mentioned
14 out of Senator Tedisco's mouth: George Pataki
15 and Joe Bruno.

16 Now, maybe if he's doing the history
17 of late budgets, he should think about those
18 names and talk a little bit about them. Because
19 let me tell everybody something. The four latest
20 budgets in New York State history: 1997, George
21 Pataki's first term, with Republicans in charge
22 of this State Senate: 126 days late. 1999,
23 George Pataki's second term, with the Senate
24 Republicans in charge of the State Senate,
25 126 days late again. 2001, still George Pataki's

1 second term, and still the Senate Republicans in
2 charge: 125 days late. 2004, George Pataki's
3 third term -- and guess what, senate Republicans
4 still in charge of the Senate -- 133 days late,
5 the all-time record for late budgets.
6 Congratulations to all of you who were here at
7 that time.

8 So yes, I have been around a long
9 time. In 1997 I was a staffer in the State
10 Legislature and was lamenting the fact that my
11 Fourth of July was ruined because of the
12 leadership of George Pataki and Joe Bruno.

13 So spare me the hypocrisy. Perhaps
14 the reason there's one-party rule in this state
15 is because the tenure of the Senate Republicans
16 was resoundingly rejected by the voters of this
17 state -- not once, not twice, but three times,
18 with the historically large supermajority that
19 was just elected. Even in a year when other
20 Democrats on the ballot were not doing as well.

21 So perhaps you should look inward.
22 Look at the man in the mirror if you're looking
23 for the reasons why things are the way they are
24 in this chamber, and I think we'd do a lot
25 better.

1 We're doing our best for the people
2 of this state, and that's why we keep getting
3 reelected.

4 I vote yes, Madam President.

5 ACTING PRESIDENT PERSAUD: Senator
6 Gianaris to be recorded in the affirmative.

7 Senator Tedisco to explain his vote.

8 SENATOR TEDISCO: Yes, to explain
9 my vote.

10 Let me tell you something, what my
11 constituents are saying. They want a good,
12 balanced budget on time. But they're also saying
13 they're very worried about what's coming. When
14 he talks about Pataki and Bruno, he forgot about
15 Sheldon Silver, his hero, who was convicted.
16 Served him over there greatly. He stood up
17 there, he debated with him, supported him, and
18 fought for their agenda which would have
19 destroyed New York State worse if Senator Bruno
20 and George Pataki didn't fight for reasonable
21 taxation for affordability. They had control of
22 the Senate. They had veto power.

23 You've got power over everything in
24 government, and you can't get it done.

25 We should thank those guys for

1 fighting for the best interests of our
2 constituents, and that's keeping people in
3 New York State. We wouldn't have 319,000 people
4 leaving the state when they were working to give
5 us the best they could possibly give in fighting
6 Sheldon Silver over there. And he was the guy
7 for him over in that house many times.

8 ACTING PRESIDENT PERSAUD: Senator
9 Tedisco to be recorded in the negative.

10 Senator Martins to explain his vote.

11 SENATOR MARTINS: Madam President,
12 thank you very much for the opportunity.

13 I rise again, first of all, to thank
14 the Senators in this chamber for the courtesy
15 that they served during this debate, especially
16 Senator Krueger.

17 I have a lot of respect for the
18 traditions of this house. I think we all cheapen
19 it when we devolve into discussions about
20 partisanship and finger pointing. We're here to
21 discuss a budget.

22 On that, I'll be voting no on this
23 budget, because -- and this bill, because I do
24 find that there's a priority for housing in this
25 state, and I do find that there is a commitment

1 that was made throughout this entire process that
2 we would find a way to work with our local
3 communities to build more housing, Madam
4 President, and we would support their efforts for
5 those communities that are out there that are
6 actually looking to do just that but don't have
7 the resources to do it.

8 We have the ability to help, through
9 budgets, and we're missing that opportunity
10 today.

11 Now, I don't frankly want to know
12 whether it's the budget's initiative -- or the
13 Governor's initiative or someone else's
14 initiative. What I do know is that I have local
15 communities back home that need help. If we're
16 going to build the housing that we keep talking
17 about as a priority for this state, they need
18 help. And this budget doesn't provide that help,
19 so I will be providing a no vote today.

20 Thank you.

21 ACTING PRESIDENT PERSAUD: Senator
22 Martins to be recorded in the negative.

23 Senator Ryan to explain his vote.

24 SENATOR RYAN: Madam President, let
25 me tell you what my constituents said they

1 wanted. They said they wanted New York to invest
2 in itself and to make New York State a better
3 place. And they said specifically they want
4 investments in their zoos, their botanical
5 gardens and their aquariums. And we came through
6 in this budget to deliver better things for
7 people in New York to do.

8 So we all know that New York State
9 has a big tourism economy and people go to the
10 zoos, the botanical gardens and the aquariums.
11 So we put \$250 million in operating aid into
12 these institutions to allow these cultural assets
13 to serve the community. People are coming back
14 to these things post-pandemic. But we also added
15 a brand-new pot of money, that's \$10 million, in
16 funding to support capital projects.

17 I'll give you an example,
18 Madam President. In the City of Buffalo we have
19 a zoo that was built during the Depression, the
20 Work Projects Administration -- another instance
21 of government investing in itself to make our
22 communities better. But that zoo is getting old
23 and tired, so we are going to continue to invest
24 in cultural assets like the Buffalo Zoo, like
25 botanical gardens, and like aquariums around the

1 state.

2 So we're going to help them with
3 short-term maintenance problems, we're going to
4 help them with long-term needs, but we're going
5 to help set them up to serve another generation
6 of New Yorkers.

7 So I proudly vote in the affirmative
8 on this budget vote.

9 ACTING PRESIDENT PERSAUD: Senator
10 Ryan to be recorded in the affirmative.

11 Senator Lanza to explain his vote.

12 SENATOR LANZA: Thank you,
13 Madam President.

14 I'm going to agree with my good
15 friend Senator Gianaris on one point, which is
16 that an Albany history lesson at this point is
17 not going to do anyone any good. I will say
18 this, though.

19 It's clear to me -- all you need do
20 is travel the state. I can tell you and report
21 from Staten Island the here and now, the plight
22 of New Yorkers. Crime is on the rise, and it has
23 been over the last several years, to the point
24 where there are more robberies and burglaries and
25 murders than there have been in many decades here

1 in New York.

2 New York is less safe,
3 Madam President, than it's been in many, many
4 years. New York is less affordable than it has
5 been ever -- certainly in my lifetime, and I've
6 been around for quite a long time now,
7 Madam President. The cost of groceries, the cost
8 of clothes, the cost to live in an apartment or a
9 home is really out of sight in New York.

10 The tax burden here in New York is
11 higher than it's ever been and higher than
12 anywhere else in America. And lots of people are
13 asking a very simple question: What are we
14 getting for being the most taxed people in
15 America? And sadly the answer, more often than
16 not, is not much.

17 We see drug overdose deaths at
18 historic levels. Thousands more, and many times
19 more, people are dying in New York from fentanyl
20 and drug overdoses than they are from gun
21 violence. That's just a fact. And we don't see
22 the Governor calling any emergency sessions to
23 deal with that, and she should. Because that's
24 what people are living through here in New York.

25 And sadly, Madam President, I

1 believe the reason why that is the state we find
2 ourselves in here in New York is because of
3 budgets like this. And because of budgets that
4 we've seen over the last several years.

5 So Madam President, until I see a
6 budget that I think is going to improve and
7 change the path for New York to the upside, I'll
8 be voting no.

9 ACTING PRESIDENT PERSAUD: Senator
10 Lanza to be recorded in the negative.

11 Senator Hinchey to explain her vote.

12 SENATOR HINCHEY: Thank you,
13 Madam President.

14 We've had a lot of conversation,
15 interesting conversation here on the floor today.
16 But often some of the great things that we do in
17 these budgets get lost. And so I rise today to
18 highlight two that are in this budget right now.

19 Climate resilient farming and
20 bringing in our farmers and agriculture as
21 partners to fight the climate crisis is critical.
22 And not only have we fully funded the climate
23 resilient farming line, but for the first time
24 ever we've actually carved out funding for
25 agroforestry, which will actually start to pay

1 farmers for ecosystem management -- doing the
2 work that they're already doing, helping them
3 stay in business, and making sure that we have a
4 planet for future generations to live on.

5 The second item, which is a
6 brand-new item, is a volunteer firefighter
7 capital fund. All of our firefighters dedicate
8 their time away from their family, they put their
9 lives on the line, they miss birthdays, they miss
10 graduations -- all to protect their communities.

11 And often it's our volunteer
12 firefighters who are representing and supporting
13 rural smaller communities across our state.
14 They're the ones that are the lifeline to many,
15 from a healthcare perspective and a safety
16 perspective. Without them in our small and
17 upstate communities, we would have nothing.

18 And they are struggling. They are
19 left trying to meet both federal standards and
20 state standards for their health and safety and
21 that of the community, but they don't have the
22 funds.

23 Here in this budget today, for the
24 very first time, we are investing \$25 million to
25 actually reinvest in our volunteer firefighters,

1 making sure that they have the capital, the
2 equipment, and the houses to do their jobs safely
3 and to protect the rest of us.

4 So there are some wonderful things
5 in this budget, but I wanted to make sure to take
6 a chance to highlight two that are new programs
7 this year that we are investing in that will be a
8 game changer for many of our communities across
9 the state.

10 And for that, Madam President, I
11 vote aye.

12 ACTING PRESIDENT PERSAUD: Senator
13 Hinchey to be recorded in the affirmative.

14 Senator Kavanagh to explain his
15 vote.

16 SENATOR KAVANAGH: Thank you,
17 Madam President.

18 It just was mentioned by one of my
19 colleagues on the other side of the aisle that we
20 do indeed need to continue to invest in housing.
21 In this capital budget, we are continuing
22 something we began last year, which is a very
23 substantial investment of state capital funding
24 in the budget. Last year we included a
25 \$5.5 billion, five-year capital plan for housing.

1 It is the largest such plan we've had in many,
2 many years in this state. And the collective
3 value of that over -- of the spending of the
4 state over five years is many multiples of that,
5 about 25 billion if you include all the tax
6 incentives that go through the state.

7 This budget adds to that. We have
8 \$135 million in new capital funding to maintain
9 and support public housing. We have \$50 million
10 in new capital funding to support and preserve
11 the Mitchell-Lama Program, these buildings that
12 are in our districts and providing homes,
13 especially homeownership opportunities for people
14 across the state.

15 We have \$7 million for the Housing
16 Opportunity Program for the Elderly and
17 \$3 million, including \$2 million that folks in
18 this house fought for, for the Access to Home
19 program, which is a program that ensures that
20 there's money available to make sure that
21 homes are available and accessible for people
22 with disabilities. I would note that my
23 colleague Senator Scarcella-Spanton moved a bill
24 last week that ensures that people who have a
25 disability because of their service in the

1 military are also eligible and given priority for
2 that program.

3 And lastly, we have a new program
4 that we championed last year that is intended to
5 deal with our smaller towns and rural
6 communities, the Small Rental Development
7 Initiative. My colleague Senator Hinchey made an
8 important point last year that a lot of the
9 programs that we have only support larger
10 buildings that maybe are not appropriate for
11 small towns and villages. So this is a new
12 program that we forwarded last year, and we're
13 adding \$7 million of capital to allow that kind
14 of development to happen throughout our
15 communities.

16 There will be other housing
17 initiatives in other parts of this budget, but I
18 just thought it was worth highlighting those
19 capital expenditures now.

20 And with that, I vote aye.

21 ACTING PRESIDENT PERSAUD: Senator
22 Kavanagh to be recorded in the affirmative.

23 Senator Hoylman-Sigal to explain his
24 vote.

25 SENATOR HOYLMAN-SIGAL: Thank you,

1 Madam President.

2 I want to stand and laud my
3 colleagues' efforts, including our Finance chair,
4 Senator Krueger, and of course our leader Andrea
5 Stewart-Cousins, for their support of a historic
6 investment in a new museum on the Upper West Side
7 of Manhattan, the LGBTQ American History Museum.
8 This budget puts forward \$7.35 million in capital
9 because it is time now, Madam President, to tell
10 the history of LGBTQ+ people, commemorate and
11 celebrate our journey, and inspire pride.

12 According to the founder of this
13 museum, visitors will be enlightened,
14 entertained, and exposed to LGBTQ culture as well
15 as a documented history otherwise unavailable or
16 difficult to access.

17 This is so important,
18 Madam President, because the LGBTQ population, in
19 particular transgender folks and specifically
20 transgender youth, are under attack from coast to
21 coast in this country.

22 This is New York's statement that we
23 support the LGBTQ+ population, we support
24 transgender New Yorkers, we support transgender
25 youth.

1 And I especially want to compliment
2 my colleague Senator Serrano, the chair of our
3 arts and cultural initiatives, for this amazing,
4 amazing initiative that's going to make a
5 difference in the lives of not just New Yorkers
6 but I think Americans who visit New York City and
7 see our history. LGBTQ history is American
8 history.

9 Thank you, Madam President.

10 ACTING PRESIDENT PERSAUD: Senator
11 Hoylman-Sigal to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 715, those Senators voting in the
15 negative are Senators Borrello,
16 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
17 Lanza, Martins, Mattera, Murray, Oberacker,
18 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
19 Tedisco, Walczyk, Weber and Weik.

20 Ayes, 42. Nays, 20.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 Senator Gianaris.

24 SENATOR GIANARIS: Madam President,
25 can we now move on to Calendar 717, Senate Print

1 4007C.

2 ACTING PRESIDENT PERSAUD: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 717, Senate Print 4007C, Budget Bill, an act to
6 amend Part H of Chapter 59 of the Laws of 2011.

7 ACTING PRESIDENT PERSAUD: Senator
8 Lanza, why do you rise?

9 SENATOR LANZA: Madam President, I
10 believe there's an amendment at the desk. I
11 waive the reading of that amendment and ask that
12 you recognize Senator Weber to be heard.

13 ACTING PRESIDENT PERSAUD: Thank
14 you, Senator Lanza.

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

18 SENATOR LANZA: Accordingly,
19 Madam President, I appeal the ruling of the chair
20 and ask that Senator Weber be recognized to be
21 heard on the appeal.

22 ACTING PRESIDENT PERSAUD: The
23 appeal has been made and recognized, and
24 Senator Weber may be heard.

25 Senator Weber.

1 SENATOR WEBER: Thank you,
2 Madam President.

3 I rise to appeal the ruling of the
4 chair. The proposed amendment is germane to the
5 bill at hand because both the amendment and the
6 bill amend the Mental Hygiene Law.

7 You know, this bill before us would
8 increase the COLA by 4 percent. While this
9 increase is welcome, it is nowhere near the rise
10 of the Consumer Price Index, which hit almost
11 9 percent last year. This amendment would
12 increase the COLA for human service agencies by
13 8.5 percent.

14 As we all know, New Yorkers continue
15 to face a healthcare worker and direct care
16 support professional shortage. Last year's
17 budget only increased the human services
18 cost-of-living adjustment by 5.4 percent and
19 provided \$500 million in funding. This long
20 overdue raise, which provides funds for nonprofit
21 agencies that employ direct care workers was a
22 step in the right direction, but it's clearly
23 still not enough.

24 Calls to increase the COLA by
25 11.8 percent were rejected by this Majority last

1 year, and this year the increase is even lower.

2 We need to remind ourselves that
3 it's our duty as legislators to look out for all
4 New Yorkers. This means putting others,
5 particularly the people that we represent, before
6 ourselves and our own livelihoods.

7 Those that care for the needs of
8 vulnerable populations, such as those impacted by
9 disability or needing direct care support, have
10 the most need for our help right now. It is our
11 duty as legislators to serve all New Yorkers,
12 which I believe it is, and this is the first step
13 to look out for others.

14 We need to immediately pass this
15 amendment so our mental health, disability, and
16 other human services direct care work
17 professionals have the ability and resources to
18 help other people who need it the most, and who
19 continue to work to train and recruit others to
20 dedicate their lives to this important field.

21 Please, everyone in this room, I
22 urge you to pass this amendment and increase the
23 pay for our hardworking human services nonprofit
24 providers.

25 I'll be voting aye, and I encourage

1 everyone in this room to also vote aye.

2 Thank you.

3 ACTING PRESIDENT PERSAUD: Thank
4 you, Senator.

5 I want to remind the house that the
6 vote is on the procedures of the house and the
7 ruling of the chair.

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

10 (Response of "Aye.")

11 SENATOR LANZA: Request a show of
12 hands.

13 ACTING PRESIDENT PERSAUD: A show
14 of hands is requested.

15 Announce the results.

16 THE SECRETARY: Ayes, 21.

17 ACTING PRESIDENT PERSAUD: The
18 recall of the chair stands, and the bill-in-chief
19 is before the house.

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

22 Senator Gallivan.

23 SENATOR GALLIVAN: Thank you,
24 Madam President.

25 Will the sponsor or respective

1 appropriate member of the Majority yield for a
2 question.

3 ACTING PRESIDENT PERSAUD: What is
4 the topic, Senator Gallivan?

5 SENATOR GALLIVAN: Pardon me? The
6 health budget.

7 ACTING PRESIDENT PERSAUD: Health.

8 SENATOR GALLIVAN: If I may, I have
9 questions in a number of different areas, and
10 I'll identify them as we move along.

11 But the first question I have is a
12 general question --

13 SENATOR RIVERA: I yield.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR GALLIVAN: Pardon me? You
17 yield.

18 SENATOR RIVERA: I yield.

19 SENATOR GALLIVAN: Thank you.

20 First question, general question.
21 What is the total amount of spending in the area
22 of Medicaid?

23 SENATOR RIVERA: Through you,
24 Madam President, \$1.4 billion.

25 SENATOR GALLIVAN: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT PERSAUD: Will the
3 sponsor yield?

4 SENATOR RIVERA: Apologies.
5 Through you, Madam President, apologies.
6 \$140 billion. Apologies.

7 ACTING PRESIDENT PERSAUD: Now will
8 the sponsor yield now?

9 SENATOR RIVERA: Yes, I will yield.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR GIANARIS: And how does
13 this compare to spending in the last fiscal year?

14 SENATOR RIVERA: Through you,
15 Madam President, about a \$5 billion increase from
16 last fiscal year.

17 SENATOR GALLIVAN: I didn't hear,
18 I'm sorry.

19 SENATOR RIVERA: Apologies.
20 Through you, Madam President, about a \$5 billion
21 increase since last fiscal year.

22 SENATOR GALLIVAN: Thank you.

23 Will the sponsor continue to yield?

24 ACTING PRESIDENT PERSAUD: Will the
25 sponsor yield?

1 SENATOR RIVERA: I do.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR GALLIVAN: I'd like to
5 focus on Part E, hospitals.

6 SENATOR RIVERA: Mm-hmm.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields?

9 SENATOR RIVERA: Yes.

10 SENATOR GALLIVAN: So the Executive
11 Budget originally proposed to increase the
12 inpatient Medicaid rate for hospitals by
13 5 percent. This -- the bill before us now
14 expands the increase to 7.5 percent total. What
15 dollar amount does that represent? The total
16 spending.

17 SENATOR RIVERA: Through you,
18 Madam President, the 7.5, the increases are that
19 are on this budget, as opposed to the original
20 Executive proposal, amount to a 7.5 percent
21 increase in Medicaid rates for inpatient services
22 for hospitals. 6.5 percent for outpatient
23 hospitals, and that -- the total amounts to a
24 total of almost \$395 million.

25 And through you, Madam President,

1 since I know he's going to ask, I'll just go
2 ahead. For nursing homes and assisted living
3 programs, the -- there's a 6.5 percent increase
4 for nursing homes and a 6.5 percent increase for
5 ALPs or assisted living programs. That amounts
6 to a total of \$216 million, for a total Medicaid
7 reimbursement total, additional, of
8 \$611.4 million.

9 SENATOR GALLIVAN: Will the sponsor
10 continue to yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR RIVERA: I do.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR GALLIVAN: Regarding
17 hospitals, if I understand correctly, this is a
18 \$395 million increase from last year. I might
19 not have phrased the question the right way.
20 What is the total amount of spending for
21 hospitals?

22 SENATOR RIVERA: Through you,
23 Madam President, if I may seek a clarification
24 from the Senator. I responded to an earlier
25 question related to the total spending of

1 Medicaid. He would -- through you,
2 Madam President, is he seeking -- is his question
3 specifically about hospital spending?

4 ACTING PRESIDENT PERSAUD: Senator
5 Gullivan, can you clarify, please?

6 SENATOR GALLIVAN: Yes. Maybe I
7 can be clearer with the question.

8 What does the 7.5 percent
9 reimbursement to hospitals translate to in
10 dollars?

11 SENATOR RIVERA: Through you,
12 Madam President, I responded earlier to break it
13 down specifically as it relates to inpatient
14 services, since I should note that in the
15 original Executive proposal, inpatient and
16 outpatient were not included, it was only
17 inpatient services.

18 Inpatient services, the 7.5 percent,
19 that amounts to \$319 million between inpatient
20 and outpatient services. And -- apologies. I
21 said the 7.5 percent, Madam President, through
22 you, accounts for \$319 million for inpatient
23 services and 76.1 for outpatient services. That
24 is a 6.5 percent increase.

25 SENATOR GALLIVAN: Would the

1 sponsor continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR RIVERA: I do.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR GALLIVAN: Is that the
8 total increase or the total spending?

9 SENATOR RIVERA: Through you,
10 Madam President, that is the total increase.

11 SENATOR GALLIVAN: Thank you.
12 Would the sponsor continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR RIVERA: I do,
16 Madam President.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR GALLIVAN: So many of us of
20 course heard from constituents about the 340B
21 carveout and the problems that were predicted
22 because of that.

23 Now, if I recall correctly, and the
24 Senator may have -- well, the question will be:
25 Do I recall correctly that the initial

1 projections were that the hospitals would lose in
2 the neighborhood of \$500 million with the 340B
3 change?

4 SENATOR RIVERA: Through you,
5 Madam President, the estimates vary. But I think
6 that that was one of the numbers that was
7 discussed. But the calculations are varied.

8 SENATOR GALLIVAN: Will the sponsor
9 continue to yield?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR RIVERA: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR GALLIVAN: So we know the
16 trouble that hospitals are in, many of them. Not
17 every one, of course. But we heard it throughout
18 the budget hearings, many of us heard it in our
19 offices from our various constituents regarding
20 hospitals, and there was concern with what
21 hospitals that realized 340B savings, what they
22 would lose.

23 And we heard from the Medicaid
24 director that a portion of what would be made up,
25 of course, would be the increased Medicaid

1 reimbursements. But it appears that they're not
2 even going to come close. And my question would
3 be, am I accurate -- in this exchange here, am I
4 accurate in coming to the conclusion that the
5 hospitals collectively, if we just make this
6 comparison, will be out over a hundred million
7 dollars?

8 SENATOR RIVERA: Through you,
9 Madam President, based on claims by the
10 Executive -- I will underline claims by the
11 Executive -- based on the 319 million that we are
12 increasing the reimbursement rates -- that I will
13 remind you is state share -- that when the
14 federal money comes in, they will be better off.

15 SENATOR GALLIVAN: If the sponsor
16 will continue to yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR RIVERA: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR GALLIVAN: Do you have
23 faith in them?

24 SENATOR RIVERA: Through you,
25 Madam President. What do you think?

1 SENATOR GALLIVAN: Did you say
2 "What do you think?"

3 SENATOR RIVERA: Through you,
4 Madam President, what do you think?

5 SENATOR GALLIVAN: Does he want me
6 to yield?

7 ACTING PRESIDENT PERSAUD: Senator
8 Gallivan, he's asking you to yield for a
9 question.

10 SENATOR GALLIVAN: I don't believe
11 the math added up in the first place. And so
12 I -- will the sponsor --

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR RIVERA: Sure.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR GALLIVAN: So I'll go back
19 to the question that hasn't been answered yet.
20 Does the sponsor have faith that the Department
21 of Health will properly reimburse the hospitals
22 the way that they indicated they would, through
23 their testimony?

24 SENATOR RIVERA: Through you,
25 Madam President, I have serious doubts that what

1 is in front of us is going to be enough to
2 address the concerns of hospitals statewide. But
3 it is the best that we could get done.

4 SENATOR GALLIVAN: So we'll stick
5 with Part E, in particular the Indigent Care Pool
6 reduction. And this particular budget proposes
7 to reduce the disproportionate share spending for
8 general hospitals by \$85 million. Coming on top
9 of cuts to the 2021 enacted budget, which was a
10 reduction in that area of 150 million, totaling
11 over 235 million annually, does the sponsor
12 believe that hospitals will be able to survive
13 these cuts?

14 SENATOR RIVERA: Through you,
15 Madam President, I sure hope so.

16 SENATOR GALLIVAN: I didn't hear, I
17 apologize.

18 SENATOR RIVERA: I repeat --
19 through you, Madam President -- I sure hope so.

20 SENATOR GALLIVAN: If we can move
21 to Part NN.

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR GALLIVAN: This is the home
25 care worker wage increase, that area.

1 SENATOR RIVERA: Yes, I yield.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR GALLIVAN: Rather than me
5 trying to articulate the increases and the
6 decreases, can you take me through what is going
7 to happen with the wage increase?

8 SENATOR RIVERA: Through you,
9 Madam President. So according to the final
10 budget agreement, the minimum wage rates are
11 increased by -- will be increased by \$1.55
12 beginning on -- decreased. (Conferring.)

13 Through you, Madam President, the
14 bottom line here is that the effect is that the
15 home care workers with wage parity, wages will
16 remain flat for one year and then continue to
17 grow after that.

18 The goal here to is peg the
19 wage from -- the home care worker wages to the
20 overall minimum wage rate increase, which will be
21 discussed obviously in the labor budget bill that
22 we will have later.

23 SENATOR GALLIVAN: So the
24 supplemental wage --

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR RIVERA: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR GALLIVAN: Thank you,
6 Madam President.

7 The supplemental wage essentially
8 provides for differences in wages for New York
9 City and part of the downstate area to account
10 for the cost of living. And if I understood
11 correctly, it was supposed to increase --
12 increase on October 1st of 2023. And I'm
13 understanding -- did I read the budget correctly
14 that this increase is not going to take place?

15 SENATOR RIVERA: Through you,
16 Madam President, that is correct. It will be --
17 it will happen -- it is delayed until January.

18 SENATOR GALLIVAN: Will the sponsor
19 continue to yield?

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR RIVERA: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR GALLIVAN: Delayed to when?

1 SENATOR RIVERA: Through you,
2 Madam President, January of next year.

3 SENATOR GALLIVAN: Will the sponsor
4 continue to yield?

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR RIVERA: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR GALLIVAN: Bear with me.
11 Is that the location pay? It would make it
12 easier for me to understand. The sponsor
13 indicated that's delayed until January 1st of
14 next year. And I may not be reading it
15 correctly, but I am -- the way I'm reading this
16 is that there is simply going to be an increase
17 in the hourly minimum wage on January 1st of next
18 year. Is that -- is that one and the same as the
19 location pay? Or is that a separate increase in
20 minimum wage?

21 SENATOR RIVERA: Through you,
22 Madam President. Again, I seek clarification
23 from the Senator. If you're -- there are
24 differences, there are regional differences, but
25 that does refer to the increase. But there are

1 regional differences.

2 SENATOR GALLIVAN: Let me try to
3 ask it a different way, if the sponsor would
4 continue to yield.

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR RIVERA: Yes, ma'am.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR GALLIVAN: Okay. I'll try
11 to put it in language instead of these dates and
12 all that.

13 In totality, when we go through all
14 of this over the next several years, the pluses
15 and the minuses, if you include both the base and
16 supplemental wage, wouldn't home care workers
17 under this particular -- the language that's in
18 the bill, actually realize a cut when compared to
19 what they otherwise would have received had the
20 scheduled dollar increase in October not been
21 repealed?

22 SENATOR RIVERA: Through you,
23 Madam President, no.

24 SENATOR GALLIVAN: Will the sponsor
25 continue to yield.

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR RIVERA: Yes, ma'am.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR GALLIVAN: If we could move
7 to Part DD, the human service cost-of-living
8 adjustment.

9 And the question has to do with this
10 budget now increases the cost-of-living
11 adjustment by 4 percent, which represents a
12 1.5 percent increase from what the Executive
13 proposed. We know that the Consumer Price Index
14 has increased significantly, about 9 percent last
15 year. And many of us heard from our constituents
16 in the human service field about the need for a
17 COLA increase of 8.5 percent.

18 So the simple question is, why was
19 that rejected?

20 SENATOR RIVERA: Through you,
21 Madam President, you're going to have to ask the
22 lady downstairs.

23 SENATOR GALLIVAN: Will the sponsor
24 continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR RIVERA: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR GALLIVAN: Who is the lady
6 downstairs?

7 SENATOR RIVERA: Through you,
8 Madam President, the lady downstairs on the
9 second floor is the Governor, that lady. That
10 lady you've got to ask.

11 SENATOR GALLIVAN: Will the sponsor
12 continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR RIVERA: Yes. Yup.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR GALLIVAN: Can you move on
19 to Part FF, OPWDD flexibility for delegated
20 nursing tasks, that area.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR GALLIVAN: You good?

24 SENATOR RIVERA: I believe that
25 OPWDD is handled by Senator Brouk. But go ahead

1 and ask your question.

2 SENATOR GALLIVAN: So the
3 Legislature rejected the Executive's proposal to
4 increase flexibility in delegating nursing tasks
5 which would allow direct support staff in the
6 OPWDD community to do certain things, under the
7 appropriate supervision. Which the theory would
8 be, of course, is that it would allow more
9 individuals to transition into more independent
10 settings. And that was rejected, and my question
11 is why.

12 SENATOR RIVERA: Through you,
13 Madam President, I was mistaken. It is not
14 Senator Brouk, because that is Mental Health.

15 It is Senator Mannion, and he will
16 take that question.

17 ACTING PRESIDENT PERSAUD: Senator
18 Mannion.

19 SENATOR MANNION: Thank you,
20 Madam President. Would the Senator mind
21 repeating the question.

22 (Laughter.)

23 SENATOR GALLIVAN: The Legislature
24 rejected the Executive's proposal to increase
25 flexibility in delegating nursing tasks by

1 allowing direct support staff in the OPWDD
2 community-based programs to do certain things, of
3 course under appropriate supervision. Which the
4 theory is that it would allow more individuals to
5 transition into more independent settings.

6 And my question is, why was this
7 proposal rejected?

8 SENATOR MANNION: Through you,
9 Madam President, I believe that the -- many of
10 the nurses had conveyed to us, and other medical
11 professionals, that although the distribution of
12 medication is important, that it's just as
13 important to assess the individual after that
14 medication is given.

15 And therefore, although there are
16 great challenges in many of these settings
17 regarding staffing, it was the Senate's position
18 to reject based on those recommendations.

19 SENATOR GALLIVAN: Will the Senator
20 continue to yield.

21 ACTING PRESIDENT PERSAUD: Senator,
22 will you yield?

23 SENATOR MANNION: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR GALLIVAN: Is there any
2 alternatives proposed to help ease that burden
3 out in the field, out in this community?

4 SENATOR MANNION: Through you,
5 Madam President, I know that as a Legislature we
6 are open to having those conversations. And
7 certainly there is an office in place that would
8 be charged with making sure that any
9 recommendations that needed legislative approval
10 would come to us.

11 But at this point I'm open to those
12 conversations. I'm not aware that there is an
13 alternative proposal in our one-house budget.

14 SENATOR GALLIVAN: Thank you.

15 Would the sponsor continue to yield
16 specifically about Part BB, dealing with opioid
17 addiction and banning fentanyl analogues?

18 SENATOR RIVERA: I will.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR GALLIVAN: The Executive
22 put forth a proposal to -- a number of proposals
23 to tackle the fentanyl crisis plaguing our state.
24 Specifically, though, why does this budget reject
25 adding the criminal sale of an imitation

1 controlled substance to the definition of a drug
2 trafficking felony?

3 SENATOR RIVERA: Through you,
4 Madam President, because we believe that
5 criminalization does not work. We believe
6 that -- and I certainly believe that just
7 figuring out how many more people we can put in
8 jail for anything related to drugs does not
9 actually solve the problem.

10 Treatment solves the problem.
11 Recovery solves the problem. Harm reduction
12 solves the problem. Criminalization does not
13 solve the problem.

14 SENATOR GALLIVAN: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR RIVERA: Yup.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR GALLIVAN: Based on
22 Department of Health statistics, we've seen
23 significant increases in outpatient emergency
24 department visits due to opioid overdoses other
25 than heroin, which includes fentanyl. In New

1 York City alone, fentanyl was deleted {sic} in
2 80 percent -- I'm sorry, was detected, rather, in
3 80 percent of drug overdose deaths.

4 I think the data suggests -- more
5 than I think that it suggests; it shows that all
6 the policies that we're embracing right now
7 aren't working. So the question that I have is
8 not -- is not -- is not how do we deal with the
9 individual who might be addicted or the
10 individual taking the drugs, it's more how do we
11 keep it out of their hands. And taking a step
12 further, we've got people who are disrespecting
13 all of us and all the citizens of the state and
14 all of the people who have a problem -- a medical
15 problem, perhaps a mental problem. Whatever the
16 problem is, with drug addiction. In certain
17 cases alcohol addiction too, but let's just stay
18 with what fentanyl is doing to people.

19 So how do we stop the people that
20 are giving it to our kids and our brothers and
21 our sisters and ultimately killing them because
22 of the problem that they have? I'm focused on we
23 always say the dealer. But this is -- it's a bad
24 human being that's giving it to somebody, and
25 it's the somebody that we love that's dying.

1 So how do we deal with that? The
2 bad guy or the bad girl that is -- I'm taking
3 several jumps, but ultimately poisoning the
4 people that we love and poisoning people in our
5 communities.

6 SENATOR RIVERA: Through you,
7 Madam President, I would certainly agree with my
8 colleague that the policies we have followed for
9 generations now have not worked.

10 And what have those policies been,
11 Madam President? Putting people in prison,
12 putting people in jail, and punishing them,
13 thinking that somebody who is addicted is
14 stigmatized as a criminal, somebody that should
15 just be thrown away.

16 And we have not invested as we need
17 to. Because I would agree with -- I agree with
18 my colleague, Madam President, I would agree --
19 talking about that lady downstairs again, that
20 there's things that she needs to do to commit
21 herself to actually doing changes and investing
22 in things that actually work, like overdose
23 prevention centers.

24 As a matter of fact, Madam
25 President, there was a bill that we passed on

1 this floor just a couple of years ago, my bill --
2 I was very proud to pass it -- which actually
3 would create the opioid settlement fund.
4 basically in the legal actions that we take
5 against pharmaceutical companies, which have
6 benefited from actual -- the deaths of so many
7 people. We wanted to make sure that every single
8 dollar, Madam President, went to treatment, went
9 to harm reduction, went to recovery. And yet
10 this administration continues to not take the
11 advice of the board that was created when that
12 bill was passed.

13 So yes -- Madam President, through
14 you -- as my colleague says, the policies that we
15 have followed for generations have not worked.
16 We are trying to change that. As a matter of
17 fact, the two overdose prevention centers, Madam
18 President, that are functioning right now have
19 saved almost a thousand lives already. As
20 opposed to having people die of overdoses in
21 their -- in bathrooms in McDonald's or in parks
22 or in their bedrooms, they're actually going
23 someplace, getting treated like a human being,
24 getting treated respectfully, and actually
25 seeking treatment and staying alive.

1 So, Madam President, I would agree
2 with my colleague that we need to do far more on
3 this. And what I would not agree with my
4 colleague is that we need to follow policies
5 which further criminalize the people who are
6 involved in the drug trade. We need to actually
7 do much more about harm reduction and about
8 decriminalization, as opposed to just
9 stigmatizing people, again, for something else
10 that they're using.

11 Through you, Madam President.

12 SENATOR GALLIVAN: Will the sponsor
13 continue to yield.

14 SENATOR RIVERA: Sure.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR GALLIVAN: I'll withhold
18 the discussion on the overdose prevention centers
19 for a different day and talk -- I have one -- one
20 more question specifically about the budget.

21 And the question has to do with does
22 this budget do anything not to deal with an
23 individual who might use drugs or harm themselves
24 with the use of drugs or illicit substances --
25 does this budget at all address the drug dealer

1 and try to do anything about stopping the drug
2 dealer from doing what they're doing?

3 SENATOR RIVERA: Through you,
4 Madam President, I will repeat what I said. The
5 proposals in the budget were about further
6 criminalization as opposed to improved
7 investments in harm reduction, treatment, and
8 recovery.

9 We've gotten the best that we could
10 out of the negotiations, and here we are.

11 SENATOR GALLIVAN: Will the sponsor
12 continue to yield.

13 SENATOR RIVERA: Yeah.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR GALLIVAN: I'm not sure
17 that that answer deals specifically with the drug
18 dealers and does this budget do anything to
19 address a drug dealer and stop the drug dealer
20 from dealing the drugs that are killing the
21 people we love.

22 SENATOR RIVERA: Through you,
23 Madam President, this budget does put money --
24 one second. (Conferring.)

25 So through you, Madam President,

1 this budget does put money towards DAs, to
2 support DAs in cases of overdose deaths. But it
3 just -- I will repeat once again, since we are
4 focused strictly on this budget document that is
5 in front of us -- that measures that deal with
6 criminalization do not solve the problem. They
7 never have, they never will.

8 SENATOR GALLIVAN: On the bill.

9 ACTING PRESIDENT PERSAUD: Senator
10 Gallivan on the bill.

11 SENATOR GALLIVAN: First I'd like
12 to thank both Senator Rivera and Senator Mannion
13 for taking the time to answer the questions.

14 The health area of the budget is --
15 it's very large, we know that. We spend a
16 significant amount of money on this. It's the
17 biggest area of spending. And there's many
18 things that I could talk about, but for the sake
19 of time I will not. I only want to speak very
20 briefly about hospitals. And I share the
21 concerns I think of many, including my colleague
22 Senator Rivera: Hospitals are in trouble. And I
23 think we need to do more. And I don't think this
24 budget properly addresses it.

25 And that is all, Madam President --

1 and now Mr. President, and I thank you.

2 ACTING PRESIDENT BAILEY: Thank
3 you, Senator Gallivan.

4 Senator Ashby.

5 SENATOR ASHBY: Thank you,
6 Mr. President. Will the sponsor yield regarding
7 questions on Part I.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR RIVERA: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR ASHBY: Thank you.

14 It looks like there's a 6.5 percent
15 rate increase for nursing homes and assisted
16 living. But also the language identifies that it
17 could go up to 7.5 percent contingent on approval
18 from the commissioner of the Department of
19 Health, DOB and CMS.

20 How would they get from that
21 6.5 percent to the 7.5 percent?

22 SENATOR RIVERA: Through you,
23 Madam President, there is a process by which the
24 administration -- at least that's what they're
25 saying -- that they're going to go to CMS and

1 ask -- meaning the Center for Medicaid Services,
2 which is the federal agency that deals with
3 Medicaid -- through you, Mr. President -- and
4 they are going to ask them whether they could go
5 up to 7.5. And if they're approved, then they
6 would go up to 7.5.

7 SENATOR ASHBY: Through you,
8 Mr. President, would the sponsor continue to
9 yield?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR RIVERA: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR ASHBY: So it sounds like
16 it would just -- it would be purely upon federal
17 approval, there's no intermediary at the state?

18 SENATOR RIVERA: Through you,
19 Mr. President, it would be -- the intermediary
20 would be the Medicaid director, who would go and
21 seek approval. And then if we had the federal
22 approval, then it would be -- it would happen.

23 SENATOR ASHBY: Would the sponsor
24 continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR RIVERA: Yup.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR ASHBY: Wouldn't it make
6 sense at this point, after 15 years, to examine
7 how our Medicaid reimbursement rates are in terms
8 of rebasing?

9 SENATOR RIVERA: Through you,
10 Mr. President, yup.

11 (Laughter.)

12 SENATOR ASHBY: Would the sponsor
13 continue to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR RIVERA: Sure will.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR ASHBY: What seems to be --
20 what seems to be the holdup or the issue
21 regarding why this hasn't happened yet?

22 SENATOR RIVERA: Through you,
23 Mr. President, ask the lady downstairs.

24 SENATOR ASHBY: Would the sponsor
25 continue to yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR RIVERA: Yup.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR ASHBY: Is there any
7 rationale given -- given to this body as to why
8 this isn't -- this isn't happening?

9 SENATOR RIVERA: Through you,
10 Mr. President, not one that I'd repeat here, no.

11 SENATOR ASHBY: Thank you,
12 Mr. President.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator Ashby.

15 Senator Helming.

16 SENATOR HELMING: Thank you,
17 Mr. President. Through you, will the sponsor
18 yield for a few questions?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR RIVERA: Yes, I will.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR HELMING: Thank you,
25 Senator Rivera.

1 In response to an earlier question
2 from Senator Gallivan, I heard your frustration
3 about the 340B program. You and I sat next to
4 each other during the budget -- the hearings, and
5 we both shared our concerns. So I understand
6 your frustration. I share your frustration. I'm
7 really concerned about our hospitals, especially
8 our smaller hospitals that serve so many of the
9 communities that I represent.

10 But I wanted to ask you about what's
11 in the budget for the federally qualified
12 healthcare centers, centers like Finger Lakes
13 Community Health. They serve the small cities in
14 all of the rural areas in my district. Without
15 them, because we don't have other providers --
16 we're short providers, we're short facilities.
17 They provide mobile services. They go out to our
18 farms. They provide dental service to our
19 children. They provide mental health services.
20 And when you talk about treatment, that we need
21 to invest in treatment, this is what we need.

22 So what is in the budget for these
23 federally qualified health centers?

24 SENATOR RIVERA: Through you,
25 Mr. President, not enough.

1 SENATOR HELMING: If the sponsor
2 will continue to yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR RIVERA: Yup.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR HELMING: Senator, you had
9 proposed language that it seemed to me that most
10 providers, people on both sides of the political
11 aisle, that we all agreed on your bill language.
12 Is that in the budget?

13 SENATOR RIVERA: Through you,
14 Mr. President, no, it is not.

15 SENATOR HELMING: If the sponsor
16 will continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor continue to yield?

19 SENATOR RIVERA: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR HELMING: Senator, can you
23 explain to me that if this is such a priority
24 that we all agree on, why isn't it in the budget?

25 SENATOR RIVERA: Through you,

1 Mr. President, at the risk of sounding
2 repetitive, ask the lady downstairs.

3 SENATOR HELMING: Through you,
4 Mr. President, if the sponsor will continue to
5 yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR RIVERA: Yup.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR HELMING: I'm asking the
12 chair of the Senate Health Committee, a person
13 who's a member of a supermajority here.

14 Senator Rivera, I feel like you have
15 the power and the ability to make things happen.
16 We have got to figure out a way to help these
17 federally qualified healthcare centers. They --
18 without them, I truly don't know what people in
19 my community -- and not just my community, but
20 across this state, are going to do.

21 What can we do to make sure that
22 they get adequate funding so they can keep their
23 doors open?

24 SENATOR RIVERA: Through you,
25 Mr. President. I wish that I had more power than

1 I do now on this particular issue, certainly.

2 Negotiations are what they are. We
3 got the best that we can. And, you know, here we
4 are, just, you know, just -- just one month
5 removed from when this was supposed to take
6 place, and this is the best that we could get.

7 SENATOR HELMING: Thank you.

8 Mr. President, on the bill.

9 ACTING PRESIDENT BAILEY: Senator
10 Helming on the bill.

11 SENATOR HELMING: I can't tell you
12 how deeply disturbing this is to me. We all
13 agree that we need to provide services to people,
14 whether it's medical, dental, mental health. And
15 again, these federally qualified healthcare
16 centers, they're the ones who are delivering to
17 the people most in need. They're using mobile
18 units. How are they going to put gas in their
19 facilities when the State of New York is taking
20 money out of their pockets?

21 I will be voting no on this bill,
22 and I urge everyone to vote no. Stand up for the
23 people. Stand up and vote no.

24 ACTING PRESIDENT BAILEY: Senator
25 Walczyk.

1 SENATOR WALCZYK: Thank you,
2 Madam President -- or Mr. President, I'm sorry.
3 Switched faces up there.

4 ACTING PRESIDENT BAILEY: Roxanne
5 does it better.

6 (Laughter.)

7 SENATOR WALCZYK: On the health and
8 mental hygiene bill, looking to chat with someone
9 about Part S in regards to emergency medical
10 services.

11 ACTING PRESIDENT BAILEY: Senator
12 Rivera, would that be you?

13 SENATOR RIVERA: Yup. I yield.

14 ACTING PRESIDENT BAILEY: Senator
15 Rivera yields.

16 SENATOR WALCZYK: Great. Through
17 you, Mr. President, if the sponsor would yield
18 for some questions.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR WALCZYK: The Governor
22 proposed an emergency medical services training
23 program in her original budget proposal because
24 there's such a dire need for staff and trained
25 individuals, especially in rural EMS. What does

1 this budget do with new or expanded programs for
2 training EMS personnel?

3 SENATOR RIVERA: Through you,
4 Mr. President, this budget would use DOH -- the
5 Department of Health would establish funds for
6 recruitment in mental health and wellness
7 programs. They would also issue regulations for
8 licensing emergency medical technicians and
9 specialized credentialing of emergency medical
10 technicians, as well as allowing the possibility
11 of an agency having a specialization.

12 SENATOR WALCZYK: Through you,
13 Mr. President, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR RIVERA: Yup.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: That's what I
21 read as well. What I asked is, what does this
22 budget bill that's presented before us here today
23 do for training, either new or expanded training,
24 as the Governor proposed in her budget -- or, as
25 you like to refer to her, as the woman downstairs

1 proposed in her original budget?

2 SENATOR RIVERA: Through you,
3 Mr. President, the funds are for recruitment and
4 retention. There is not really any funding
5 identified for training.

6 SENATOR WALCZYK: Through you,
7 Mr. President, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR RIVERA: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: I find that it's
15 always most difficult to find the things in the
16 budget that aren't in the budget. So was her
17 training program for EMS in the State of New York
18 rejected in this final budget bill?

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

21 SENATOR WALCZYK: Through you,
22 Mr. President, would the sponsor continue to
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR RIVERA: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: The Governor
5 proposed -- or the woman downstairs, as my
6 colleague likes to refer to her as, she proposed
7 mobile integrated healthcare language. This has
8 been operating as a pilot program in the State of
9 New York for a while. Agencies have seen some
10 great success.

11 Was her language included in this
12 final budget bill?

13 SENATOR RIVERA: Through you,
14 Mr. President, it did not make it into the final
15 budget.

16 SENATOR WALCZYK: Through you,
17 Mr. President, would the sponsor continue to
18 yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR RIVERA: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: Would you give us
25 a justification for why that was removed from the

1 budget proposal?

2 SENATOR RIVERA: Through you,
3 Mr. President, negotiations are what they are.
4 And not every party at the table was in agreement
5 that it should be included.

6 SENATOR WALCZYK: Through you,
7 Mr. President, would the sponsor continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR RIVERA: Yup.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: EMS providers,
15 who many are in fiscal danger right now across
16 New York State, asked for Medicaid rate reform.
17 Did they get it in this budget?

18 SENATOR RIVERA: Through you,
19 Mr. President, they did not.

20 SENATOR WALCZYK: And through you,
21 Mr. President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR RIVERA: Yup.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields. And so does Siri.

3 SENATOR WALCZYK: EMS providers for
4 a long time in New York State -- and I know you
5 know this, Mr. Chairman -- have been asking for a
6 direct pay option from insurers to avoid fraud
7 and nonpayment from those who they carry and
8 bring that critical medical transport.

9 Did they get it in this final
10 budget?

11 SENATOR RIVERA: Through you,
12 Mr. President, they did not.

13 SENATOR WALCZYK: Sorry to hear
14 that.

15 And through you, Mr. President, if
16 the sponsor would continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR RIVERA: Yes, I do.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: Do you consider
23 emergency medical services essential?

24 SENATOR RIVERA: Through you,
25 Mr. President, I absolutely do.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR RIVERA: Yup.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: Does this budget
10 reflect a language change to describe them in
11 health law as "essential"?

12 SENATOR RIVERA: Through you,
13 Mr. President, this final budget does not. But
14 our one-house budget did.

15 SENATOR WALCZYK: And through you,
16 Mr. President, would the sponsor continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR RIVERA: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: Have you ever had
24 a look at the EMS org chart in the State of
25 New York, all of the agencies that they report

1 to?

2 SENATOR RIVERA: Through you,
3 Mr. President, yes, I have.

4 SENATOR WALCZYK: And through you,
5 Mr. President, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR RIVERA: Yes, I will.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Did it make sense
13 to the good and learned chairman, or am I just
14 new enough here that this was confusing for a
15 newbie?

16 SENATOR RIVERA: Through you,
17 Mr. President, I think we all agree that the only
18 good one is Liz. She's the good Senator. I'm
19 not sure how learned I am.

20 But in either case, it is -- it is
21 certainly needlessly complicated.

22 SENATOR WALCZYK: Mr. President, on
23 the bill.

24 ACTING PRESIDENT BAILEY: Senator
25 Walczyk on the bill.

1 SENATOR WALCZYK: Sixty percent of
2 paid EMS in New York State are saying they have a
3 diminished ability to answer calls. The chairman
4 said they are essential.

5 Half of the volunteer -- over half
6 of the volunteer emergency medical services
7 describe themselves as severely impaired by a
8 lack of volunteerism. Yet we call them
9 essential, but we don't say it in the law.

10 This budget adds layers of confusion
11 to that org chart we talked about a moment ago.
12 It adds another block, another layer of
13 governmental confusion for emergency medical
14 services that does nothing but to remove local
15 input and take providers out of circulation.

16 EMS is on the verge of crisis. They
17 made some simple requests -- some of those that I
18 lined out in debate, some they've been advocating
19 for years, some they're saying are critical in
20 this year alone -- and this budget completely
21 fails them. And I'm tremendously concerned about
22 the state of rural EMS, and so should you be.

23 This budget also fails human service
24 workers on the cost-of-living adjustment and our
25 local community healthcare centers with the 340B

1 carveout, which only hurts low-income families
2 and those who are most disadvantaged across
3 New York State.

4 I'm tremendously disappointed by
5 what's been presented here today, and I will vote
6 no.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BAILEY: Are there
9 any other Senators wishing to be heard?

10 Senator Martins.

11 SENATOR MARTINS: Thank you,
12 Mr. President.

13 Would the good Senator, my dear
14 friend Senator Rivera, please yield for just a
15 couple of questions.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR RIVERA: Through you,
19 Mr. President. Again, took the "learned" out,
20 which is appropriate.

21 Yes, I will indeed yield.

22 SENATOR MARTINS: Good friend.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR MARTINS: Thank you.

1 Senator, in Part S there's a
2 reference to volunteer firefighters being able to
3 access health benefits regardless of the amount
4 of funds derived from public sources. That is,
5 volunteer firefighters would have access to
6 health insurance.

7 I was wondering if you could tell us
8 who would be paying for that health insurance.
9 Would it be paid for by the local municipality,
10 the village, the fire district that oftentimes
11 has the ambulance corps as one of its companies?
12 Can you provide clarity?

13 SENATOR RIVERA: Through you,
14 Mr. President, it -- what the budget proposes is
15 a codification of current practice, which has the
16 individual, the volunteer themselves, paying for
17 the health care premium.

18 SENATOR MARTINS: Thank you,
19 Mr. President. Through you, if the sponsor would
20 continue to yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR RIVERA: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR MARTINS: Thank you.

2 Just so we're clear, if they are
3 volunteers, they have the option as a volunteer
4 to access health insurance through the
5 municipality that provides that emergency
6 service, but it would be at their cost, not at
7 the cost of the district or the village or the
8 town or the taxpayer.

9 SENATOR RIVERA: Through you,
10 Mr. President, that is correct.

11 SENATOR MARTINS: Thank you,
12 Mr. President. Thank you.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator Martins.

15 Are there any other Senators wishing
16 to be heard?

17 Seeing and hearing none, debate is
18 closed. The Secretary will ring the bell.

19 Read the last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Senator

1 Fernandez to explain her vote.

2 SENATOR FERNANDEZ: Thank you so
3 much, Mr. President.

4 And thank you to our sponsor and
5 leader for fighting so hard the way they did to
6 get to where we are with the health and mental
7 health bill.

8 This conference, under the
9 leadership of Andrea Stewart-Cousins, really did
10 try to do the most. And we know when it comes to
11 our health and mental health and overall
12 well-being, we always need to try to do the most.

13 And of course I wish that we could
14 have done more. I wish that we got to a higher
15 COLA. I wish that we could have added every task
16 force when it comes to suicide prevention. But
17 it cannot be lost, the good things that were in
18 this budget.

19 As chair of Alcohol and
20 Substance Use Disorders, I am very proud to see
21 that now we have dual licensing and the ability
22 for those that have co-occurring disorders and
23 mental health needs and substance use needs can
24 still get the full, round support that they've
25 always needed.

1 It's been long overdue, but this is
2 a big step in making sure that no one faces
3 further barriers when they are trying to get
4 themselves on a better path to recovery.

5 I am very proud too that we included
6 language on certain topics. I wish we could have
7 done more. But it is a big step and a big win
8 that we included a task force for Daniel's Law.
9 Because when it comes to mental health crises in
10 this state, we have to be better, we have to do
11 better, and we have to start setting up a
12 structure that will be better.

13 And a task force is a first step. I
14 am ready for a pilot program; I know many of us
15 are. But the work that has been done to get this
16 budget to where it is cannot be ignored.

17 And for that, I vote in the
18 affirmative.

19 ACTING PRESIDENT BAILEY: Senator
20 Fernandez to be recorded in the affirmative.

21 Senator Harckham to explain his
22 vote.

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

25 I've been sitting listening to the

1 debate. I want to thank my friend
2 Senator Martins for asking us to speak on the
3 substance of bills and not so much the political
4 tit-for-tat. But I do need to respond to just
5 some of the things that were said on policy.

6 You know, our health system was
7 starved for 12 years. Medicaid rates were held
8 flat. Our behavioral health agencies'
9 reimbursements were held flat. In some cases
10 there were periods of time where they received
11 clawbacks. And our colleagues on the other side
12 of the aisle were in the majority through most of
13 that.

14 So it's a little disingenuous to
15 hear that when we in the Majority set out years
16 ago to begin to bring those agencies back to
17 where they need to be, that we were not funding
18 enough.

19 And at the beginning of the debate
20 we heard that we were spending too much, and now
21 in this debate we're hearing we're not spending
22 enough.

23 So I would like to say that I'm
24 voting for this because this continues the
25 measured increase that this Majority started a

1 few years ago for all of the 0 agencies, the
2 human service workers, the folks in our nursing
3 homes, the folks in our hospitals -- increasing
4 Medicaid rates as much as we could in a
5 responsible way this year, continuing the
6 increases to all of the 0 agencies who've been
7 starved for 12 years.

8 So I think we've made a lot of
9 positive strides, not just last year but this
10 year as well. Remember, there's a compounding
11 effect.

12 So for those reasons, I'll be voting
13 aye on this budget bill.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BAILEY: Senator
16 Harckham to be recorded in the affirmative.

17 Senator Brouk to explain her vote.

18 SENATOR BROUK: Thank you,
19 Mr. President.

20 You know, I think, as many of us
21 have described today, it's a mixed bag. I think
22 this budget in general; specifically, this budget
23 bill.

24 But there are some really amazing
25 things that we've been able to accomplish. There

1 are some things that I know many of us wish we
2 had been able to do more of. And there are
3 things that frankly are going to be really
4 difficult for some of us when we go back to talk
5 to our communities.

6 I have to add -- and many have
7 talked about this -- there are difficulties when
8 we look at our hospitals, when we look at the
9 effects of these changes for 340B. Many of us
10 feel we were put in a difficult position to get
11 back as much as we could for our institutions.
12 And I know certainly the fight will not end
13 today, as I continue to fight for funding to keep
14 afloat both our hospitals in the Rochester area
15 and so many of our clinics that serve some of our
16 most vulnerable community members.

17 Then there were things that we had
18 high hopes of achieving and we were able to make
19 some progress on. And one of those is the task
20 force -- the Daniel's Law task force. I have to
21 be honest, my first choice to be voting today
22 would have been to be voting to have the entire
23 Daniel's Law bill language and fully funded for
24 state implementation in this budget.

25 My second choice would have been the

1 Senate's one-house resolution where we had a task
2 force and funded pilot.

3 But we are here in the art of
4 compromise, as three branches of government, and
5 so what we have is a notable step forward where
6 we are finally as a state going to look at what
7 it looks like to have public health response when
8 it comes to mental health and substance use
9 crises.

10 And I am asking and imploring those
11 who now have the responsibility of moving this
12 task force forward to do just that, and to do
13 right by honoring Daniel Prude's legacy.

14 And the last one I'll add on a very
15 positive note: Great news about the Maternal
16 Mental Health Workgroup that was fully funded in
17 this budget bill.

18 And my last piece I'll say about
19 this is not only does this continue to be the
20 number-one most common pregnancy complication for
21 birthing people in this state, but this is now a
22 workgroup that will reimburse members of the
23 workgroup for childcare. Which is something that
24 we all know is a major struggle and will make
25 sure that those who are disproportionately

1 affected by these mental health conditions can
2 actually participate fully.

3 For those reasons, I vote aye. And
4 thank you for this time.

5 ACTING PRESIDENT BAILEY: Senator
6 Brouk to be recorded in the affirmative.

7 Senator Ramos to explain her vote.

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

10 I want to start by thanking our
11 leader, Andrea Stewart-Cousins, for guiding us
12 through this cumbersome process once again. And
13 I of course want to commend my colleague
14 Senator Rivera for his characterization of the
15 very serious health issues that we are
16 experiencing here in New York right now.

17 But I would be remiss if as
18 Labor chair I didn't stand here to say that
19 although I am going to be voting in the
20 affirmative for this budget bill, that I want to
21 declare that it was wrong for home care workers
22 to be pitted against minimum wage workers in this
23 budget negotiation. Because Governor Hochul did
24 make a promise to home care workers last year in
25 last year's budget that is not being kept this

1 year.

2 The whole point of the phased-in
3 differential for this workforce is that the
4 sector is in crisis, and a single meager raise
5 was not going to be enough to stabilize it.

6 This is about how we care for our
7 society's most vulnerable citizens, but it's also
8 about how we value care work, care work that is
9 actually done mostly by women and mostly by women
10 of color in this state. We are talking about
11 immigrant workers, like I said, women of color.
12 It is not minimum-wage work, what they do. I
13 guarantee you that by and large, most of us
14 sitting right here in this chamber right now
15 would not have the strength, the patience, and
16 the audacity to do home care work like so many do
17 every day.

18 And so with that, I ask that those
19 who do engage in home care work be recognized and
20 that we continue to fight for them, not only this
21 year but next year as well.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Senator
24 Ramos to be recorded in the affirmative.

25 Senator Gonzalez to explain her

1 vote.

2 SENATOR GONZALEZ: Thank you,
3 Mr. President. I rise today to speak in favor of
4 this budget bill.

5 A couple of weeks ago I spoke on the
6 floor about expanding access to abortion rights
7 in New York, as a necessity at a time when we're
8 seeing a far-right movement move to strip our
9 rights to an abortion nationwide.

10 And today we're taking another step
11 towards expanding and protecting our right to an
12 abortion, in addition to our privacy while
13 exercising that right, in this budget bill.

14 Today many people believe that, you
15 know, our medical data is protected by HIPAA.
16 But oftentimes our health data is bought and sold
17 by third parties. And so in Part U of this bill,
18 in a part sponsored by myself and Assemblymember
19 Rozic, what we've done is for the first time in
20 this country limited telecommunication companies
21 from cooperating with out-of-state warrants when
22 they seek to buy our health data.

23 What this means is for people who
24 are coming to seek their right to an abortion in
25 New York, that they will be protected from any

1 escalation or persecution in their own home
2 state.

3 This is an important moment, and I
4 want to thank all of my colleagues. I want to
5 thank the staff who put time towards this part of
6 the bill. And as you've heard, this is one of
7 the successes of many that we're seeing in this
8 budget bill, and in others.

9 But of course there is a lot of work
10 to be done, and we are going to continue to not
11 only codify our right to an abortion, but also
12 work to address the lack of funding and
13 healthcare and coverage for all that you heard
14 from Senator Rivera, invest in our home care
15 workers, and commit to 150 percent of the minimum
16 wage floor for home care workers, as you heard
17 from Senator Ramos. And, of course, fully fund
18 our hospitals, especially when we are still in a
19 health crisis and will continue to see that.

20 So I vote aye on this bill and again
21 thank everyone for their work and dedication to
22 all of these fights.

23 ACTING PRESIDENT BAILEY: Senator
24 Gonzalez to be recorded in the affirmative.

25 Senator Kavanagh to explain his

1 vote.

2 SENATOR KAVANAGH: Thank you,
3 Mr. President.

4 I want to speak about a particular
5 aspect of this bill. There's obviously a lot
6 going on that's sort of been discussed on this
7 floor. But, you know, a lot of times during the
8 coverage of the budget negotiations the things
9 that the Executive and the Legislature disagree
10 about get a lot of airtime, a lot of discussion.
11 So there's been very little discussion about the
12 fact that this budget, for the first time, puts
13 the state on a path to addressing a tremendous
14 public health problem.

15 New York State has one of the
16 highest rates of childhood lead poisoning in the
17 United States, largely because of old housing
18 that is not properly maintained, not properly
19 inspected, and without programs to effectively
20 remediate that. There has been legislation in
21 the past, but it really hasn't been doing the job
22 such that especially outside New York City --
23 New York City government and the New York City
24 Health Department have done a reasonably good job
25 on this. In the rest of the state, we've had

1 very little reaction.

2 This budget bill in Part T sets a
3 program in place, it was proposed by the
4 Executive and accepted by both houses. But it
5 creates a program where in the zip codes with the
6 highest rates of lead poisoning, there will be
7 cyclical inspections of all the rental units.
8 There will be \$20 million, which is in the
9 housing portion of the budget, to begin to
10 remediate when hazards in those apartments are
11 literally poisoning children in their own home.
12 It's a critical priority.

13 There are other things we need to do
14 with respect to lead, but this is a big step
15 forward.

16 So with that, Mr. President, I vote
17 aye.

18 ACTING PRESIDENT BAILEY: Senator
19 Kavanagh to be recorded in the affirmative.

20 Senator Hoylman-Sigal to explain his
21 vote.

22 SENATOR HOYLMAN-SIGAL: Thank you,
23 Mr. President.

24 I rise to support this budget bill,
25 to thank my colleagues Senator Rivera and

1 Senator Brouk and others, and Leader
2 Stewart-Cousins, and the Governor -- the Governor
3 for making this budget a mental health budget.

4 And that is so important and cannot
5 be overstated, given the crisis in mental health
6 that every one of us sees in our districts.

7 Walking through Midtown or Penn Station, or the
8 Upper West Side or Chelsea or Hell's Kitchen, it
9 confronts us every day. Even when I take my kids
10 to school, when I wait for the bus, when I'm on
11 the subway. I'm like every other New Yorker who
12 says we need to do more to help people.

13 And so the \$1 billion in this budget
14 directed toward mental health services will go a
15 long way to rectify the cuts, the cuts of decades
16 past when we closed and shut down mental health
17 beds across this state.

18 Eight hundred fifty new beds are
19 going to be added. That's going to be crucial.
20 New outpatient services, provider flexibility,
21 the Daniel's Law task force, and boosting
22 insurance coverage -- these are all going to go
23 to addressing this problem, which is not a
24 New York problem but a nationwide problem.

25 But we have this mental health

1 budget, and I proudly vote aye.

2 Thank you, Mr. President.

3 ACTING PRESIDENT BAILEY: Senator
4 Hoylman-Sigal to be recorded in the affirmative.

5 Senator Mannion to explain his vote.

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

8 I rise today in support of this
9 bill. I'd like to thank Majority Leader
10 Stewart-Cousins for her leadership.

11 After over a decade of no
12 cost-of-living adjustment for the 0 agencies,
13 including OPWDD, we have seen historic
14 cost-of-living adjustments over the past three
15 years -- of 1 percent, 5.4 percent, and
16 4 percent. I will say that this will be a legacy
17 that we must continue to build on, as the
18 challenges in this world are great as it relates
19 to housing, certainly staffing, employment, and
20 others.

21 Some of the stories that exist in
22 this world are tragic -- stories of DSPs working
23 triple shifts, stories of people not being able
24 to go to their community hab or their day hab.
25 These challenges are going to persist unless we

1 fully support this system.

2 So I will vote aye today, in leading
3 into future years of significant support for this
4 community.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BAILEY: Senator
7 Mannion to be recorded in the affirmative.

8 Senator May to explain her vote.

9 SENATOR MAY: Thank you,
10 Mr. President. I also rise in support of this
11 bill.

12 This is my third budget cycle
13 working on fair pay for home care, and I have
14 learned so much in this fight from the home care
15 workers, from the consumers who depend on home
16 care, from the family members who need the peace
17 of mind to be able to go to work and know that
18 their loved ones are being cared for.

19 We had a real challenge this year.
20 Last year we managed to win an increase for home
21 care workers above minimum wage, and there was a
22 threat of merging home care wages back with
23 minimum wage in the original Executive Budget.
24 And I'm very grateful to the Majority Leader, to
25 our staff who negotiated a different path that

1 continues to assert that home care is not a
2 minimum-wage job, that is not going to hold their
3 wages flat or send a message that we don't care
4 about home care workers.

5 We still have a long way to go to
6 get to true fair pay for home care. But this is
7 far better than it might have been, and so I want
8 to say how grateful I am to everybody who
9 supported the home care workers this year, and
10 everyone on staff and in the Senate who has
11 supported keeping their wages as high as we can
12 get them.

13 I vote aye. Thank you.

14 ACTING PRESIDENT BAILEY: Senator
15 May to be recorded in the affirmative.

16 Senator Mayer to explain her vote.

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

19 I also rise with my colleagues to
20 say that I'll be voting yes on this budget.

21 Like all budgets that we negotiate,
22 regardless of party, these budgets are not
23 perfect. They are the product of real battle on
24 behalf of the interests that we care about. And
25 our Senate Democratic Majority, led by our

1 leader, who really proved again her mettle in
2 fighting to reject years of austerity budgets in
3 healthcare.

4 Is the bill good enough for
5 hospitals and nursing homes? Absolutely not. Is
6 it a step forward? It is a step forward. We
7 have a long way to go. We need to invest in our
8 hospitals and nursing homes and their dependence
9 on state Medicaid dollars, and do far better.
10 But we moved the ball ahead.

11 The COLA for our human service
12 workers, as my colleagues had mentioned, so
13 essential. I regret and I'm disappointed that it
14 doesn't include DSPs that work for voluntary
15 agencies that are not part of the 0 agencies.
16 Those largely women, and women of color, work as
17 well, giving their heart and soul to these jobs.
18 And unfortunately, they are not covered.

19 I want to talk about one thing that
20 is very positive -- it came up in the debate --
21 that is important to me, which is these EMS
22 companies that are quasi-municipal. Together
23 with my colleague, Assemblyman Steve Otis, we
24 fought to get them to be able to participate in
25 the Empire Plan. They had been denied

1 participation in the Empire Plan. Now they're
2 going to be able to get the quality health
3 insurance that we all have, because of a change
4 by the commissioner of Civil Service which is
5 reflected in this budget.

6 Should we have been able to get the
7 essential worker/provider language that we
8 wanted? Absolutely. But we live to fight
9 another day here. We stand for the workers, the
10 people who provide this care all over this state.
11 We will continue to fight for them. But we
12 appreciate that this is a step forward in the
13 right direction that achieves meaningful goals
14 for those that we represent.

15 I vote aye.

16 ACTING PRESIDENT BAILEY: Senator
17 Mayer to be recorded in the affirmative.

18 Senator Webb to explain her vote.

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

21 I rise to speak on this budget bill.
22 And I would be remiss if I didn't thank our
23 Majority Leader for all of her leadership during
24 this budget; my colleagues, especially
25 Senator Rivera, as the chair of our

1 Health Committee; and also Senator Brouk, who's
2 the chair of our Mental Health Committee; and all
3 the staff members who have worked over just a few
4 days on this budget.

5 I also want to take this time to
6 lift up all the advocates that have been coming
7 to us throughout the course of this budget, all
8 the community organizations, members of the
9 public who have been fighting for resources that
10 we have tried to incorporate into this particular
11 budget bill as relates to healthcare access.

12 And as a former healthcare organizer
13 myself, in working on this critical issue,
14 understanding firsthand the challenges of having
15 a healthcare system that does not center the
16 needs of our communities and in fact sometimes
17 puts big money interests over the needs of the
18 healthcare and the lives of our constituents,
19 being able to stand here today and reflect on
20 this particular health budget is really a
21 full-circle moment for me.

22 And so -- and also, as the chair of
23 our Women's Issues Committee, I was happy to see
24 that in this budget it includes important
25 protections, as one of my colleagues already

1 alluded to, as relates to reproductive care --
2 which is healthcare, and it is essential -- with
3 respect to abortion drug coverage and expanding
4 access to this essential care for individuals who
5 are currently in our state and also coming to our
6 state seeking this essential service.

7 This budget also includes language
8 to establish a maternal mental health workgroup.
9 And I would be remiss again if I didn't thank
10 Senator Brouk for her continued advocacy on this
11 very important issue.

12 Because as we have said in this
13 chamber and on this issue time and time again,
14 that Black mothers in particular are most likely
15 to experience postpartum depression and the least
16 likely to receive treatment, with a staggering
17 number of cases estimated to go undiagnosed or
18 unreported.

19 And so this disparity in care puts
20 Black mothers and their families at risk for the
21 most worst mental health outcomes.

22 This budget also makes significant
23 investments not only in our healthcare
24 infrastructure, but strengthens access to mental
25 health services. Again, this is an issue that we

1 have talked about and continue to talk about and
2 work on in this chamber, and most certainly this
3 is a big issue in my district. The pandemic, as
4 I often remark, has served as a reminder of why
5 we need to invest in mental health services.

6 And so, again, I want to thank my
7 colleagues for their support in getting us to
8 this point. Most certainly, I know we have more
9 work to do, and so I will be voting aye on this
10 bill.

11 Thank you.

12 ACTING PRESIDENT BAILEY: Senator
13 Webb to be recorded in the affirmative.

14 Senator Cleare to explain her vote.

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

17 I rise in support of this bill, and
18 with a particular feeling for fair pay for home
19 care. I want to thank Senator May for her years
20 of work on this. I want to thank the leader.

21 This is not what I wanted it to end
22 up as. I wanted much, much more. And God knows
23 our workers and our nursing homes deserve so much
24 more. They are caring for the most vulnerable in
25 our community, the most fragile. They do give

1 their heart and their soul to their work every
2 single day.

3 I have workers in my district who go
4 to care for other families and are not even
5 making enough to take care of their own.

6 We have much, much more to do. But
7 it's been a long time since much has been done,
8 and I'm thankful for the progress that we've made
9 in this budget. I thank my colleagues. Again, I
10 thank the leader.

11 As chair of the Aging Committee,
12 this is of particular concern to me. And it's
13 not just a matter of healthcare now, it's
14 healthcare in the future. We cannot recruit
15 people to work these jobs when they cannot
16 support their own families. So we have to make
17 it possible for them to be able to take care of
18 their own families, who they leave every day to
19 come and take care of others.

20 I will be voting aye. Thank you.

21 ACTING PRESIDENT BAILEY: Senator
22 Cleare to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 717, those Senators voting in the

1 negative are Senators Ashby, Borrello,
2 Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,
3 Lanza, Martins, Mattera, Murray, Oberacker,
4 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
5 Tedisco, Walczyk, Weber and Weik.

6 Ayes, 41. Nays, 21.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 can we now move on to Calendar 718, Senate Bill
12 4009C.

13 ACTING PRESIDENT BAILEY: The
14 Secretary will ring the bell.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 718, Senate Print 4009C, Budget Bill, an act to
18 amend the Tax Law.

19 ACTING PRESIDENT BAILEY: Senator
20 Lanza, why do you rise?

21 SENATOR LANZA: Mr. President, I
22 believe there's an amendment at the desk. I
23 waive the reading of that amendment and ask that
24 you recognize Senator Weik.

25 ACTING PRESIDENT BAILEY: Thank

1 you, Senator Lanza.

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

5 SENATOR LANZA: Accordingly,
6 Mr. President, I appeal the ruling of this chair
7 and ask that you recognize Senator Weik to be
8 heard on the appeal.

9 ACTING PRESIDENT BAILEY: The
10 appeal has been made and recognized, and
11 Senator Weik may be heard.

12 SENATOR WEIK: Mr. President, I
13 rise to appeal the ruling of the chair.

14 The proposed amendment is germane to
15 the bill at hand because the bill at hand enacts
16 into law major components of legislation
17 primarily addressing tax revenue and credit that
18 are necessary to implement in the state fiscal
19 plan for the 2023-2024 state fiscal year, while
20 the amendment addresses expanding the
21 Empire State child credit.

22 In fact, the bill at hand includes
23 language enacting a new childcare creation, an
24 expansion tax credit program to allow eligible
25 businesses to receive tax credit for creating and

1 expanding childcare seats for the children of
2 their employees.

3 We applaud the inclusion of this
4 provision and believe that both expanding the
5 supply of care but also providing parents with
6 greater support will make New York a better, more
7 affordable place to raise a family. There really
8 cannot be any more germane piece of legislation.

9 The amendment would recouple the
10 Empire State child tax credit to the federal law
11 and expand eligibility to include children under
12 the age of 4. These changes would provide an
13 additional 500 million in support, while finally
14 helping families with infants, toddlers and young
15 children.

16 The average cost of childcare in
17 New York is over 12,000 annually, and this is
18 only one expense of families who continue to face
19 high food, clothing, and housing costs. These
20 costs add up for families. A 2022 analysis found
21 that due to higher inflation, a middle-income
22 married family with two children will now spend
23 \$26,011 more to raise a child to the age of 17
24 than what it was originally estimated to cost in
25 2017.

1 This legislation seeks to address
2 this changing financial environment by providing
3 additional support to families and expanding
4 access to such support.

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

7 ACTING PRESIDENT BAILEY: Thank
8 you, Senator Weik.

9 I want to remind the house that the
10 vote is on the procedures of the house and the
11 ruling of the chair.

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

14 (Response of "Aye.")

15 SENATOR LANZA: Request a show of
16 hands.

17 ACTING PRESIDENT BAILEY: A show of
18 hands has been requested and so ordered.

19 Announce the results.

20 THE SECRETARY: Ayes, 21.

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

24 The Secretary will read.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 Wait, wait, wait.
5 Senator Helming.

6 SENATOR HELMING: Thank you,
7 Mr. President. If the sponsor will yield for a
8 question.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Yes, I will.

12 ACTING PRESIDENT BAILEY: Senator
13 Helming, may we ask the topic so we can have the
14 proper individual to respond to you?

15 SENATOR HELMING: Yes,
16 Mr. President. And I believe that information
17 was provided previously, but it's Part K.

18 ACTING PRESIDENT BAILEY: Thank
19 you, Senator Helming, for answering the question.

20 SENATOR HELMING: Through you,
21 Mr. President, if the sponsor will yield for a
22 question.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: Yes, I will.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR HELMING: Probably like so
4 many of you in this chamber, I've received a
5 number of calls and the staff of my office
6 continues to hear from seniors who are living on
7 fixed incomes. They've been severely impacted by
8 the record inflation. Trying to live on a fixed
9 income as prices in every area continue to
10 increase just is becoming tremendous. Reducing
11 their tax burden is an important tool to ensure
12 that they can weather the ongoing economic
13 uncertainty.

14 This part specifies that IRA
15 distributions as well as non-reimbursed medical
16 expenses may be excluded from the individual's
17 gross income. And while I'm relieved to see tax
18 relief for seniors prioritized, I'm concerned
19 that the scope of this relief is -- it's too
20 narrow. It needs to be broadened.

21 Senator Krueger, were distributions
22 from 401(k)s or 403(b)s considered as well?

23 SENATOR KRUEGER: They were not
24 specifically discussed or included in the
25 language, no.

1 SENATOR HELMING: Thank you.

2 Through you, Madam President, if the
3 sponsor will continue to yield for a question.

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR HELMING: Senator Krueger,
10 what's justification for including some
11 retirement distributions while excluding these
12 others?

13 SENATOR KRUEGER: (Conferring.) So
14 in fairness, Madam President, I suppose there
15 could be sort of an endless list of what items
16 might be included or excluded from income for
17 different housing exemption programs or housing
18 assistance programs.

19 So the attempt here with this
20 section was actually to both clarify and add
21 consistency across a number of different programs
22 that people might be eligible for, whether
23 they're seniors or disabled, whether they're
24 renters or they're owners.

25 So there was an attempt to sort of

1 make all of these programs consistent, and also
2 recognizing that a number of the changes would in
3 fact increase the costs to the locality because
4 these programs all have in common that they are
5 exemptions from property taxes. We also put in
6 that it's at local option.

7 So I don't necessarily disagree with
8 my colleague that there's lots and lots of other
9 types of income that might or might not be
10 considered for exemption. But I do think that
11 absolutely this section is a significant
12 improvement in the options available to
13 localities to expand the deductions from
14 property tax costs for elderly and disabled
15 people, whether they are owners or renters.

16 SENATOR HELMING: Thank you,
17 Senator Krueger.

18 Madam President, if the sponsor will
19 continue to yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR HELMING: Thank you.

1 So one of the challenges, when you
2 only -- when you literally have just hours to go
3 through thousands and thousands and thousands of
4 pages of budget documents, it's not only
5 reviewing what's included in those documents but,
6 as someone said earlier, one of my colleagues,
7 it's -- the challenge is trying to figure out
8 what is missing.

9 So this next question I can't
10 reference a part because I couldn't find anything
11 on it. Housing's been a topic that's dominated
12 the budget discussions since January. And we've
13 heard several people talk about how budgets are
14 all about priorities. Can you tell me if in the
15 bill before us there are any new or expanded
16 provisions to help first-time homebuyers secure
17 tax relief?

18 SENATOR KRUEGER: Through you,
19 Madam President, no, there are no new tax breaks
20 for homebuyers, first time or otherwise.

21 SENATOR HELMING: Thank you,
22 Senator Krueger.

23 Thank you, Madam President.

24 ACTING PRESIDENT PERSAUD: Thank
25 you.

1 Senator Murray.

2 SENATOR MURRAY: Thank you,
3 Madam President. Would the sponsor yield for a
4 few questions?

5 ACTING PRESIDENT PERSAUD: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Certainly.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR MURRAY: We'll start with
11 Part I and then go to Part GG and then Part B, if
12 that's okay.

13 SENATOR KRUEGER: I'll give it a
14 shot. If it's not, we will find someone else.

15 SENATOR MURRAY: So let's start
16 with Part I first. Madam President, if the
17 sponsor would yield.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR KRUEGER: Absolutely.

21 SENATOR MURRAY: So Part I,
22 subpart A, we're talking about the corporate
23 taxes. And every domestic corporation
24 incorporated in New York pays this tax. But this
25 particular section is an extension of what was

1 considered to be a temporary tax, I believe, but
2 we are now going to extend that.

3 Can you explain the difference
4 between this, the higher rate, and the regular
5 corporate tax?

6 SENATOR KRUEGER: So it is an
7 extender of the highest rate that we
8 implemented -- I think it was three years ago.
9 And at the time we were encouraged to define it
10 by the corporations that would be impacted as an
11 extension of but not necessarily permanent.

12 But the decision was made that we
13 needed the revenue and that it was a reasonable
14 level. And I actually don't think -- I have to
15 be careful -- that anyone who is paying the tax
16 showed up to complain about it.

17 SENATOR MURRAY: Madam President,
18 if the sponsor would continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR MURRAY: Thank you.

25 It's kind of a two-part here. You

1 had mentioned it is temporary in the revenue that
2 was raised. First, do we have an estimation on
3 how much is raised through this higher tax rate?
4 And where does that revenue go?

5 SENATOR KRUEGER: Sorry, I need my
6 glasses for the small print.

7 So for fiscal year '23-'24, that's
8 the last year of the actual extender now. So we
9 are continuing the extension. So it's going to
10 be -- sorry -- 810 million in fiscal year
11 '24-'25, and then it goes up to 1.17 the
12 following year, '25-'26. And then for some
13 reason that I can't explain right now, it goes
14 down to 880 million again in fiscal year '26-'27.

15 SENATOR MURRAY: Madam President,
16 if the sponsor would continue to yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR MURRAY: And that money,
23 does that go to the General Fund? That doesn't
24 go to the MTA, correct?

25 SENATOR KRUEGER: It goes to the

1 General Fund, correct.

2 SENATOR MURRAY: Okay. If the
3 sponsor would continue to yield.

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR MURRAY: So that brings me
10 down to Part GG. Because it's basically a tax on
11 the tax we just discussed, which is the corporate
12 tax, the 9-A tax. This is the 9-A surcharge.
13 And this money does in fact go to the MTA.

14 Now, this is a, as I said, business
15 tax surcharge that if I'm not mistaken sets the
16 base tax at 30 percent but gives the option to
17 raise that to the commissioner.

18 Is there a ceiling on how much the
19 commissioner can raise that tax?

20 SENATOR KRUEGER: (Conferring.)
21 Okay, I'm going to give it a shot. It's a little
22 confusing.

23 So this is a 30 percent surcharge on
24 corporate tax within the MTA region. There is
25 not a cap per se on the rate on any particular

1 company, but there is a maximum amount of money
2 that this tax can raise.

3 Am I saying that right, Gabe? One
4 second, I made a mistake. (Conferring.)

5 So the goal is to reach a particular
6 dollar amount raised. And the commissioner --
7 this is rare -- so the commissioner actually gets
8 to set what that rate will be in order to hit
9 that target.

10 So there's not a specific cap on the
11 rate. There's a cap on how much money can be
12 raised using this tax. And the commissioner has
13 the flexibility to adjust that rate to hit that
14 target.

15 SENATOR MURRAY: Madam President,
16 if the sponsor would continue to yield.

17 SENATOR KRUEGER: I'm sorry, and
18 that money is specifically to help with the MTA
19 fill-the-hole assignment.

20 SENATOR MURRAY: Would the sponsor
21 continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR MURRAY: And what is that
3 cap amount? What is that amount that we're
4 sending to the MTA with this particular tax?

5 SENATOR KRUEGER: We need another
6 person. (Pause; conferring.)

7 SENATOR KRUEGER: I'll do my best.

8 So this tax has been being
9 collected, and it's been about a billion dollars
10 a year to the MTA. Now we are changing, through
11 statute, how the calculations will be made by the
12 commissioner, with the goal still being to raise
13 approximately 1 billion a year? (Conferring.)

14 So historically it has been set by
15 the commissioner and we've been getting
16 approximately a billion a year, but we are
17 changing the statute so now it will actually be a
18 rate of 30 percent, which should bring in the
19 billion dollars. So we're changing the formula
20 of how we get to the billion, but not actually
21 changing the amount at this point.

22 If that helps you, that's great,
23 because I'm not sure that I understand what that
24 all means.

25 (Laughter.)

1 SENATOR MURRAY: If the sponsor
2 would continue to yield.

3 ACTING PRESIDENT PERSAUD: Will the
4 sponsor yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR MURRAY: So I think we're
9 there. I get the premise of a billion is the
10 target amount. And this still gives the
11 commissioner some flexibility in future years.
12 So this is --

13 SENATOR KRUEGER: It takes the
14 commissioner's flexibility away, actually. It's
15 just set at 30.

16 SENATOR MURRAY: I thought the base
17 was the 30 percent on this. I thought it still
18 gave the commissioner flexibility if the amount
19 did not hit a billion. But either way, we're
20 targeting a billion dollars, I think is our goal.

21 So, Senator, now is when I'll flip
22 over to Part B now, because we're going to stick
23 with the theme of MTA money.

24 So in Part B it's clarification of
25 the treatment of limited partners, but we're

1 talking about the self-employed being hit with
2 the MTA payroll tax. If I'm not mistaken -- and
3 correct me if I'm wrong -- under the current
4 system self-employed in the MTA region will pay
5 the MTA payroll tax if they make 50,000 or more.
6 I believe that is the -- is that correct?

7 SENATOR KRUEGER: Correct. We're
8 not changing that, yup.

9 SENATOR MURRAY: Madam President,
10 if the sponsor would continue to yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR MURRAY: So that was the
17 question. So what are we changing in Part B here
18 as far as the self-employed?

19 SENATOR KRUEGER: (Conferring.)
20 Okay. All right. So if you're just a
21 self-employed person, you're not a partner or a
22 limited partner in a company, this doesn't affect
23 you at all.

24 If you are a partner in a -- and
25 defined as self-employed, then the PMT has been

1 affecting you and will also continue to affect
2 you if we're talking about within New York City.
3 Right?

4 But there are people who have also
5 defined themselves as limited partners, and
6 they've been exempt from the PMT up till now.
7 But if in fact they are defining themselves as
8 limited partners but they're actually managing
9 and so they're functioning in a partner role,
10 then they won't be exempt.

11 I actually get that one, but it took
12 me a little while to figure it out.

13 SENATOR MURRAY: Through you,
14 Madam President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR MURRAY: And what's the
22 amount that we expect to raise from that change?

23 SENATOR KRUEGER: Just the limited
24 partner section?

25 SENATOR MURRAY: Yes.

1 SENATOR KRUEGER: About
2 \$20 million.

3 SENATOR MURRAY: Very good.
4 Madam President, if the sponsor
5 would continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR MURRAY: And by the way,
12 for anyone that is watching at home, as we're
13 asking these questions about the MTA and funding
14 for the MTA, the reason it does get confusing and
15 it does take some time to look this up is because
16 there are so many little fingers, so many
17 different directions that we go to fund this
18 authority that sometimes it does get very
19 confusing.

20 So during the budget process we
21 heard different proposals about more funding for
22 the MTA, but we also heard a proposal to
23 eliminate the MTA payroll tax for local
24 governments in Dutchess, Rockland, Putnam and
25 Orange counties, I believe. Now, is that

1 included in this bill or this resolution?

2 SENATOR KRUEGER: It was not
3 included in this bill, but it was never actually
4 included in this bill. It was another set of
5 proposals that didn't go anywhere.

6 SENATOR MURRAY: Madam President,
7 if the sponsor would continue to yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR MURRAY: Thank you.

14 And currently the local governments
15 throughout the MTA region are paying, as are
16 hospitals, as are community colleges. Is there
17 anything in this bill to relieve them of the
18 burden of paying the MTA payroll tax?

19 SENATOR KRUEGER: No.

20 SENATOR MURRAY: No, so they'll
21 continue as well.

22 Believe it or not, that's all I have
23 on this issue right now. I will be back to
24 explain my vote, so stay tuned.

25 But thank you, Senator Krueger. I

1 very much appreciate it.

2 Thank you, Madam President.

3 SENATOR KRUEGER: Thank you,
4 Madam President.

5 ACTING PRESIDENT PERSAUD: Senator
6 Walczyk.

7 SENATOR WALCZYK: Through you,
8 Madam President, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR GIANARIS: Madam President,
13 I'll answer if Senator Walczyk wants to ask about
14 the film credit.

15 SENATOR WALCZYK: Yeah, I do.

16 SENATOR GIANARIS: Yes?

17 SENATOR WALCZYK: Would you be so
18 kind as to yield?

19 SENATOR GIANARIS: Oh, I would love
20 to yield, Senator Walczyk.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR WALCZYK: I can -- I'll
24 come back -- I was ready to start with Part N,
25 wind and solar.

1 SENATOR GIANARIS: Is that a
2 Senator Krueger --

3 SENATOR WALCZYK: I can start with
4 film, why not, since you're already standing.

5 SENATOR GIANARIS: Thank you.

6 SENATOR WALCZYK: Through you,
7 Madam President, on Part D, the film tax credit,
8 last year the film tax credit was 420 million.
9 What is this year's?

10 SENATOR GIANARIS: This year it's
11 also 420. But I think what you're asking is what
12 will it be next year and the year after. That
13 will be 700 million.

14 SENATOR WALCZYK: 700 million.

15 SENATOR GIANARIS: Yes.

16 SENATOR WALCZYK: Thank you.

17 And through you, Madam President,
18 would the sponsor continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR WALCZYK: Has the sponsor
25 seen the movie "The Impossible Monster"?

1 SENATOR GIANARIS: No. Is it good?

2 SENATOR WALCZYK: Well, you're not
3 alone. Actually almost nobody's seen the movie
4 "The Impossible Monster." It only aired four
5 times at film festivals, got two stars and a
6 4.4 on IMDB.

7 Through you, Madam President, would
8 the sponsor continue to yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR GIANARIS: Sure.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR WALCZYK: Does a film have
15 to make money or be successful in order to be
16 eligible for a tax credit in the State of
17 New York?

18 SENATOR GIANARIS: No. Because the
19 jobs to make that film are here regardless of
20 whether the film is successful or not.

21 SENATOR WALCZYK: And through you,
22 Madam President, would the sponsor continue to
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR WALCZYK: Have you seen the
5 2020 film "The Roads Not Taken"?

6 SENATOR GIANARIS: No. You know, I
7 fancy myself a movie watcher, but I think Senator
8 Walczyk is digging deep. No, I have not seen
9 that one either.

10 SENATOR WALCZYK: Well, I hope that
11 we're not attracting the wrong style, but it may
12 surprise you, this got a 44 percent on
13 Rotten Tomatoes.

14 And actually I asked the last
15 question because they received \$116,000
16 compliments of the State of New York in film tax
17 credit, and at the box office "The Roads Not
18 Taken" made \$105,000. That's less money than the
19 actual tax break -- or credit; not break,
20 credit -- that we gave that production.

21 Through you, Madam President. Would
22 the sponsor continue to yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR GIANARIS: Yes. I'm

1 wondering what movie I'm going to be asked about
2 next.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR WALCZYK: I'm not going to
6 ask about a movie this time. And I appreciate
7 you wanting to yield nonetheless.

8 This is actually about a new section
9 in what is now a 700 million portion of our
10 budget called the "eligible relocated television
11 series" section. I wonder if you could enlighten
12 us, who is this section written for?

13 SENATOR GIANARIS: (Conferring.)
14 I'm not familiar that it's designed for any
15 specific production. But like the rest of the
16 credit, it's designed to lure major productions
17 to New York or back to New York.

18 SENATOR WALCZYK: Through you,
19 Madam President, would the sponsor continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR WALCZYK: So I'm reading --
2 and help me out with this, because I've seen the
3 language for the first time today: "'Eligible
4 relocated television series' shall mean the first
5 two years of a regularly occurring production
6 intended to run in its initial broadcast,
7 regardless of the medium or mode of its
8 distribution, in a series of narrative and/or
9 thematically related episodes, each of which has
10 a running time of at least 30 minutes in
11 length' -- which is inclusive of television
12 commercials -- which had filmed a minimum of six
13 episodes of the television series outside of the
14 state immediately prior to relocating into the
15 state, where the television series had a total
16 minimum budget of at least \$1 million per
17 episode. For the purposes of this definition
18 only, a television series produced by and for the
19 media services providers described as streaming
20 services and/or digital platforms."

21 Through you, Madam President. You
22 mean to tell me that isn't written for one -- if
23 you could enlighten us, who's eligible for
24 something that's that specifically written?

25 SENATOR GIANARIS: I believe that

1 that language is intended to apply to shows that,
2 unlike the ones you apparently just referenced,
3 are successful. In other words, they are of a
4 certain size, they have been running for a
5 certain amount of time, and so we can have some
6 confidence that they will be ongoing productions.

7 So in a sense it's designed, to
8 answer your previous questions about less
9 successful versus more successful productions,
10 the idea of this language is to lure more
11 successful productions to New York so that they
12 would be ongoing. Especially for TV shows, which
13 carry on for years if they work.

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

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR WALCZYK: Those or that
23 specific show that it looks like we're trying to
24 recruit and have written a deal for them right
25 here in this budget bill, would they be eligible

1 for the full tax credit? How much would they be
2 eligible for in this specific instance?

3 SENATOR GIANARIS: It's the same
4 30 percent credit that everyone else would be
5 eligible for. The eligible costs would include
6 their costs of relocation to New York.

7 SENATOR WALCZYK: And through you,
8 Madam President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR GIANARIS: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR WALCZYK: Would those
16 relocation costs be included in their 30 percent
17 limit, or would they be added onto the
18 30 percent?

19 SENATOR GIANARIS: It would be
20 included in the costs that were eligible for the
21 30 percent credit.

22 SENATOR WALCZYK: And through you,
23 Madam President, if the sponsor would be willing
24 to yield -- and maybe this is your portion as
25 well -- on Part I, subpart E, having to do with

1 Broadway and perhaps, I'll find out, off-Broadway
2 productions.

3 SENATOR GIANARIS: Senator Krueger
4 will handle that.

5 SENATOR WALCZYK: Thanks for your
6 time.

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR KRUEGER: I have Broadway
10 in my district, so I got that assignment.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR KRUEGER: Yes, I do.

14 SENATOR WALCZYK: Chairwoman, I
15 don't plan to make you sing for us this evening,
16 I promise.

17 Through you, Madam President, if the
18 sponsor would yield.

19 SENATOR KRUEGER: Yes, I will,
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR WALCZYK: So last year it
24 was a \$200 million tax credit for Broadway
25 productions. What is this year's?

1 SENATOR KRUEGER: Two hundred
2 million. (Conferring.)

3 So it was 200 million in the year
4 that just ended. It will be 200 million for this
5 coming -- this year that we're a month into. And
6 then -- no? (Conferring.)

7 I'm hoping I get this right now. So
8 it was originally for 200 million for two years.
9 I'm getting yes and no. (Conferring.)

10 Okay, I'm hoping I have this right.
11 The original program was for 200 million starting
12 in 2021. And we've spent most of the 200
13 million, and we're adding a hundred million over
14 this year and next year, for both years together.

15 So it's actually less money on an
16 annual basis than we had put in earlier. I
17 believe I'm right.

18 SENATOR WALCZYK: Through you,
19 Madam President, would 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 WALCZYK: Not to belabor
2 what seemed like a pretty simple question. Last
3 year was 200 million. Is this year 300 million?

4 SENATOR KRUEGER: Well, so if you
5 add up the years that we've put authorization in,
6 it will total 300 million over that -- over all
7 those years.

8 SENATOR WALCZYK: Through you,
9 Madam President, would the sponsor continue to
10 yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 The sponsor yields.

14 SENATOR WALCZYK: I also noticed
15 sort of like the film tax credit, there were some
16 nuanced changes in the way that we're directing
17 this money to be spent. There's some changes
18 here, it looks like we're expanding from not just
19 specifically Broadway productions but -- can you
20 explain what the difference is and what a Level 1
21 and Level 2 production facility is, for those of
22 us who might not know?

23 SENATOR KRUEGER: (Conferring.) So
24 Level 1, Broadway theaters. One, there's a group
25 of theaters that are legally defined as the

1 Broadway theaters. And they're for-profit
2 theaters; I think there are 43 or 44 of them.
3 And the original rules were that they could be
4 eligible for the tax exemptions if they were at
5 least a 500-seat theater and spent I believe at
6 least \$2 million on the production.

7 The Level 2, which is the new being
8 added this year, includes off-Broadway theaters,
9 which also have to be for-profit. Because if
10 you're a nonprofit, you don't have taxes to take
11 deductions on. So the Level 2 are off-Broadway
12 theaters, at least a hundred seats to be
13 eligible, and at least \$750,000 spent on the
14 production to be eligible.

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

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: Do they have to
22 be successful?

23 SENATOR KRUEGER: No. No, you can
24 be a really bad show. "The Producers" was
25 designed to actually fail completely, but that

1 actually was a pretty good show.

2 SENATOR WALCZYK: "The Producers"
3 was great.

4 On the bill, Madam President.

5 ACTING PRESIDENT PERSAUD: Senator
6 Walczyk on the bill.

7 SENATOR WALCZYK: Oh, I'm sorry, I
8 still had -- can I go back to Part N?

9 SENATOR KRUEGER: Go back to what,
10 I'm sorry?

11 SENATOR WALCZYK: Part N, where I
12 wanted to start, on wind and solar valuation.

13 SENATOR KRUEGER: Okay, I'll give
14 it a shot.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR WALCZYK: So through you,
18 Madam President, you're accepting the Governor's
19 proposal to skirt the State Administrative
20 Procedures Act to assess wind and solar projects
21 in this budget bill, is that correct?

22 SENATOR KRUEGER: It was never the
23 intention of the state that this kind of project
24 would have to go through SAPA, but then the state
25 got sued. Hence the necessity of changing the

1 statute so that we don't have to be sued again.

2 SENATOR WALCZYK: Through you,
3 Madam President, would the sponsor continue to
4 yield.

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 SENATOR WALCZYK: The sponsor
9 yields.

10 SENATOR WALCZYK: Some might say
11 sued with good reason. The State Administrative
12 Procedures Act requires that there be public
13 input, public comments, public hearings on things
14 like this.

15 Since we're going around the State
16 Administrative Procedures Act in this instance,
17 will this bill or any language that we're putting
18 forward in it require that there be public
19 comment, public hearings, public information
20 about wind and solar projects?

21 SENATOR KRUEGER: So this isn't
22 actually about any specific project or the
23 approval of it. This is about coming up with a
24 mechanism to do tax appraisals.

25 So there is a different set of

1 statutes in state law where -- and even a special
2 office at this point -- and I forgot the name of
3 it, but we had them testify at the budget
4 hearings -- where the office actually does have
5 to go through a separate process for approving
6 projects.

7 SENATOR WALCZYK: Through you,
8 Madam President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR WALCZYK: The Office of
16 Renewable Energy Siting.

17 SENATOR KRUEGER: That's the one.
18 Thank you very much.

19 SENATOR WALCZYK: What will the
20 role of the local assessor be here?

21 SENATOR KRUEGER: (Conferring.) So
22 the -- under this rule, the state would come up
23 with a methodology for how the assessor does the
24 appraising, but then the local assessor still
25 will do the appraising.

1 And apparently the state has a
2 number of other programs with the same model
3 where the state has the methodology laid out, and
4 then the local assessor uses that methodology to
5 come up with the numbers for the locality.

6 SENATOR WALCZYK: Through you,
7 Madam President, would the sponsor continue to
8 yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR WALCZYK: But those rules
15 will be written by the Department of Tax and
16 Finance, is that correct?

17 SENATOR KRUEGER: Jointly between
18 NYSERDA and Tax and Finance.

19 SENATOR WALCZYK: Wonderful.

20 And through you, Madam President,
21 would the sponsor continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR WALCZYK: So I bring this
3 up because many renewable energy projects are
4 being sited across New York State, as we all
5 know. There's been areas that have made great
6 progress in siting many of these things. They
7 enjoy a good relationship with their local
8 governments because of the system that we have
9 currently.

10 One of my colleagues represents
11 Schoharie County, has been very vocal about this.

12 I represent Lewis County, which just
13 in four towns alone -- in Denmark, Martinsburg,
14 Lowville and Harrisburg -- has 277 windmills. We
15 have solar farms in Denmark, in Turin, in
16 Martinsburg, in Pinckney and in Lowville, just in
17 Lewis County alone. And these projects have
18 payments in lieu of taxes currently.

19 Your proposal changes that
20 relationship between the developer and the local
21 government. Developers will look to take a tax
22 break that's assessed by NYSERDA, who is very
23 motivated to get these projects in the ground,
24 and the Department of Tax and Finance, which
25 works directly for the Governor. There's nobody

1 elected to the Department of Tax and Finance.
2 And there's no local control in the Department of
3 Tax and Finance.

4 So my question is, when the tax bill
5 is due in our school districts, in our fire
6 districts, in our local governments for these
7 communities, who have had longstanding PILOT
8 agreements for wind and solar projects, who's
9 going to make them whole when the developer
10 decides it's a lot easier to go with the
11 Department of Tax and Finance and with NYSERDA's
12 numbers than it is with the local assessor?

13 SENATOR KRUEGER: (Conferring.) So
14 I don't think that this would apply retroactively
15 to existing projects, who already have their
16 structures in place, although I suppose PILOTs
17 could have time limits on them but then have to
18 start again or negotiate something else.

19 But this is really intended to have
20 a standardized methodology so that as these
21 projects continue to move forward, everybody
22 knows what sort of the rules of the road are for
23 the assessments. Because you're using examples
24 of successful agreements are where towns have
25 said yes and developers have moved in with their

1 projects, and people like the deal.

2 We also hear about many areas where
3 people are not happy with the arrangements that
4 have been made and are very unhappy and question
5 whether people at the local level perhaps were
6 taking even bribes from some of the developers
7 for projects.

8 So I think the goal here is to have
9 a consistent methodology that anybody can come in
10 and take a look at and understand how did the
11 taxes get calculated on this project and is it
12 consistent from place to place.

13 SENATOR WALCZYK: Madam President,
14 on the bill.

15 ACTING PRESIDENT PERSAUD: Senator
16 Walczyk on the bill.

17 SENATOR WALCZYK: Thank you.

18 And I wish you were right about this
19 not affecting current projects. That is not what
20 I read in the budget, but I do hope that you're
21 right.

22 This bill is par for the course:
23 \$700 million for Hollywood, \$300 million for
24 Broadway. That's a billion dollars for Broadway
25 and for Hollywood. And at the same time

1 stripping local control and hurting school
2 districts, fire districts, libraries in upstate
3 New York.

4 It's shameful, and I will vote no.

5 ACTING PRESIDENT PERSAUD: Senator
6 Canzoneri-Fitzpatrick.

7 SENATOR CANZONERI-FITZPATRICK:
8 Thank you, Madam Senator -- Madam President,
9 excuse me.

10 I have some questions on Part X,
11 which relates to the Belmont project. I was
12 wondering if the sponsor would yield for a few
13 questions.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR ADDABBO: You got me. Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR CANZONERI-FITZPATRICK:
20 Thank you.

21 I would like to know what has been
22 proposed today, how does that differ from the
23 Executive proposal from the Governor?

24 SENATOR ADDABBO: It actually gives
25 more accountability. When the Governor actually

1 initiated her I guess initial proposal, what we
2 did was in the final budget, in the final
3 language, more accountability as far as the loan
4 payment, as far as what's, again, the benefits of
5 the actual project.

6 And again, I think the
7 accountability part as far as the repayment is
8 probably key.

9 SENATOR CANZONERI-FITZPATRICK:

10 Madam President, will the sponsor --

11 SENATOR ADDABBO: If I may add --

12 SENATOR CANZONERI-FITZPATRICK: Oh,
13 sure.

14 SENATOR ADDABBO: A key component.
15 It was part of the accountability, it's part of
16 the job creation here.

17 But the MWBE component,
18 Madam President, the MWBE component, the veterans
19 component and the project labor agreement -- all
20 included post-the Governor's Executive Budget.

21 SENATOR CANZONERI-FITZPATRICK:

22 Madam President, will the sponsor continue to
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR ADDABBO: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR CANZONERI-FITZPATRICK:
5 Thank you.

6 Concerning the financing
7 arrangement, what will the structure be for NYRA
8 to pay back the \$455 million in capital to the
9 state? Specifically, what's the timing, the
10 length of time of the total repayment? Are we
11 paying interest only, principal and interest?
12 You know, how is this structured?

13 SENATOR ADDABBO: The \$455 million
14 loan, it is a 20-year payment at 1.8 percent
15 fixed rate.

16 SENATOR CANZONERI-FITZPATRICK:
17 Madam President, will the sponsor continue to
18 yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR CANZONERI-FITZPATRICK: So
22 my understanding is that the franchise agreement
23 between NYRA and New York expires in 10 years, in
24 2033. Yet I believe you just said that we're
25 going to have payments over 20 years. So how do

1 we, you know, reconcile those two differences?

2 SENATOR ADDABBO: The actual
3 language for the loan repayment is for the
4 corporation, not for NYRA. So it's actually,
5 again, for the corporation, not for NYRA. So the
6 term of the NYRA doesn't matter at this point.

7 SENATOR CANZONERI-FITZPATRICK:
8 Madam President, will the sponsor continue to
9 yield.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR ADDABBO: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR CANZONERI-FITZPATRICK:
16 Thank you.

17 To follow up on that question, I'm
18 not sure how I understand it -- that it's
19 possible that the franchise agreement could
20 expire but we'd still be paying debt, is that
21 correct?

22 SENATOR ADDABBO: Should NYRA go
23 out of business, the next franchisee would take
24 over that loan agreement.

25 SENATOR CANZONERI-FITZPATRICK:

1 Madam President, will the sponsor continue to
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR ADDABBO: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR CANZONERI-FITZPATRICK: How
9 long is it expected that the Belmont Park
10 renovation will take place?

11 SENATOR ADDABBO: Three years.
12 Through you, Madam President, three years.

13 SENATOR CANZONERI-FITZPATRICK: And
14 through you, Madam President, will the sponsor
15 continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR ADDABBO: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR CANZONERI-FITZPATRICK: And
22 during that -- the planning stages prior to the
23 initiation of the project, what kind of community
24 involvement will there be related to road
25 closures, disruption of the area?

1 I've spoken to school districts as
2 well as local mayors, and I'm just trying to
3 ensure that their input will be considered in the
4 planning of this project.

5 SENATOR ADDABBO: Through you,
6 Madam President, the Franchise Oversight Board
7 will oversee all that. And I'm going to, again,
8 assume that it's going to be post-budget.
9 Obviously there's a loan agreement, so it will be
10 post-budget. But the Franchise Oversight Board
11 will be overseeing that.

12 SENATOR CANZONERI-FITZPATRICK:
13 Through you, Madam President, will the sponsor
14 continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR ADDABBO: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR CANZONERI-FITZPATRICK: I'd
21 like to ask -- shift a few questions to the
22 Aqueduct Redevelopment Community Advisory Board.
23 And I'd like to know what kind of powers are they
24 going to have once the Belmont project is up and
25 running?

1 SENATOR ADDABBO: As you know,
2 Senator -- through you, Madam President. As you
3 know, Senator, local input is very important. We
4 did it with the downstate licenses new to this
5 year, which was different from the 2013
6 incarnation.

7 So the bottom line is now we have
8 local input with regards to the future fate of
9 the Aqueduct property, through this advisory
10 council. That does include the local community
11 board and it does include public hearings.

12 SENATOR CANZONERI-FITZPATRICK:
13 Okay. Thank you very much.

14 ACTING PRESIDENT PERSAUD: Thank
15 you.

16 Are there any other Senators wishing
17 to be heard?

18 Senator O'Mara.

19 SENATOR O'MARA: Yeah, just a
20 couple of follow-up questions on the solar, that
21 solar calculation.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR O'MARA: Will the sponsor
25 yield.

1 SENATOR KRUEGER: Yes. Yes, I do.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR O'MARA: What is in -- so
5 under this change or establishing this rule on
6 the assessments to wind or solar farms, we're
7 avoiding SAPA, there's no public input in the
8 process. There's a lawsuit going on right now
9 challenging the implementation of that.

10 Now, is this, what we're doing here,
11 going to basically make that lawsuit moot?

12 SENATOR KRUEGER: We think that is
13 the Governor's point, yes.

14 SENATOR O'MARA: Why was this rule
15 put in place?

16 ACTING PRESIDENT PERSAUD: Will the
17 sponsor yield?

18 SENATOR O'MARA: Yes, will the
19 sponsor yield.

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR O'MARA: Why was this rule
24 put into place in the first place without
25 following the Administrative Procedures Act?

1 SENATOR KRUEGER: (Conferring.) So
2 technically the state determines what goes
3 through SAPA and does not go through SAPA. So
4 the state never intended this kind of tax
5 assessment assignment to go through SAPA, but
6 someone sued and it was determined -- I guess the
7 case was decided already? No, the case hasn't
8 been decided, excuse me.

9 That the state, thinking this is
10 never what we intended to be the case, because we
11 never intended to go through SAPA, so we will
12 clarify the statute to ensure that it isn't going
13 through SAPA. And we will try to ensure that
14 there is a consistent methodology used for
15 calculating the assessment of taxes on any and
16 all of these projects going forward.

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR O'MARA: Are the various

1 counties, towns, villages that have PILOT
2 payments in place, are they going to be able to
3 weigh in on this ultimate rule? Or is the rule
4 just going to stay the same as it is -- as it's
5 already been written that's being challenged in
6 court?

7 SENATOR KRUEGER: (Conferring.) So
8 we do think that assessments get updated over
9 time. And we do know that the state has a number
10 of different methodologies that it recommends or
11 requires for different kinds of assessments. But
12 we don't know whether there's some kind of
13 standard process where Tax and Finance discusses
14 with the county assessors models that are being
15 used or problems with models that are being used.
16 I don't actually know that.

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR O'MARA: In particular

1 instances that may result from this, in
2 communities where PILOT -- and oftentimes
3 community benefit payments are factored and built
4 into these PILOTs, are ongoing. If this
5 application of this rule results in a lower
6 assessment and the solar company or wind company
7 opts to terminate their PILOT, there's going to
8 be a loss of revenues to those communities.

9 Is there anything in here to make
10 those communities whole if that happens?

11 SENATOR KRUEGER: No, I don't
12 believe so.

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

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR O'MARA: I just want to
22 switch subjects here quickly. And the cigarette
23 tax, was that your area?

24 SENATOR KRUEGER: I'll wing it.

25 SENATOR O'MARA: Wing it?

1 SENATOR KRUEGER: Yup.

2 SENATOR O'MARA: The result of this
3 dollar increase in the pack of cigarettes is
4 estimated to actually reduce tax revenues coming
5 into the state. I would anticipate it's also
6 going to not just cause more people to make trips
7 to Indian reservations to buy their cigarettes,
8 as they already do and are legal to do. And I
9 know plenty of people that get together in groups
10 and take turns driving to the reservation and
11 bringing back a bunch of cigarettes.

12 But there's also a big black market
13 for cigarette sales in New York because of the
14 tax burden. What is being done in this
15 legislation to crack down on the black market of
16 untaxed cigarettes coming into the state?

17 SENATOR KRUEGER: So in the next
18 part of this bill, past the one we're discussing,
19 there is an increased enforcement role where they
20 can go in and -- I guess Tax and Finance can go
21 and inspect stores to make sure that they are
22 selling legally taxed and stamped product.

23 So up until now, they apparently
24 have not had the powers that they needed to go
25 into the stores. (Conferring.)

1 Up until now, stores could refuse to
2 allow them to inspect, and then they couldn't
3 inspect and they couldn't do anything about it.
4 So this imposes fines if you refuse inspection,
5 making it easier for Tax and Finance to inspect
6 and find illegal cigarettes and do something
7 about them.

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

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR O'MARA: Is that language
17 in this bill? Or did you say it's in a bill that
18 we expect to get?

19 SENATOR KRUEGER: No, it's in this
20 bill but a later section.

21 SENATOR O'MARA: Oh, a later
22 section of this bill, okay.

23 SENATOR KRUEGER: Part T, as in
24 Tom.

25 SENATOR O'MARA: Okay. I ought to

1 be able to find that one.

2 Through you, Madam President, if the
3 Senator will continue to yield.

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR O'MARA: This bill rejects
10 the Governor's proposal to give permanent
11 authorization to various municipalities on their
12 taxing levels -- sales taxes, room taxes that we
13 have to every other year or so come back and
14 redo.

15 New York City already has the
16 permanent authorization. So what's the basis for
17 in Legislature continuing -- and I believe it was
18 offered up last year as well. Why do we need to
19 continue to go through this process every other
20 year or so with our municipalities jumping
21 through hoops to continue the tax levels that
22 they have?

23 SENATOR KRUEGER: Apparently
24 somebody here in the Legislature doesn't think
25 that this authority should be given without

1 continuing review of the accountability at the
2 local level.

3 I personally would give it to them.

4 SENATOR O'MARA: Thank you.

5 Through you, Madam President, if the
6 Senator would 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 O'MARA: I would as well,
13 Senator. It would save a lot of us a lot of
14 agita every year or every other year and jumping
15 through these hoops for no reason. Particularly
16 when New York City doesn't have to, and they have
17 that permanent authorization.

18 One final question, I think, on this
19 bill. This does not -- we talked about some MTA
20 taxes. This bill, even though it's the revenue
21 bill, does not include the increase to the
22 payroll tax that's been talked about out there.

23 SENATOR KRUEGER: Correct.

24 SENATOR O'MARA: Do we expect to
25 see that -- in which bill?

1 SENATOR KRUEGER: We believe it
2 will be in the TEDE bill.

3 SENATOR O'MARA: That's all I have.
4 Thank you. Thank you, Senator.

5 ACTING PRESIDENT PERSAUD: Thank
6 you.

7 Senator Canzoneri-Fitzpatrick for a
8 follow-up question.

9 SENATOR CANZONERI-FITZPATRICK:
10 Thank you. I was -- through you,
11 Madam President, would Senator Addabbo yield for
12 one more question.

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR ADDABBO: Sure.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR CANZONERI-FITZPATRICK:
19 Thank you.

20 You know, it dawned on me after I
21 sat down that I believe your answer was that NYRA
22 will be responsible for gathering community input
23 regarding the Belmont project, but that when we
24 deal with the redevelopment of Aqueduct, we're
25 budgeting for an advisory board that will have

1 the role and task of gathering community input
2 regarding the Aqueduct project.

3 So just to be coy between two
4 friends, why does your district get an advisory
5 board but my mine doesn't?

6 SENATOR ADDABBO: I chair the
7 committee.

8 SENATOR CANZONERI-FITZPATRICK:
9 Pardon me?

10 SENATOR ADDABBO: Because I chair
11 the committee.

12 (Laughter.)

13 SENATOR CANZONERI-FITZPATRICK:
14 Thank you.

15 SENATOR ADDABBO: You'll take that?
16 Okay.

17 (Laughter.)

18 SENATOR CANZONERI-FITZPATRICK:
19 You're actually going to answer that?

20 SENATOR ADDABBO: Madam President,
21 through you. Thank you.

22 It's a mere renovation of Belmont.
23 So, you know, obviously that is obviously part of
24 the loan agreement, and then obviously the
25 disposition of the property at Aqueduct.

1 Is that good?

2 SENATOR CANZONERI-FITZPATRICK: I'm
3 sorry, I don't think I could hear your whole
4 answer.

5 SENATOR ADDABBO: It's a mere
6 renovation of Aqueduct -- I'm sorry, of Belmont.
7 And then the transfer of the property from
8 Aqueduct to the state.

9 Does that answer your question or
10 no?

11 SENATOR CANZONERI-FITZPATRICK:
12 Madam President, will the sponsor yield for
13 another question.

14 ACTING PRESIDENT PERSAUD: Do you
15 yield for another question?

16 SENATOR ADDABBO: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR ADDABBO: Can you repeat
20 the question, please, Senator?

21 SENATOR CANZONERI-FITZPATRICK: So
22 my -- as a follow-up, if I understand it, you
23 have a community board that's going to gather
24 input about what should happen with Aqueduct
25 after Belmont closes. And my question to you had

1 been what powers does the advisory board have,
2 and why do we feel that it's necessary to have an
3 advisory board for determining what happens in
4 Aqueduct, where we're spending \$455 million on
5 Belmont and we don't have an advisory board
6 tasked with getting input from the community --
7 when, in my opinion, development of an investment
8 of that size probably warrants getting some
9 community input.

10 SENATOR ADDABBO: Through you,
11 Madam President. Senator, thank you very much
12 for the clarification.

13 So in 2019 there was an advisory
14 board set up for Belmont, I understand. And I
15 guess again -- it's still active? Right, two
16 weeks ago. I believe there was a meeting two
17 weeks ago as well. So it's still active at
18 Belmont.

19 SENATOR CANZONERI-FITZPATRICK:
20 Madam President, will the sponsor yield for
21 another question, please.

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR ADDABBO: Yes.

25 ACTING PRESIDENT PERSAUD: Yes.

1 SENATOR CANZONERI-FITZPATRICK: So
2 circling back to my question about the advisory
3 board, the community advisory board for Aqueduct,
4 will they be tasked with deciding whether that
5 property comes back to the state, whether there's
6 a development of -- you know, how are we going to
7 use this land? Like what is the board tasked
8 with doing? What kind of powers do they have?

9 SENATOR ADDABBO: So under the
10 agreement, the property automatically reverts
11 back to the state from Aqueduct once Belmont is
12 done. That's an automatic. That's one of the
13 benefits to the state, the \$1 billion valued
14 property goes back to the state.

15 The property of the 113 acres at
16 Aqueduct, the future fate of that, that's what
17 that advisory board is going to be advising the
18 FOB.

19 SENATOR CANZONERI-FITZPATRICK:
20 Thank you very much.

21 SENATOR ADDABBO: You're welcome.

22 ACTING PRESIDENT PERSAUD: Are
23 there any other Senators wishing to be heard?

24 Seeing and hearing none, debate is
25 closed. The Secretary will ring the bell.

1 Read the last section.

2 THE SECRETARY: Section 3. 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: Senator
8 Murray to explain his vote.

9 SENATOR MURRAY: Thank you,
10 Madam President, to explain my vote.

11 So earlier I asked questions
12 regarding the MTA payroll -- well, the MTA
13 funding, I should say. And Senator O'Mara just
14 asked a question about the talk of the MTA
15 payroll tax in the city being increased.

16 And I guess this goes back to what
17 we've been talking about all day, and that is the
18 system, the process -- the process of us not
19 having all of the information, not having all of
20 the answers before us as we're taking these
21 votes.

22 So when I asked the questions there
23 was -- I asked questions about the funding that
24 came from the business surcharge and then also
25 the funding that came from the self-employed tax

1 that's being adjusted to bring in another
2 \$20 million. But then there's other issues.

3 There's other funding sources,
4 whether it's from the local governments, the
5 hospitals, community colleges, the urban tax, the
6 mansion tax, the state mortgage recording taxes,
7 petroleum business tax, the for-hire vehicle
8 surcharge, the internet marketplace tax,
9 cellphone tax, the congestion pricing commuter
10 tax that's coming down the road, and of course
11 the casino money -- when that license and
12 everything gets settled downstate, that money.
13 There is money all over the place coming into the
14 MTA.

15 And again, some of it is coming from
16 bills that we haven't seen yet. And in fact
17 there's rumor that part of the agreement for
18 getting some of this funding would be that they
19 would find a way to trim \$400 million in
20 spending. Shouldn't they be doing that anyway?
21 Why should that be part of a deal? That's our
22 money. They should be being responsible. What I
23 don't see in any of these bills is accountability
24 for the MTA.

25 And then one other thing I just want

1 to touch on real quick. Senator Walczyk was
2 bringing up the -- the Hollywood, the film tax --
3 film tax credit. And I did a little math. The
4 film tax credit was 420 million, increased to
5 700 million. That's a difference, if my math is
6 correct, of 280 million. Where does that number
7 ring familiar? Oh, yeah, 280 million was what we
8 were asking to put in the budget to feed every
9 child in New York through the Healthy School
10 Meals for All.

11 Now, through a lot of hard work with
12 some colleagues on the other side of the aisle --
13 great job -- the rumor is that we'll get about
14 134 million. That's not even half of what we
15 needed. So we can find a way to get 280 million
16 for a Hollywood handout, but not 280 million to
17 feed our kids? That's shameful.

18 I'm a no vote. Thank you.

19 ACTING PRESIDENT PERSAUD: Senator
20 Murray to be recorded in the negative.

21 Senator Brisport to explain his
22 vote.

23 SENATOR BRISPORT: Thank you,
24 Madam President.

25 As we vote on this budget bill

1 today, I rise to explain a deceptively dangerous
2 truth, which is that the ultra-rich have not
3 become the ultra-rich by contributing the most to
4 society, not by being the smartest or even the
5 hardest-working. They have not become the
6 ultra-rich by getting lucky on an even playing
7 field.

8 The ultra-rich have gotten that way
9 by exploiting a fundamentally rigged system and
10 then rigging that system further in their own
11 benefit. They have used their immense wealth to
12 force through policies that enable them to
13 capture more and more of the wealth that workers
14 create. And in my two-and-a-half years in this
15 chamber, I have seen that happen too many times
16 to even count.

17 Today we are considering a budget
18 that is overwhelmingly the results of that
19 process. In February we saw our
20 billionaire-funded Governor propose a budget
21 designed to further rig our economic system to
22 advantage the ultra-rich. Soon after, we saw
23 billionaires like Bloomberg jump in to further
24 influence the process, using their fortunes to
25 distort reality by funding campaigns to spread

1 misinformation about the proposal.

2 Now, in the face of profit-driven
3 inflation, a cost-of-living crisis, and runaway
4 wealth inequality, the final budget needlessly
5 and recklessly preserves tax breaks for the
6 ultra-rich and the corporations they own.

7 This is not simply a grave
8 injustice, but also an existential threat to our
9 democracy. The process by which the ultra-rich
10 gain power and use their power to further
11 undermine our democracy will accelerate
12 exponentially if it is not quickly and
13 sufficiently countered.

14 The actions we take in the coming
15 months and years will determine if this is
16 remembered as the period in history when we
17 allowed democracy to be dismantled or when we
18 chose to stand with the rapidly growing,
19 organized and active resistance to finally turn
20 the tide.

21 As a matter of moral obligation and
22 responsibility to my community, I vote nay on
23 this bill.

24 ACTING PRESIDENT PERSAUD: Senator
25 Brisport to be recorded in the negative.

1 Senator Borrello to explain his
2 vote.

3 SENATOR BORRELLO: Thank you,
4 Madam President.

5 You know, we see a lot of things in
6 this budget that are just taking away from local
7 control. Probably one of the most egregious
8 parts is Part N, where we're going to allow the
9 proliferation of these crony capitalist wind and
10 solar projects. You know, the climate socialists
11 have scored another win. You know, they are the
12 useful idiots for the enemies of this nation like
13 China, where all these products are made. And
14 they will once again get something that's going
15 to end up costing not only control for our local
16 governments, but also costing us in the way of
17 our economic development in upstate.

18 You also have Part O, which takes
19 away what really was a commonsense idea, letting
20 local governments determine their sales tax rate.
21 But we're not going to do that. We're going to
22 make them come on bended knee back to Albany to
23 try to have those sales tax rates renewed.

24 Taking away local control is just
25 one of many reasons why I'll be a no on this

1 budget.

2 Thank you.

3 ACTING PRESIDENT PERSAUD: Senator
4 Borrello to be recorded in the negative.

5 Senator Ryan to explain his vote.

6 SENATOR RYAN: Thank you,
7 Madam President.

8 One of the items in this bill is the
9 extension of the historic tax credit. That tax
10 credit has been a super-important tax credit to
11 upstate communities that have a lot of historic
12 buildings and neighborhoods.

13 Forever the federal government had a
14 tax credit of 20 percent to help offset the costs
15 of redoing historic buildings. But, Madam
16 President, that was not enough. The state then
17 pitched in between 20 and 30 percent, depending
18 on what you're using the building for. And that
19 has proven to be a boon. All along the Erie
20 Canal, buildings built in the 1800s, early 1900s,
21 from Albany to Buffalo, have seen new life
22 breathed into them because of this tax credit.

23 And we have to remember, when we
24 look at our historic architecture, it's not just
25 a relic of a past, but it's a building block on

1 which to build our future, to make our towns and
2 cities more interesting but also to be reflective
3 of the past.

4 And you've seen it all over the City
5 of Buffalo, be it the Richardson Campus, the
6 Hotel Lafayette, neighborhood after neighborhood.
7 The Guaranty Building, Horsefeathers Building --
8 a lot of buildings. But -- Buffalo is not the
9 only recipient of that, but it's really good to
10 maintain our city centers, return the buildings
11 that were considered archaic to productive use.

12 Thank you, Madam President, and I
13 vote aye.

14 ACTING PRESIDENT PERSAUD: Senator
15 Ryan to be recorded in the affirmative.

16 Senator Hoylman-Sigal to explain his
17 vote.

18 SENATOR HOYLMAN-SIGAL: Thank you,
19 Madam President.

20 I rise to explain my vote but also
21 to spotlight a very important expansion of a tax
22 credit in this budget bill.

23 This budget bill would modify and
24 extend the New York City musical and theatrical
25 production tax credit, to expand eligibility to

1 include off-Broadway theatrical productions, and
2 defining which Broadway theaters are eligible for
3 the program.

4 You know, last year the Legislature
5 demonstrated our commitment to the revival of
6 New York's arts community by including a
7 \$200 million New York City musical and theatrical
8 production tax credit, designed to jump-start the
9 industry and support tourism in New York City.

10 Unfortunately, off-Broadway theaters
11 were left out. These are smaller venues that
12 have long served as the place where aspiring
13 playwrights from Tennessee Williams to Lin-Manuel
14 Miranda can get their start and delight
15 audiences, enrich our arts community, and earn a
16 name for themselves. These theaters have hosted
17 household-name productions ranging from Rent to
18 Rock of Ages.

19 And in addition to serving as a
20 critical incubator for aspiring playwrights and
21 performers, small theater venues are responsible
22 for \$584 million in annual output, 3,017 jobs,
23 166 million in wages, and an annual indirect
24 economic impact of \$513 million in output, 4,195
25 indirect jobs, and \$264 million in wages.

1 Well, this community and industry
2 has suffered mightily under COVID. A 2021 report
3 from our State Comptroller found that employment
4 in the arts, entertainment and recreation
5 industries fell by an astounding 66 percent
6 during the pandemic. As he puts it, the largest
7 decline among all sectors in New York's economy.
8 And even as patrons have come back to arts
9 venues, our off-Broadway theaters have fallen
10 through the cracks as other pandemic recovery
11 programs never recouped the lost income and sunk
12 costs due to being shuttered for so long.

13 So with this change that we're
14 passing today -- again, thank you to the
15 leadership of Senator Serrano and our Majority
16 Leader Andrea Stewart-Cousins, and with the
17 support of the Governor, we are making a
18 difference to off-Broadway.

19 So I vote aye, and I give my regards
20 to Broadway, Madam President.

21 (Reaction from members.)

22 ACTING PRESIDENT PERSAUD: Senator
23 Hoylman-Sigal to be recorded in the affirmative.

24 (Laughter.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Weber to explain his vote.

2 SENATOR WEBER: Thank you,
3 Madam President.

4 What I see in this bill is tax
5 credits for millionaires and billionaires,
6 Hollywood billionaires and millionaires and
7 Broadway. What I don't see is middle-class tax
8 cuts, childcare credits for individuals who are
9 struggling every day.

10 I see continual money siphoned off
11 and given to the MTA. In Rockland County, we
12 don't call it the MTA, we call it the ATM,
13 because it continues to suck money out of our
14 residents and businesses without delivering the
15 services.

16 We need accountability on the MTA,
17 we need to stop -- they need to stop treating us
18 as an ATM. So I will be voting no and -- I will
19 be voting no on giving any additional money to
20 the MTA until there is an accountability and a
21 forensic audit done on that organization.

22 So I vote no.

23 ACTING PRESIDENT PERSAUD: Senator
24 Weber to be recorded in the negative.

25 Senator Addabbo to explain his vote.

1 SENATOR ADDABBO: Thank you,
2 Madam President.

3 I want to thank Senator
4 Canzoneri-Fitzpatrick for her questions on
5 Belmont.

6 You know, we stand here at the cusp
7 of a real great opportunity for our state to make
8 a very fiscally sound investment right there in
9 that Belmont area. You know, certainly with the
10 jobs -- over 3,000 jobs; post-construction, over
11 700 jobs. These are really good union jobs, MWBE
12 components and veterans.

13 But not only does it do well for
14 that area. There are horse farms in 57 counties
15 out of the whole state, 57 out of 62 counties --
16 there are horse farms that are going to benefit
17 from that too. And the horses benefit because
18 the synthetic turf at the new Belmont will be
19 safer for the horses.

20 I think this is a really fine step
21 for the state. It makes Belmont certainly a
22 different venue, a more environmentally friendly
23 venue. That area -- that racetrack has not been
24 renovated since 1968. So it becomes
25 ADA-compliant, it becomes, again, environmentally

1 friendly. This is a great step, and it's a great
2 opportunity that we have that we take today.

3 It's a great step for our state, and
4 that's why I'll be voting yes.

5 Thank you, Madam President.

6 ACTING PRESIDENT PERSAUD: Senator
7 Addabbo to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar 718, those Senators voting in the
11 negative are Senators Ashby, Borrello, Brisport,
12 Canzoneri-Fitzpatrick, Gallivan, Gonzalez,
13 Griffo, Helming, Lanza, Martins, Mattera, Murray,
14 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
15 Rolison, Salazar, Stec, Tedisco, Walczyk, Weber
16 and Weik.

17 Ayes, 38. Nays, 24.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 SENATOR LIU: Madam President.

21 ACTING PRESIDENT PERSAUD: Senator
22 Liu.

23 SENATOR LIU: Madam President, can
24 we now take up Calendar Number 716.

25 ACTING PRESIDENT PERSAUD: There is

1 a substitution at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Krueger
4 moves to discharge, from the Committee on
5 Finance, Assembly Bill Number 3005C and
6 substitute it for the identical Senate Bill
7 4005C, Third Reading Calendar 716.

8 ACTING PRESIDENT PERSAUD:
9 Substitution so ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 716, Assembly Print Number 3005C, Budget Bill, an
13 act to amend Chapter 887 of the Laws of 1983.

14 ACTING PRESIDENT PERSAUD: Senator
15 Rolison.

16 SENATOR ROLISON: Thank you,
17 Madam President. Would the sponsor yield for a
18 question, Part B?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR BAILEY: Yes,
22 Madam President.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR ROLISON: On Thursday of

1 last week -- and we heard this previously -- the
2 Governor in her Executive proposal had included
3 some bail modifications, least restrictive. She
4 also announced last week that that was going to
5 be in the deal, negotiated.

6 I don't see it in this particular
7 bill. And why isn't it in this -- not in this
8 bill?

9 SENATOR BAILEY: Through you,
10 Madam President. You're correct, it is in the
11 budget. It's in a bill that we have yet to have
12 before us. And at the proper time when that bill
13 is printed and before us, I'll be happy to answer
14 questions concerning the substance on that
15 question.

16 But no, it is not in the current
17 bill.

18 SENATOR ROLISON: Okay, thank you.

19 Through, you, Madam President, will
20 the sponsor continue to yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR BAILEY: Certainly.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR ROLISON: There had been
2 discussion as recently as a few weeks ago, again
3 with the Governor talking about discovery reform,
4 that there was a statement made that she was
5 interested in seeing discovery reform, not
6 specific at that point in time.

7 And also, too, I know there was
8 discussions, which we were part of, where the DAs
9 had come to the Capitol and did express interest
10 in discovery reform. There was something just
11 recently where DAs in New York City had made
12 those same statements.

13 Was there ever a proposal put
14 forward, either by the Governor or by anyone
15 else, in this budget process as it relates to
16 discovery reform?

17 SENATOR BAILEY: Through you,
18 Madam President, there were many conversations as
19 related to discovery reform. As a contemplative
20 conference and body, we listened to what was
21 happening and we heard what the district
22 attorneys said. Ultimately, the conversations
23 related to discovery reform were ultimately
24 pulled out of budget discussions,
25 Madam President.

1 SENATOR ROLISON: Thank you,
2 Senator.

3 SENATOR BAILEY: You're welcome.

4 SENATOR ROLISON: Thank you,
5 Madam President.

6 ACTING PRESIDENT PERSAUD: Thank
7 you.

8 Senator Borrello.

9 SENATOR BORRELLO: Madam President,
10 I'm looking specifically at Part C, if someone
11 could answer a question on Part C. It's about
12 body scanner technology.

13 ACTING PRESIDENT PERSAUD: Senator
14 Salazar will be responding, Senator.

15 Senator, do you yield?

16 SENATOR SALAZAR: Absolutely.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR BORRELLO: So as you're
20 well aware, we have -- through you,
21 Madam President, we have seen a spike in violence
22 in our prisons. A lot of it is due to I think
23 the so-called criminal justice reforms.

24 However, a lot of the violence has
25 been inmates that have been, quite frankly, high

1 on drugs. Those drugs tend to come in through
2 people that visit. And this body scanner
3 technology, which I know was in the budget
4 originally, I'm told is still going to be in the
5 budget, but I'm a little concerned that it's
6 being taken out.

7 Could you speak to, you know, this
8 very vital piece of technology that could reduce
9 violence in our prisons and contraband coming
10 into our prisons, where that stands?

11 SENATOR SALAZAR: Through you,
12 Madam President, the body scanning technology in
13 correctional facilities piece is not in the bill
14 that is before the house. But I do look forward
15 to discussing it when the bill that we do
16 anticipate this part being in -- perhaps the ELFA
17 bill -- is actually printed.

18 SENATOR BORRELLO: Madam President,
19 will the sponsor continue to yield?

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR BORRELLO: You know, this

1 is actually the Public Protection bill. I'm just
2 curious why we would move it out of the
3 Public Protection bill and put it somewhere else.

4 SENATOR SALAZAR: Through you,
5 Madam President, the budget works in mysterious
6 ways and --

7 (Laughter.)

8 SENATOR SALAZAR: -- today it seems
9 that this part will be in the ELFA bill instead.

10 SENATOR BORRELLO: Madam President,
11 since my Apple watch told me it was time to stand
12 up, I thought I would ask a question, so I'm
13 good.

14 Thank you very much.

15 (Laughter.)

16 ACTING PRESIDENT PERSAUD: Okay,
17 thank you.

18 Senator Stec.

19 SENATOR STEC: Thank you. I
20 believe it's Senator Bailey, please, if he would
21 yield for a few questions.

22 SENATOR BAILEY: (Inaudible.)

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR STEC: All right, thank

1 you. My questions are on Part F, which are the
2 technical amendments that are proposed to the
3 Concealed Carry Improvement Act.

4 Certainly I think everyone in the
5 chamber will remember we did this outside the
6 budget last year, and then -- on debate. And
7 then following on debate there was a lot of
8 discussion in the chamber and in the media around
9 the state as to what I think would probably
10 generously be considered oversights or unintended
11 consequences.

12 And I'm pleased that several of them
13 are addressed in Part F here, but I do have a
14 question. Can you tell us why these changes to
15 the Concealed Carry Act are being included in the
16 budget, as opposed to a standalone bill or
17 chapter amendment or something we could have
18 done? Why are we doing this as part of the
19 budget?

20 SENATOR BAILEY: Through you,
21 Madam President, it's a very fair question,
22 Senator Stec.

23 You know, it was a conversation. It
24 was essentially the Executive's decision. We
25 wanted to make sure that something got done in

1 this area. As you said, it needed some
2 tightening up, and we thought that this was the
3 best method to address the concerns.

4 SENATOR STEC: If the sponsor would
5 continue to yield, please.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR BAILEY: Certainly.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR STEC: Thank you. I
12 appreciate that, Senator. And again, you know,
13 we're making a lot of improvements here -- 21 gun
14 salutes, historic reenactments, display of
15 historic firearms for educational purposes.
16 There's a lot of good improvements here that are
17 being made.

18 However, I'll point to there's a
19 federal district court judge in the
20 Northern District that's caught a case -- there's
21 actually several cases that have been filed
22 regarding constitutional issues that were
23 raised -- again, on debate and post-adoption of
24 this bill -- and appeals currently are headed to
25 the Second Circuit Court.

1 Is there anything in this budget
2 language that addresses those constitutional
3 questions or issues that were raised when this
4 was done?

5 SENATOR BAILEY: So through you,
6 Madam President, if it's currently in the appeals
7 process, having not had a decision yet, it would
8 be very difficult for me to specifically opine on
9 what the court would decide in terms of
10 constitutionality.

11 SENATOR STEC: If the sponsor would
12 yield, I'll clarify my question.

13 SENATOR BAILEY: Certainly.

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield?

16 The sponsor yields.

17 SENATOR STEC: I guess what I'm
18 saying is, is there anything in the budget
19 language that addresses some of the
20 constitutional issues that were raised, like
21 going into somebody's social media, contact
22 information for everybody that lives in the
23 household, good moral character, and some of the
24 sensitive location definitions?

25 SENATOR BAILEY: Through you,

1 Madam President, the -- in relation to sensitive
2 locations that you mentioned, Senator Stec, yes.

3 In relation to the other things that
4 you mentioned, no.

5 SENATOR STEC: Okay, I appreciate
6 that. Thank you.

7 If the sponsor would continue to
8 yield to a couple more questions.

9 ACTING PRESIDENT PERSAUD: Will the
10 sponsor yield?

11 SENATOR BAILEY: Certainly.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR STEC: All right, thank
15 you.

16 One of the things that was brought
17 up of concern -- again, when the bill was done
18 and since then -- was the definition of parks.
19 And certainly it's a big state, it's a very
20 diverse state, which I think we all embrace. You
21 know, you've got oceans, you've got mountains,
22 you've got foreign -- borders with foreign
23 countries, Great Lakes. I mean, it's a lot of
24 diversity geographically, a lot of diversity as
25 far as rural, suburban and urban.

1 And I think, you know, we talked
2 about this offline; there's a lot of people -- I
3 think you mentioned the word "park." And maybe
4 in your district, your idea of what the average
5 person would think of as a park is very different
6 than what mine or maybe Senator Walczyk or, you
7 know, other Adirondack or Catskills legislators
8 might consider the park.

9 And that was one of the traps that
10 was unfortunately brought to light in the
11 Concealed Carry Act. Is there anything -- I was
12 wondering if you could explain why we didn't go
13 with the Executive's language. The Executive
14 made a proposal in her budget draft, and then
15 that's been modified, I think significantly.
16 Hers was cleaner and simpler.

17 Can you tell us why the -- how we're
18 handling the definition of what a park is? This
19 language -- I'll just clarify. The language in
20 the proposed bill exempts any privately held land
21 within a park not dedicated to public use, and
22 the Forest Preserve. Whereas the Governor's
23 simply said the Adirondack Park and the Catskill
24 Park, for the purpose of this, are not considered
25 parks.

1 SENATOR BAILEY: Through you,
2 Madam President. Senator Stec, you're correct.
3 The beauty of our state is that we can have
4 different approaches. But the beauty of statute
5 is that we get to codify certain things.

6 So as far as the Executive's
7 approach with the two houses, I imagine that the
8 specific table that this is at, much like any
9 other conversation in the budget, there were
10 negotiations and discussions about the language
11 and whether it should be narrowly tailored or
12 expanded or kept in its original form.

13 And ultimately we decided to I guess
14 go away from the Executive's proposal and go
15 towards what essentially would be a compromise
16 between the Executive and the two houses.

17 SENATOR STEC: If the sponsor would
18 continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR BAILEY: Certainly.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR STEC: I appreciate that.
25 Let me try to ask the question another way.

1 The -- inside the park there's about
2 a hundred communities, towns and villages; the
3 state highways that run through the park;
4 6.1 million acres -- about 2.6 million of it is
5 Forest Preserve. So the balance is not
6 Forest Preserve, most of that is privately owned
7 property.

8 And what I'm getting at here is the
9 way that we've landed in this budget language,
10 you could have private property that is not
11 dedicated to public -- that is dedicated to
12 public use, where a town outside the Blue Line,
13 outside the park -- a definition of town in
14 another part of the state -- might own hundreds
15 of acres and they may say this is for camping and
16 fishing and people are allowed to carry a firearm
17 here.

18 But the way that this language is
19 written, a town that's located inside the
20 Blue Line, under similar circumstances, could --
21 would not have the authority to allow its town
22 park to -- that might about larger wilderness
23 areas to be used.

24 So it still seems much more
25 restrictive that one town inside the park

1 wouldn't have the same rules as a town outside
2 the park.

3 SENATOR BAILEY: Through you,
4 Madam President, I guess in terms of what the
5 question would be in terms of -- I guess you're
6 still asking how did we come up with the -- with
7 this language, essentially. And again, as a
8 contemplative body, we had discussion, we had
9 conversations with DEC and State Parks, and they
10 believe that this language was more sufficient
11 than the originally proposed language.

12 SENATOR STEC: If the sponsor would
13 continue to yield, please.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR BAILEY: Absolutely.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR STEC: All right, I
20 appreciate that. I'll try to ask the question
21 another way.

22 So we're trying to say it's okay to
23 carry a gun on Forest Preserve land, 2.6 million
24 acres. That's a step in the right direction.
25 That's something that I think we were all trying

1 to point out.

2 However, you know, the question
3 arises -- I mean, the Adirondack Park is
4 6 million acres. You could step off of a
5 trailhead into private property to hike over
6 private property which is a public -- you know,
7 open to public use, and then -- in order to
8 access the Forest Preserve. In leaving your car
9 and walking maybe a couple of miles over private
10 property onto public property, would you be
11 violating the law if you were carrying?

12 SENATOR BAILEY: Through you,
13 Madam President. Through you, Madam President,
14 the answer would be no.

15 And I guess I'll expound upon that.
16 We've specifically carved out a section for
17 privately held land in public locations, as
18 Senator Stec was mentioning.

19 SENATOR STEC: Will the sponsor
20 continue to yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR BAILEY: Absolutely.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR STEC: The language that
2 I'm reading that I'm having a hard time with --
3 and I appreciate everyone's indulgence here --
4 among the exemptions, libraries, public
5 playgrounds, public parks and zoos, provided
6 that, for the purpose of this section, a public
7 park shall not include, one, any privately held
8 land within the park that is not dedicated to
9 public use or, two, the Forest Preserve, as
10 defined under subdivision 6. So privately held
11 land within the public that's not dedicated to
12 public use.

13 If somebody wants to carry over
14 across somebody else's private property -- a
15 club, a hunting club, it's not Forest Preserve,
16 it's a hunting club -- to access state land,
17 you're saying that that would not be a violation
18 of the law.

19 SENATOR BAILEY: Through you,
20 Madam President. According to conversation that
21 we've had with DEC, the answer would be no.

22 SENATOR STEC: All right. I
23 appreciate that. Thank you.

24 ACTING PRESIDENT PERSAUD: Thank
25 you.

1 Senator Helming.

2 SENATOR HELMING: Thank you,
3 Madam President.

4 If the sponsor would continue to
5 yield for questions on Part K, the State Liquor
6 Authority.

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR KRUEGER: Yes, I do.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR HELMING: Thank you.

13 Senator Krueger, the Majority
14 rejected the Governor's proposal to direct the
15 New York State Liquor Authority to review the
16 New York State Alcoholic Beverage Control Law and
17 recommend changes to more clearly and rationally
18 delineate policies, procedures, criteria and
19 legal standards.

20 Can you elaborate as to why this
21 language to review Alcoholic Beverage Control Law
22 was not included in the budget?

23 SENATOR KRUEGER: Through you,
24 Madam President. Apparently between when the
25 Governor put the language in the budget

1 originally and now, the SLA determined that they
2 could do it through regulation. They have done
3 it through regulation. And that entire list is
4 now posted on their website as new regulations
5 for the SLA. (Conferring.)

6 Oh, excuse me. SLA put in their own
7 proposed bill, and that's up on their website.
8 So they want to do it separate from the budget,
9 as their freestanding bill.

10 SENATOR HELMING: Thank you.

11 Madam President, if the sponsor will
12 continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR HELMING: Senator Krueger,
19 is it the Majority's intention to take up the
20 bill before the end of session?

21 SENATOR KRUEGER: I have no idea.
22 It's not my -- I don't know which committee it
23 would go through.

24 Oh, excuse me, it would go through
25 Investigations and Operations. So perhaps you

1 can have a discussion with them after the budget
2 bills.

3 SENATOR HELMING: Madam President,
4 if the sponsor would continue to yield.

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR HELMING: Thank you.

11 Senator Krueger, going to Part 0,
12 the issuance of temporary retail permits.

13 SENATOR KRUEGER: Oh, yes, I -- I
14 yield, I'm sorry.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR HELMING: Under Part 0,
18 it's my understanding that temporary permits may
19 be extended for a full year while the business
20 waits for SLA to review the permanent
21 application.

22 I hear from small businesses,
23 probably like so many people in this room, all
24 the time. They've been issued a temporary
25 permit, and they're required to pay a monthly

1 fee. I think the monthly fee is just under a
2 hundred dollars, at least from the businesses
3 I've heard from. This may not seem like a lot,
4 but I'm telling you, it's hurting our small
5 businesses, those small mom-and-pops that line
6 our Main Streets -- the restaurants, et cetera.

7 Does the budget include language to
8 eliminate the monthly waiting fee? It's
9 frustrating that a small business should have to
10 pay a fee while they're waiting for the state
11 agency to take action.

12 SENATOR KRUEGER: (Conferring.)
13 No, we make no change to that process. So
14 whatever the current standard is, that would
15 continue at this point.

16 SENATOR HELMING: Through you,
17 Madam President, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR HELMING: So just so I'm
25 clear in my understanding, although we're

1 extending the temporary permit period to
2 one year, we're still going to require our
3 small businesses who are waiting for action by
4 the SLA -- they're not waiting for the applicant
5 to provide any additional information, the
6 application's been deemed complete -- we are
7 still going to require them to pay a monthly fee.
8 Is that true?

9 SENATOR KRUEGER: In the way it's
10 being explained to me, that they get a 90-day
11 permit and after that they would need to reapply
12 every 30 days until the SLA completed the work
13 that was required to approve or deny a full
14 license.

15 SENATOR HELMING: Through you,
16 Madam President, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR HELMING: Senator Krueger,
24 now I'm confused. Can you explain, then, Part 0,
25 what it does?

1 SENATOR KRUEGER: (Conferring.)

2 Thank you.

3 So basically this doesn't really
4 change anything. Since 2010, so I guess during
5 the Republican control of the Senate as well, we
6 have been doing one-year extensions of this
7 arrangement. So the current arrangement will
8 continue.

9 SENATOR HELMING: Through you,
10 Madam President, if the sponsor will continue to
11 yield.

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 The sponsor yields.

16 SENATOR HELMING: Senator Krueger,
17 under Democratic control in every branch of
18 government, why not make a change now that will
19 help our small businesses?

20 The charge -- like I just worked
21 with a small Mexican restaurant, a young couple
22 with two young kids, just starting out. They
23 have supplied -- and we've helped them --
24 supplied so much information to the SLA. And
25 while they wait for the SLA, who tells us they're

1 understaffed and that's why they weren't moving
2 on the bill -- they have to pay almost \$100 a
3 month. That's ridiculous, and it needs to be
4 changed. So why not change it?

5 SENATOR KRUEGER: So I have to
6 admit that SLA law has not been an area of
7 expertise of mine.

8 New York City actually finds itself
9 often in the reverse situation, that our
10 communities are frustrated that there are too
11 many approvals of SLA licenses without the
12 complete review, and we also to some degree wish
13 that the SLA could move quicker, but move quicker
14 to close down facilities or say no. So it may be
15 a little bit of a different story in different
16 parts of the state.

17 SENATOR HELMING: Thank you,
18 Senator Krueger.

19 Thank you, Madam President.

20 ACTING PRESIDENT PERSAUD:
21 Senator Skoufis?

22 Senator O'Mara.

23 SENATOR O'MARA: Yes,
24 Madam President, I just have a couple of
25 questions for Senator Bailey on the --

1 ACTING PRESIDENT PERSAUD: Senator
2 Bailey, do you yield?

3 SENATOR BAILEY: Most definitely.

4 ACTING PRESIDENT PERSAUD: The
5 Senator yields.

6 SENATOR O'MARA: Thank you,
7 Senator. I just want some clarification on
8 sensitive locations with regards to places of
9 worship.

10 The language here says those persons
11 responsible for security at such place of
12 worship, they'll be able to conceal carry. Who's
13 making the determination of who's security, and
14 does that security have to be some type of
15 licensed security?

16 SENATOR BAILEY: Through you,
17 Madam President, I would say the Lord.

18 But it would be determining on who's
19 in charge of that house of worship, in all
20 seriousness, Senator O'Mara. Who's in charge of
21 the house of worship.

22 SENATOR O'MARA: Okay. So through
23 you, Madam President, if the sponsor would yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR BAILEY: Mostly definitely.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR O'MARA: So that can be a
5 decision that the pastor or the church council
6 determines certain individuals that can carry
7 during church services?

8 SENATOR BAILEY: So through you,
9 Madam President. You know, many houses of
10 worship, should they so desire, choose to hire
11 retired law enforcement officers or other
12 individuals, depending on whatever the makeup of
13 their board is. But ultimately, yes, it would be
14 up to that house of worship, however they decide
15 to make their decision-making.

16 For example, I'm a member of the
17 Methodist Church, and our decision-making board
18 is the PP&R -- Pastor, Parish and Relations
19 Committee, and we make a lot of decisions in
20 that. Whatever the house of worship's body that
21 would be that, I imagine they would be the ones
22 that would decide that.

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

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR BAILEY: Absolutely.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR O'MARA: Now, first you
7 said that whoever's in charge of the house of
8 worship can make the decision of who the security
9 is. Now you just said they could hire retired
10 law enforcement or something.

11 So is there any specific requirement
12 of the individual that's chosen to provide
13 security?

14 SENATOR BAILEY: Through you,
15 Madam President, as I'm wont to do, I just gave
16 an example. But there is no specific requirement
17 to hire the individuals that I'd mentioned.

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

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR BAILEY: Certainly.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR O'MARA: You know, in the
2 situation of private property, the property owner
3 can post a sign saying "It's okay to carry here."
4 Is that still the case under this change?

5 SENATOR BAILEY: Through you,
6 Madam President, yes. That would be still legal,
7 yes.

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

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR BAILEY: Absolutely.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR O'MARA: So in that vein,
16 could the church leadership post a sign at the
17 entrance saying "You're all responsible for
18 security, please feel welcome to bring your
19 firearm"?

20 SENATOR BAILEY: Through you,
21 Madam President, that would not be the spirit or
22 the intent of the law, so I would say no.

23 SENATOR O'MARA: Thank you,
24 Madam President.

25 ACTING PRESIDENT PERSAUD: Thank

1 you.

2 Are there any other Senators wishing
3 to be heard?

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

6 Read the last section.

7 THE SECRETARY: Section 2. 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: Senator
13 Borrello to explain his vote.

14 SENATOR BORRELLO: Thank you,
15 Madam President.

16 You know, it's disappointing to see
17 that we thought that we -- we thought we were
18 making progress on the antiquated ABC laws, and
19 clearly we're taking a step back here. And one
20 of the worst parts of being in this business is
21 knowing that we continue to put more pressure on
22 our small businesses, hospitality businesses.

23 Hospitality is the largest generator
24 of sales tax in New York City, second-largest in
25 the state. A huge economic driver. Employers.

1 Yet we're continuing to do things like not
2 address the unemployment insurance deficit. And
3 while the pot free-for-all continues, they're not
4 doing anything -- there are criminal enterprises
5 that are contributing nothing to our economy,
6 they're a drain on resources, and we're going to
7 continue to put pressure on the small businesses
8 that make up the large majority of the
9 hospitality industry in New York State.

10 This is another fiasco. We listen
11 to the SLA complain about how they're
12 understaffed, understaffed, we're bottlenecked.
13 I don't understand how, in the scope of a
14 \$229 billion budget, that somehow the SLA doesn't
15 have enough people. That's really disgraceful.

16 This industry's important to
17 New York State, and I'm voting no. Thank you.

18 ACTING PRESIDENT PERSAUD: Senator
19 Borrello to be recorded in the negative.

20 Senator Skoufis to explain his vote.

21 SENATOR SKOUFIS: Thanks very much,
22 Madam President.

23 I will be voting aye, but I do want
24 to weigh in on the conversation surrounding ABC
25 reform and SLA reform.

1 And I'm sympathetic to the concerns
2 that my colleagues across the aisle have raised,
3 and will point out that it was this chamber that
4 last year attempted to advance very significant
5 ABC reforms at the budget negotiating table. And
6 similarly, in our one-house budget, we included a
7 number of reforms. And so it's this house's
8 position that yes, absolutely, something needs to
9 change.

10 As chair of IGO, which handles a lot
11 of ABC law, I can say with a high degree of
12 confidence that the SLA is perhaps the most
13 unaccountable, unresponsive, derelict in their
14 duties agency or authority in all of New York.
15 It is astonishing and really reprehensible that
16 they are so unresponsive to our constituents that
17 it does take nine months, 10 months, 11 months to
18 process applications. And meanwhile, those
19 constituent businesses have to renew and pay
20 these fees associated with temporary licenses.

21 And so I'm certainly committed to
22 continuing to push for reform, look forward to
23 working with my colleagues on both sides of the
24 aisle, and will note that just today the
25 commission that we empaneled in last year's

1 budget to look at said reforms came out with
2 their findings and recommendations, their
3 over-100-page report. And it's my hope that we
4 can take many of those recommendations that I
5 agree with and put them into legislation and
6 advance them and finally address some of these
7 problems.

8 Thank you very much,
9 Madam President. I vote aye.

10 ACTING PRESIDENT PERSAUD: Senator
11 Skoufis to be recorded in the affirmative.

12 Senator Weber to explain his vote.

13 SENATOR WEBER: Thank you,
14 Madam President.

15 You know, I was elected last year in
16 a D-21 district, being outspent about four to
17 one. It wasn't my charm and good looks that got
18 me elected.

19 (Laughter.)

20 SENATOR WEBER: What got me elected
21 was eight in 10 people were concerned about
22 public safety, and they blamed the bail reform
23 laws for increasing violent crimes in our area.

24 We need to deal with that. Right?
25 And I'm disappointed to see in this public safety

1 bill that we're -- we have an entire section
2 related to the value of this chair. Like anyone
3 cares about the value of the chair when they're
4 getting robbed and violent crime is continuing in
5 their neighborhoods.

6 We need to take this seriously. We
7 need to deal with the bail reform. I'm concerned
8 that it's not in the public safety bill, with a
9 wink and a nod that it will come later. I'm
10 voting no at this point.

11 ACTING PRESIDENT PERSAUD: Senator
12 Weber to be recorded in the negative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 716, those Senators voting in the
16 negative are Senators Borrello,
17 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
18 Lanza, Martins, Mattera, Murray, Oberacker,
19 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
20 Tedisco, Walczyk, Weber and Weik.

21 Ayes, 42. Nays, 20.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 Senator Gianaris.

25 SENATOR GIANARIS: Madam President,

1 just to give my colleagues a sense of what the
2 rest of the evening holds, we have five more
3 budget bills to go. We're going to take those up
4 tomorrow. But we are going to break for party
5 conferences now. There will be a Rules Committee
6 meeting at 8:15, after which we will come back to
7 the floor and pass a bill that will make sure
8 payrolls can continue to be processed past noon
9 tomorrow.

10 So please call a Rules Committee
11 meeting for 8:15, and stand at ease for party
12 conferences.

13 ACTING PRESIDENT PERSAUD: There
14 will be a Rules Committee meeting at 8:15 in
15 Room 333. The Senate will stand at ease.

16 SENATOR GIANARIS: Can you please
17 recognize Senator Lanza as well.

18 ACTING PRESIDENT PERSAUD: Oh.
19 Senator Lanza.

20 SENATOR LANZA: Thank you,
21 Senator Gianaris.

22 Madam President, there will be an
23 immediate meeting of the Republican Conference in
24 Room 315.

25 ACTING PRESIDENT PERSAUD: There

1 will be an immediate meeting of the
2 Republican Conference in Room 315.

3 The Senate will stand at ease.

4 (Whereupon, the Senate stood at ease
5 at 7:57 p.m.)

6 (Whereupon, the Senate reconvened at
7 8:24 p.m.)

8 ACTING PRESIDENT PERSAUD: The
9 Senate will return to order.

10 Senator Gianaris.

11 SENATOR GIANARIS: Madam President,
12 I believe there's a report of the Rules Committee
13 at the desk. Can we take that up, please.

14 ACTING PRESIDENT PERSAUD: The
15 Secretary will read.

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

19 Senate Print 6625, by
20 Senator Krueger, an act making appropriations for
21 the support of government.

22 The bill reports direct to third
23 reading.

24 SENATOR GIANARIS: Move to accept
25 the report of the Rules Committee.

1 ACTING PRESIDENT PERSAUD: All
2 those in favor of accepting the report of the
3 Rules Committee signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT PERSAUD: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT PERSAUD: The
9 report is adopted.

10 Senator Gianaris.

11 SENATOR GIANARIS: Can we take up
12 the supplemental calendar, please.

13 ACTING PRESIDENT PERSAUD: The
14 Secretary will read.

15 There is a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Krueger
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 6685 and substitute it for
20 the identical Senate Bill 6625, Third Reading
21 Calendar 722.

22 ACTING PRESIDENT PERSAUD:
23 Substitution ordered.

24 Senator Gianaris.

25 SENATOR GIANARIS: Is there a

1 message of necessity and appropriation at the
2 desk?

3 ACTING PRESIDENT PERSAUD: There is
4 a message of necessity at the desk.

5 SENATOR GIANARIS: Move to accept
6 the message.

7 ACTING PRESIDENT PERSAUD: All
8 those in favor of accepting the message of
9 necessity signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT PERSAUD: Opposed,
12 nay.

13 (Response of "Nay.")

14 ACTING PRESIDENT PERSAUD: The
15 message is accepted.

16 The bill is before the house.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 722, Assembly Print Number 6685, by
20 Assemblymember Weinstein, an act making
21 appropriations for the support of government.

22 ACTING PRESIDENT PERSAUD: Read the
23 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, 62.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 Senator Gianaris, that completes the
10 reading of the supplemental calendar.

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

13 ACTING PRESIDENT PERSAUD: There is
14 no further business at the desk.

15 SENATOR GIANARIS: I move to
16 adjourn until tomorrow, Tuesday, May 2nd, at
17 12:00 noon.

18 ACTING PRESIDENT PERSAUD: On
19 motion, the Senate stands adjourned until Tuesday
20 at 12:00 noon.

21 (Whereupon, at 8:26 p.m., the Senate
22 adjourned.)

23

24

25