NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

ACTING PRESIDENT BAILEY: Today Rabbi Michael Baum, of Temple Beth Am of Merrick & Bellmore, New York, will deliver today's invocation.

Rabbi?

RABBI BAUM: Good morning.

(Response of "Good morning.")

RABBI BAUM: As you heard, my name is Rabbi Michael Baum, and I'm the Rabbi and Director of Education of Temple Beth Am of Merrick & Bellmore in Nassau County on Long Island, for those of you unfamiliar with downstate.

As somebody born, raised, educated, lived, worked and raising a family here in New York, it truly is an honor to have been invited here by my friend and your colleague Senator Rhoads, and from all of you, to deliver

the opening invocation this morning.

Eloheinu. Lord our God, God of all people, Eternal Spirit of the universe, we ask for Your blessings on this house today, on this honorable body, the Senate of the State of New York.

Keep us strong as a state. Sustain in us a deep sense of justice. Incline our hearts to work for the betterment of all and peace for the human family.

Bless this state with prosperity. Teach us all to celebrate our differences, to unite around our common values.

God, we ask that You be present with us in our homes, our places of work, and on our way.

Watch over all those who serve in this Senate. Keep them ever mindful of our expectations and the trust that we place in them. Give them wisdom for their actions, and grant to each of them that when they leave this chamber daily, the joy of being able to say that the words of their mouths and the meditations of their hearts are acceptable in Your sight, and thereby truly know that each and every one of

them are a blessing to those of us for whom they stand here.

God, we ask Your blessing on our Senators and all who serve this esteemed body, that today and every day they lead wisely and with civility, working together for our common good.

We thank You, Lord, for this day and the opportunity to serve you by serving others.

And let us say amen.

(Response of "Amen.")

ACTING PRESIDENT BAILEY: Thank you, Rabbi.

Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 27, 2024, the Senate met pursuant to adjournment. The Journal of Tuesday, March 26, 2024, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, good morning.

As you know, today is Opening Day for baseball in the United States. Unfortunately, the Mets are rained out today, so we can say with certainty they will be undefeated going into tomorrow's games. And I know you agree with me, Mr. President, when we say "Let's go, Mets!"

ACTING PRESIDENT BAILEY: Let's go, Mets!

SENATOR GIANARIS: All right.

We're going to begin today with simultaneously calling an immediate meeting of the Finance Committee, followed thereafter by a meeting of the Rules Committee in Room 332.

And we will take up resolutions while that is unfolding.

Let's begin with previously adopted Resolution 1894, by Senator Murray, read its

title, and recognize Senator Fernandez to speak on that resolution.

ACTING PRESIDENT BAILEY: So in the first order of business, there will be immediate meetings of the Finance and Rules Committee.

The Secretary will read the resolution.

A little bit of order, please.

THE SECRETARY: Resolution 1894, by Senator Murray, memorializing Governor Kathy Hochul to proclaim March 2024 as Brain Injury Awareness Month in the State of New York.

ACTING PRESIDENT BAILEY: Senator Murray on the resolution.

SENATOR MURRAY: Thank you, Mr. President.

I'm just going to read this one section from the resolution. "Whereas, Brain Injury Awareness Month is dedicated to educating the public about brain injuries and destigmatizing brain injury, empowering those who have survived brain injury and their caregivers, and promoting the many types of support that are available to people living with brain injuries."

I bring this up -- this is important to me because I lost a loved one. My cousin, Sharon-Kay, this past November passed away at the young age of 55. But back in 1990, she was involved in a horrific accident, a bicycle accident. Thank God she was wearing her helmet. Had she not been wearing the helmet, they say she would have passed away right then and there.

But a drunk driver unfortunately hit her while she was riding her bike. She suffered a traumatic and very serious brain injury, was in the hospital for quite some time. She suffered from cognitive damage, her mobility was affected. It took just years for her to fight her way back.

And in speaking to my other cousin -- her brother, Mark -- the other night, he had explained to me -- and I didn't realize this. It's very interesting, I didn't realize we have multiple senses of taste. I thought it was all just one taste. We have multiple senses, one of them being sour.

I bring that up only because, because of this injury, she lost every sense of taste except for that, the sour taste. So everything she ate had a sour taste. She ended

up losing a dramatic amount of weight because of this.

She worked her way through. And through the help, thank God, of therapy and many resources and wonderful people that helped her, she worked her way through this and many other of the struggles that she had.

But it just -- it goes to show you that, you know, people are struggling with things that maybe we don't see on the outside. And we know that people are struggling every single day with their own struggles they are facing. And in this case, this was hers.

So it's important that we recognize those struggles and those that overcome those struggles, like my cousin and like the many, many who suffer from traumatic brain injuries but that fight every day, push their way through, do an amazing job and live wonderful lives.

And we want to also, as we said, remember and recognize those that give them the care that helps them through it as well.

So, Mr. President, I thank you for the opportunity to speak on this.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Murray.

Senator Fernandez on the resolution.

SENATOR FERNANDEZ: Thank you, Mr. President.

Thank you, Senator Murray, for this really important resolution.

As we recognize Traumatic Brain Injury Awareness Month now in March, it's important to shine a light on not only TBI as a result of sports injury, accidents, but on the specific challenges faced by survivors of domestic violence who suffer from TBI.

We know that traumatic brain injuries can be permanent, having lasting impacts on victims' cognitive functions and overall quality of life. For individuals subjected to domestic violence, the impact of traumatic brain injury can be particularly devastating.

Far too often, victims of domestic violence face the choice between seeking healthcare and ensuring their own safety. The path to appropriate medical care is challenged by the fear of future violence, financial obstacles, and the lack of awareness about available

resources.

This reality highlights the need for increased awareness and education, not just among the healthcare providers, but the public more broadly. The symptoms of TBI often mimic the symptoms of anxiety and PTSD, making it easy for healthcare providers to misdiagnose or overlook.

By educating and speaking openly about the signs and symptoms of traumatic brain injury and domestic violence, we can equip providers with the tools needed to treat not only the physical injuries but the psychological and social dimensions of abuse.

We need to integrate questions about domestic violence into routine health assessments to create more opportunities for victims to disclose abuse in a safe and supportive environment.

As we push for greater awareness and understanding of the impact of traumatic brain injury within the context of domestic violence, let's pledge to create a more informed, empathetic, responsive approach that guarantees the dignity and well-being of every individual affected.

Thank you for letting me speak on this resolution.

ACTING PRESIDENT BAILEY: Thank you, Senator Fernandez.

The resolution was previously adopted on March 5th.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Please take up previously adopted Resolution 1996, by Senator Helming, read the resolution by title only and recognize Senator Helming.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1996, by Senator Helming, congratulating the Roberts Wesleyan University Men's Volleyball Team upon the occasion of capturing the 2024 National Christian College Athletic Association Invitational Title on January 227, 2024.

ACTING PRESIDENT BAILEY: Senator Helming on the resolution.

SENATOR HELMING: Thank you, Mr. President.

It is my honor to welcome to the chamber an incredible group of young men from my district, the Roberts Wesleyan University Red Hawks Men's Volleyball Team. They are the 2024 National Christian College Athletic Association's Men's Volleyball Champions.

Since this was their first season, it was difficult to know how this team would bond. At the tournament in January, the odds were stacked against the Red Hawks. To win the championship, they had to defeat a Canadian Redeemer University team that they had lost to -- they had lost five sets to just the day before. It would have been easy to fold.

Instead, something that the coach recognized, Coach Dede recognized early on from this group of young, talented men is that they were very competitive, and regardless of the score, they were never going to give up and never going to fold. Instead, this young team regrouped and, with perseverance and drive, they won.

It was a total team effort. The tournament's most outstanding player was freshman Griffin Monrad, who recorded five aces. The

Roberts Wesleyan University Men's Volleyball Team became the eighth program to ever win the NCCAA invitational championship.

I'd like to congratulate Coach Mike Dede and Assistant Coach Mitch Segbers. You have been building the foundation for this program by assembling a small but mighty roster of young men dedicated to their school, to their sport and character.

You have taught these athletes a valuable lesson -- to never get down, never fold, and never stop doing your best even when it's hard. These are lessons that will serve them long after their playing days are over.

I'd like to quickly introduce the team members who are here. We have Jonah, Eli, Noah, Alexander, Kaidan, Troy, Moises, Michael, Riley, Spencer, Omar, Josh, Griffin and Paul.

Congratulations, and thank you for visiting the Senate chamber today to allow my colleagues and I to recognize you and honor your accomplishments. Please know how proud you've made us all be. Congratulations.

Mr. President, I am proud to support this resolution.

ACTING PRESIDENT BAILEY: To our championship-winning volleyball team, we extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: The resolution was previously adopted on March 19th.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Please take up the reading of the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 123, Senate Print 1748, by Senator Sanders, an act to amend the Banking Law.

SENATOR PALUMBO: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 219, Senate Print 4304, by Senator Parker, an act to amend the Public Service Law and the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect the first of January.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 234, Senate Print 7872A, by Senator Rivera, an act to amend Part C of Chapter 57 of the Laws of 2022.

SENATOR KENNEDY: Mr. President, lay that aside for the day.

ACTING PRESIDENT BAILEY: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 257, Senate Print 440, by Senator Skoufis, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 268, Senate Print 2919, by Senator Cleare, an act to amend the Executive Law and the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Mr. President.

Sadly, the consequences of redlining are still being felt throughout our communities nearly 100 years after the abhorrent FHA-sanctioned process locked Black families out of stable, affordable housing, opportunities for growth and advancement, and the type of generational wealth that others enjoy and may take for granted.

The system that was put in place, with red lines separating those who could get a mortgage from those who would be denied entry into certain neighborhoods, is in many ways still in place.

This bill is part of a series of efforts to deal with this unfortunate and punitive legacy of housing discrimination. It is designed to discourage appraisal discrimination, as study after study have shown that race and the racial composition of home buyers, sellers and neighborhoods have a disparate impact that still disadvantages people of color. Consider this New York Times headline from 2022: "Home appraised with a Black owner, $472,000; with a white owner, $750,000."

This bill would root out those who

engage in appraisal discrimination, revoke their licenses if necessary, and fine them, with those fines being directed back into antidiscrimination efforts in housing.

I proudly vote aye.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: First I'd like to -- thank you, Mr. President.

First I'd like to thank the sponsor for a well-thought-out bill. It seems that this one is a no-brainer.

It's easy to escape the fines and penalties: Don't break the law. If you just don't break the law, this will have nothing to do with you.

And if one does break the law, then certainly the fines should go back to protecting the citizens.

Sounds like a no-brainer. I'm glad you thought of it, though. I proudly vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 268, those Senators voting in the negative are Senators Ashby, Mattera, Murray, Oberacker, Ortt, Tedisco, Weber and Weik.

Ayes, 45. Nays, 8.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 347, Senate Print 167, by Senator Gianaris, an act to amend the Criminal Procedure Law and the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 347, those Senators voting in the negative are Senators Ashby, Canzoneri-Fitzpatrick, Chu, Gallivan, Griffo, Martinez, Martins, Mattera, Murray, Oberacker,

O'Mara, Ortt, Palumbo, Rhoads, Rolison, Scarcella-Spanton, Stec, Tedisco, Weber and Weik. Also Senator Helming.

Ayes, 33. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 435, Senate Print 6746, by Senator Ryan, an act to amend the Public Authorities Law and the Not-For-Profit Corporation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Mr. President.

In New York State, agencies like the Department of Health, Department of Education, they're all under the purview of the Comptroller.

But the Comptroller's authority doesn't extend to authorities like NYSERDA or NYPA or the hundreds of industrial development agencies across the state.

They're nominally overseen by the Authorities Budget Office, but the ABO doesn't have all the tools it needs to oversee those state entities, ensuring that our money is being spent in the best way possible.

This bill gives the ABO more authority, more in line with the authority granted to the Comptroller. And for those reasons, Mr. President, I proudly vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 435, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Oberacker, O'Mara, Ortt, Rhoads, Stec and Tedisco.

Ayes, 43. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

530, Senate Print 6328, by Senator Ramos, an act to amend the Labor Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 533, Senate Print 643D, by Senator Kavanagh, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 651, Senate Print Number 5505, by Senator Scarcella-Spanton, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 695, Senate Print 5955A, by Senator Chu, an act to amend the Tax Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

I believe there's a report of the Finance Committee at the desk. Please take that up.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

Senate Print 8302, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service.

The bill is reported direct to third reading.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

Senate Print 8919, an act making appropriations for the support of government;

Senate Print 8920, an act to amend Part C of Chapter 57 of the Laws of 2022.

Both bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Finance Committee, Mr. President.

ACTING PRESIDENT BAILEY: Those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: There's also a report of the Rules Committee at the desk.

Please take that up.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

Senate Print 8919, by Senator Krueger, an act making appropriations for the support of government;

Senate Print 8920, by Senator Krueger, an act to amend Part C of Chapter 57 of the Laws of 2022.

Both bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: Can we take up the controversial calendar at this time.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 123, Senate Print 1748, by Senator Sanders, an act to amend the Banking Law.

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

SENATOR WEBER: Thank you, Mr. President. Will the sponsor yield for just one question?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SANDERS: Certainly, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WEBER: Good morning, Senator Sanders, how are you?

SENATOR SANDERS: Good morning, good morning, how are you?

SENATOR WEBER: I just have one question on this bill.

The federal regulations -- the Consumer Financial Protection Bureau already has regulations that we feel may already cover what you're trying to accomplish here. Do you agree with that statement, that the federal government

regulations already cover that? And if so, why? And if no, why not?

SENATOR SANDERS: Through you, Mr. President. The truth is not as truthful as it seems, sir.

There are judges that don't look for regulations, they look for laws. And there are difficulties with the DFS in enforcing it without state laws.

SENATOR WEBER: Okay, that was my question. Thank you.

SENATOR SANDERS: Thank you.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you.

Are there any other Senators wishing to be heard?

Seeing and hearing none -- Senator Gianaris.

SENATOR GIANARIS: Mr. President, we've agreed to restore this to the noncontroversial calendar.

ACTING PRESIDENT BAILEY: The bill will be restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 123, those Senators voting in the negative are Senators Ashby, Gallivan, Griffo, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Weber and Weik.

Ayes, 44. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 530, Senate Print 6328, by Senator Ramos, an act to amend the Labor Law.

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

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I

waive the reading of that amendment and ask that you recognize Senator Murray and, thereafter, Senator Weik to be heard.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Murray be heard on the appeal. And when he's through with his remarks, that you then recognize Senator Weik to be heard.

ACTING PRESIDENT BAILEY: The appeal has been made, and Senators Murray and Weik may be heard.

Senator Murray first.

SENATOR MURRAY: Thank you, Mr. President.

This amendment is germane, Mr. President, I believe because like the call center bill, it also protects workers and seeks to provide much-needed to relief to workers in Tier 5 and Tier 6.

So my background, before I got here,

I am a small business owner. And as part of that business, I owned an advertising agency that published and made different specialty publications and websites. And the core of the business was one in particular, and that was the Long Island Job Finder employment newspaper and website. It was exactly as it was, it was an employment newspaper and website where companies would place their help-wanted ads, people would pick it up, they would apply, they would get work.

So in my business of, well, almost 25 years of doing so, I would work with human resources directors and recruitment managers and different companies and schools and the Department of Labor. We would put on job fairs where 40, 50 companies would be there recruiting, and hundreds of jobseekers would come. And we'd talk to some of the jobseekers.

My point there is that for more than 20 years, I was in the employment business. And it was kind of an understanding that when you're looking for a job, if you're looking for a good salary and you're not really worried about benefits or retirement, all of that that much,

that you'd go to the private sector. But if you were thinking down the road and the benefits, the health insurance, the retirement, all of that was really important to you, then you understood that maybe you forgo the really great salary to get those benefits.

And that was the understanding. That's the way it was for years and years -- that was, until 2012. 2012 is when Tier 6 took place. Now, in 2012 I was down the hall, I was in the Assembly. And when that vote came up, I was a no vote. I was a no vote for two words. The reason I gave were two words: Recruitment, retention.

See, in my business in employment and hiring and recruiting, I knew that down the road this was going to hurt us, and hurt us bad. This was going to hurt us with recruitment and retention. See, Tier 6, it was pitched as a solution to a pension problem. But in reality, it really is a recruitment and retention nightmare. And it's resulted in a critical workforce shortage.

When you combine the negative impact of Tier 6 with the punishing inflation we've all seen in recent years, it's no surprise that we've

seen a flood of experienced and highly qualified workers leaving the workforce or refusing to enter the public workforce.

So first, let's look -- what does this mean to the public, the current public workforce? Well, it means mandatory enforced overtime, which I might remind you comes with a cost. It comes with a cost both now and later.

You see, it comes with a cost now because the overtime comes at time and a half, double time, sometimes more. So we're paying more. Later, because most of those still left to work the overtime that we're forcing upon them are the more experienced Tier 3, Tier 4 workers whose pensions now -- here's the irony of all ironies. Ironically, their pensions will be increased by the mandatory overtime we're forcing on them because of Tier 6.

But the impact to the current workforce and to the public goes beyond the money. It's also about health. It's about safety. It's about quality of life. And I say that because -- let's take a look at some of these positions like DCPs, direct care professionals. Now, we all know every year they

are up here asking for help: Please, supplement our salaries. They are certainly not doing this work for the money.

I mean, they are doing God's work, let me tell you. They do work that most can't imagine. They're helping seniors, they're helping the disabled, the severely disabled. They're doing things like clothing them and feeding them and bathing them, changing diapers. They're doing things we couldn't even imagine.

You know what they're also doing? They're burning out right now because their caseload is through the roof. Why? Because of the workforce shortage. Why? Because of the recruitment problem that we are having because of Tier 6.

How about child protective services? We hear all these -- again, first off, they're not getting in this to get rich. They're getting in this to make a difference and help. And you hear all these terrible stories, these tragedies of what happens in -- with neglect and abuse in these families. And you ask yourself, why didn't they catch this? Why didn't somebody go there, why didn't they see this was happening?

Well, when you have a caseload that's supposed to be about this high (gesturing) and that caseload ends up this high (gesturing), you can't be expected to see every one. They're overworked. They're overburdened. They are burning out. Their caseloads are out of control.

How about corrections officers? I spoke to the corrections officers union president, and he was saying, Man, we are -- I mean, we are forcing the overtime down their throats. We have corrections officers burning out so bad right now. They've earned vacation time and they need it, they want it, and we're having to tell them, I'm sorry, you can't take that right now. We're just understaffed. You have to work a double. You have to work more.

How's that for quality of life? And by the way, how's that for a high-stress work environment?

I'll bring up another one, one more. How about school social workers? Every one of us has had superintendents and everyone coming up to talk to us this year. And yes, the school aid's the problem and all. But when you talk to those superintendents and you say, What's one of your

biggest concerns? Every one of them: Mental health. Help us with the mental health issue. We need more social workers. Yeah, no kidding.

But it's not that easy to just hire more social workers. Again, I go back to the recruitment and the retention issue. You know -- did you know that the school social workers, many students who have IPEs, part of the IPE is that they must have counseling. So what happens when you have a shortage of social workers, they're trying to work the IPE, but now they have a crisis they get called to? And nobody to cover for them, so what do they do? Do they go to the crisis -- the student that's in crisis right now, or do they do their mandatory IPE counseling?

Well, thank God, they go to the crisis situation. But my point is they're passing up a duty that's mandatory right now. Why? Because there is a shortage. And that's the problem.

Are we catching the drift here that retention and recruitment, those are the problems? When these workers reach their breaking points and they end up retiring, when the Tier 3s and 4s start leaving -- as they're

doing very quickly right now -- they're burning out and they're leaving. What's left? The shortage is only going to get worse.

Now, the amendment that we're asking for today, it doesn't fix everything. It doesn't. And I commend the sponsor, Senator Jackson, on this bill. It doesn't fix everything about it, but it's a step in the right direction. It is a step in the right direction.

We have a chance today to tell our labor force and all New Yorkers that we hear you, we want to fix it. Because we either have to fix it or nix it, but one or the other. So today we have the chance to take a step forward, to take a step in helping to fix Tier 6 to help our work force, to help our labor force, and to help all New Yorkers. Because as I said, it's everyday New Yorkers who will suffer as this workforce shortage gets worse.

We have a chance. So, Mr. President, I urge you to please reconsider this. And if not, I ask my colleagues, reconsider for him. Vote in favor of this being germane. Let's take the vote. Let's send the message that we hear you, New York labor, we hear

you, New York workers. We are here to help you.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Murray.

Senator Weik to be heard on the appeal.

SENATOR WEIK: Thank you, Mr. President.

The bill at hand is germane because it pertains to the protection and the relief to Tier 6 employees. We're facing a crisis in recruiting and retaining public workers who provide some of the most vital services in our communities, including firefighters, law enforcement, direct care workers and teachers.

The deficiencies in Tier 6 must be addressed. And our hardworking, dedicated local and state employees have always had our backs, and it's time that we have theirs.

Which is why we held hearings in October, this past October, the Civil Service Committee held hearings, public hearings, to hear the complaints -- excuse me. We held hearings, the Civil Service and Pensions Committee, public hearings to discuss retention and recruitment in

civil service. And in those hearings I heard overwhelming testimony that Tier 6 is just bad public policy. In fact, I hear it as far as Tier 6 sucks, which was the common catch phrase that everybody was using.

The creation of Tier 6 has become the largest obstacle in attracting and retaining adequate numbers of high-quality public-sector workers. It's time to fix or nix it. This is why I've introduced legislation to establish a temporary commission to develop sound solutions for deficiencies in Tier 6.

In that public hearing we discussed with so many of the agencies that came to have their complaints heard that we were going to form a committee to make sure that the little tweaks and changes that could be put in place so that we could find common ground. And that's what my bill is established to do, to hear those common-ground complaints and to establish the fiscal to see if it's either worth fixing or just repealing altogether.

And so I urge my colleagues to support my bill in introducing that legislation.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senators Weik and Murray.

I want to remind everybody that this vote is on the procedures of the house and the ruling of the chair.

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

(Response of "Aye.")

SENATOR LANZA: Show of hands.

ACTING PRESIDENT BAILEY: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 19.

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

Senator Gianaris.

SENATOR GIANARIS: Mr. President, please restore this to the noncontroversial calendar.

ACTING PRESIDENT BAILEY: The bill will be restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

My colleagues, I rise as the chair of the Civil Service and Pensions Committee, as someone that has heard the cry of members in the State of New York who work for us, basically saying Tier 6 needs to be fixed and it needs to be fixed now.

And I agree with my colleagues who speak about the issues and concerns that have been expressed to them and to us. We all hear it. And this is something that we all have to unite and work and focus in order to make the changes that are necessary.

So it is encouraging, in my opinion, to hear my colleagues across the aisle acknowledge the necessity of reforming the Tier 6 pension plan, and specifically supporting my proposal to reduce the final average salary

calculation window from five years to three years for Tier 6 members.

The Tier 6, with its inferior benefits, heightened employee contribution rates, and increased retirement age eligibility, has resulted in, as my colleagues said, we can't recruit people. For social workers and others, the salary needs to be higher.

And so all of that, in my opinion, is civil service reform. And 12,000 positions lie vacant right now in the State of New York. So in order for us to maybe move Tier 6 to where we want it to be, we need to invest, invest in the employees that are coming in. So that they know that when they work 25, 30 years, they can retire with a pension and with Social Security and be able to live without trying to find a second and third job.

So S8490, my bill to reduce the final average salary calculation window to three years, was included in the Senate one-house budget resolution. So I urge my colleagues backing this amendment to join our push for the Executive's support to include this proposal in the final budget.

What I say to many union people that are pushing for this -- and I say it loud and clear -- I think that Tier 6 sucks. And I've said it. And because it does. Because I hear it all the way through, all around. And so I -- what I do is I turn to the people and say: Know who your State Senator is, know who your State Assemblymember is, and reach out to them and tell them how you feel about Tier 6. If you see the Governor, talk to the Governor about Tier 6. So they need to be able to advocate for themselves and advocate for their employees.

So with that, Tier 6 must be fixed, and our public workers deserve better.

Thank you, Mr. President.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

First, I call -- I rise to support the bill and I want to compliment our colleague Senator Ramos for protecting call center workers. So thank you, Senator Ramos.

I also rise to support

Senator Jackson's bill and the efforts of this house in dealing with Tier 6 once and for all.

You know, I think we're in a position right now where we are in budget discussions. There are, by last count, $14 billion that the Majority has projected that they wish to spend over and above what the Governor had projected. So it's very simple. If we want to fix or nix Tier 6, now's the time to do it. Time we put our money where our mouths are.

We're in the middle of a budget discussion. Let's get it done. No excuses. Five to three, sure -- but we can do better.

Mr. President, I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 530, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Gallivan, Oberacker, O'Mara, Ortt, Stec, Tedisco and Weber.

Ayes, 51. Nays, 8.

ACTING PRESIDENT BAILEY: The bill

is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I think when we took up the resolutions we neglected to open them for cosponsorship. So please do that.

ACTING PRESIDENT BAILEY: Those resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

SENATOR GIANARIS: Please take up the reading of the supplemental calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 750, Senate Budget Bill, Senate Print 8302, an act making appropriations for the legal requirements of the state debt service.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 751, Senate Print 8918, an act making appropriations for the support of government.

SENATOR GIANARIS: Mr. President,

is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT BAILEY: There is a message of necessity and appropriation at the desk.

SENATOR GIANARIS: Move to accept the message.

ACTING PRESIDENT BAILEY: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The message is accepted, and the bill is before the house.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the noncontroversial supplemental calendar.

SENATOR GIANARIS: There's one more bill.

ACTING PRESIDENT BAILEY: One more bill? Excuse me.

THE SECRETARY: Calendar Number 752, Senate Print 8920, an act to amend Part C of Chapter 57 of the Laws of 2022.

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

ACTING PRESIDENT BAILEY: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT BAILEY: Those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The message is accepted, and the bill is before the house.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the supplemental noncontroversial calendar.

SENATOR GIANARIS: May we now take up the one bill on the controversial calendar.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Section Number 750, Senate Print 8302, an act making appropriations

for the legal requirements of the state debt service.

ACTING PRESIDENT BAILEY: Senator O'Mara, why do you rise?

SENATOR O'MARA: If Senator Krueger would yield for a few questions.

ACTING PRESIDENT BAILEY: Will Senator Krueger yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: Good afternoon, Senator.

Here we are, four days before the end of the fiscal year, when our next budget is due. We just did two bills to extend government at least until next Thursday.

Where do we stand in the budget process? What can we tell our constituents and New Yorkers of where we are on the budget that's April 1st?

SENATOR KRUEGER: I think you can tell them, Mr. President, that we are working hard to reach agreement on billions of dollars of spending and revenue.

That since we are planning to go home today, with Good Friday tomorrow and Easter on Sunday, it is not realistic that we will get a complete budget done by April 1st. Nor should it be particularly disturbing to anyone in New York State, because I am quite confident with the work we are doing today, both with having done an extender to ensure that state workers will continue to be paid, that specific issues that without the bills we just passed might hit some kind of cliff on or before April 1st, that we are assuring the people of New York government will continue as planned, on schedule, and that this slight delay should have no impact on anyone's lives.

I am optimistic we will get to a complete budget within some reasonable period of time when we return after Easter.

The one bill I believe it's crucial we do pass today, and it is the first of the budget bills -- and if you track, it's pretty much the first of the budget bills every single year I have been in the Senate, whether it was a Republican-controlled Senate or a Democratic-controlled Senate. And that is this

bill, which very simply says: We, the State of New York, will continue to make our debt payments on borrowed money.

It would be a disaster if we didn't keep our commitments to pay our debt. Governments always have debt. They're almost designed to have it. Particularly capital debt, taking bonds out to pay for long-term, big, expensive projects. So we have debt. Everyone's government has debt -- cities, states, federal.

The most important thing I believe we can do today is pass this bill. Because if we vote no on this bill, it's actually saying to the bond markets, to people who have lent us their money, to investors in these companies who are regular New Yorkers, who have made investments in companies believing that of course the State of New York -- with a very good bond rating, thank you -- would continue to make its payments. I don't even know how we would possibly explain voting no on this.

So that's why this bill is so critical that we get this one done, even if I don't have a better answer yet for my colleague on what happens with all the other budget bills

that will follow.

SENATOR O'MARA: Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, I wholeheartedly agree with you on paying our bills, those bills that are now bonded for and payments due to continue on.

However, this bill does more than that. This bill adds another $8 billion in projected bonds, that may or may not be in the capital projects budget, which isn't done yet. Is that correct?

SENATOR KRUEGER: Through you, Mr. President. Each year we combine both the debt payment bill and an anticipation of what we might borrow in the next year.

The Governor has asked for the authority to borrow as much as $8 billion next year. It doesn't mean we're going to. And in fact, if you track previous budgets, we have seen

we ask for more than we actually borrow or spend in the coming year. But it gives our government the flexibility to have that authority.

SENATOR O'MARA: Through you, Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: The other two government extender bills we just passed, they expire next Thursday. Why can't this debt service obligation bill just be extended till next Thursday?

SENATOR KRUEGER: Through you, Mr. President --

SENATOR O'MARA: Give us time to complete the budget.

SENATOR KRUEGER: Through you, Mr. President. Again, I think that for all New Yorkers to sleep better at night, and for everyone who lends money to the State of New York to technically sleep better at night, it makes

total sense for us to do this once and have it done.

SENATOR O'MARA: Through you, Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, of the $64.4 billion being assured in this debt service bill, how much of that is direct state obligation as opposed to, I guess, backstopping other entities?

SENATOR KRUEGER: Mr. President, this is all state obligation.

SENATOR O'MARA: Through you, Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: There's no obligations we're assuring here with regards to the MTA or the Thruway Authority or other similar entities?

SENATOR KRUEGER: No, sir. Mr. President, this has nothing to do with other authority debt, just our state obligations.

SENATOR O'MARA: Through you, Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, the state continues to owe a debt to the federal government of about $6.5 billion for the Unemployment Insurance Fund that built up during COVID for the massive unemployment that occurred then.

How much of that 6.5 million debt is assured in this bill?

SENATOR KRUEGER: That is not state debt. The unemployment system is a separate system. And so that is not included or addressed

in this bill.

SENATOR O'MARA: On the bill.

ACTING PRESIDENT BAILEY: Senator O'Mara on the bill.

SENATOR O'MARA: Thank you, Senator Krueger.

I certainly agree with Senator Krueger that the state needs to live up to its obligations. But I believe it's premature at this time, even though this is the way maybe we've always done it. Two wrongs can't continue to make a right here in this body, as it seemingly does year after year.

There -- included in this bill is an anticipated, vague $8 billion increase to the debt on what might be in the capital projects budget bill.

We don't know what that is. We don't know whether we support that or don't support that. And there's absolutely no reason that this couldn't be extended, like the other extenders, to next Thursday. Or that this couldn't be done without that $8 billion in it and come back and amend this at the end of the budget, when we know what that amount actually

is.

I think certainly myself will sleep just fine at night with a one-week extender on this and not having this extra $8 billion of padding and debt that we don't have any idea what it's for.

So with that, Mr. President, I would urge a no vote on this at this time without those changes.

ACTING PRESIDENT BAILEY: Thank you, Senator O'Mara.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Serrano.

SENATOR SERRANO: Mr. President, upon consent, we've agreed to restore Calendar 750 to the noncontroversial calendar.

ACTING PRESIDENT BAILEY: Upon consent, the bill has been restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 750, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco and Weik.

Ayes, 43. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Serrano, that completes the reading of the supplemental calendar.

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

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

SENATOR SERRANO: I move to adjourn until Tuesday, April 2nd, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until

Tuesday, April 2nd, at 3:00 p.m., with the intervening days being legislative.

And again: Let's go, Mets!

(Whereupon, at 12:24 p.m., the Senate adjourned.)