NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 11, 2024

12:20 p.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: 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 COONEY: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

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

ACTING PRESIDENT COONEY: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, April 10, 2024, the Senate met pursuant to adjournment. The Journal of Tuesday, April 9, 2024, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT COONEY: 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.

Good afternoon, Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

On behalf of Senator Gounardes, on page 38 I offer the following amendments to Calendar 699, Senate Print 99, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT COONEY: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: On behalf of Senator Cleare, I wish to call up Senate Print 1979, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 148, Senate Print 1979, by Senator Cleare, an act in relation to requiring the Empire State

Development Corporation, in consultation with the Department of Agriculture and Markets.

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

ACTING PRESIDENT COONEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT COONEY: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT COONEY: The amendments are received.

SENATOR GIANARIS: At this point we're going to call an immediate meeting of the Rules Committee in Room 332, and stand at ease.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:22 p.m.)

(Whereupon, the Senate reconvened at

12:56 p.m.)

ACTING PRESIDENT COONEY: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT COONEY: The Secretary will read.

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

Senate Print 9036, by Senator Krueger, an act making appropriations for the support of government.

The bill reports direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 792, Senate Print 9036, by Senator Krueger, an act making appropriations for the support of government.

SENATOR GIANARIS: I believe there's a message of necessity and appropriation at the desk.

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

SENATOR GIANARIS: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed,

nay.

(Response of "Nay.")

ACTING PRESIDENT COONEY: The message is accepted.

The bill is before the house.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: The bill is laid aside.

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

SENATOR GIANARIS: On to the controversial calendar, please.

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 792, Senate Print 9036, by Senator Krueger, an act making appropriations for the support of government.

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

SENATOR O'MARA: (Standing.) Or O'Mara, either one.

(Laughter.)

ACTING PRESIDENT COONEY: I'm

sorry. My apologies, Senator O'Mara.

(Inaudible overtalk.)

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

(Inaudible overtalk.)

SENATOR O'MARA: -- trust me.

(Laughter.)

SENATOR O'MARA: Mr. President, will Senator Krueger yield for a couple of questions on this.

ACTING PRESIDENT COONEY: Will Senator Krueger yield?

Senator Krueger yields.

SENATOR KRUEGER: I'll be Senator Krueger, yes, thank you.

(Laughter.)

SENATOR O'MARA: Okay. Senator, we have yet another extender before us here today on April 11th. So the budget is now officially 10 days late. What does this extender do for us today?

SENATOR KRUEGER: Continues to make sure all of the payments are made and people get paid through April 15th.

So it's pretty much the one we did

earlier in the week, extending till Monday the 15th.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR O'MARA: My understanding, Senator Krueger, was that the extender we did earlier this week really covered payrolls through next Tuesday for next week's payroll. And this extender really doesn't add anything towards payrolls, it continues some programs that might have ended.

SENATOR KRUEGER: It does cover payroll for some specific programs of the state.

So the extender we did earlier in the week covered payroll for state workers, and this ensures continuing pay for an assortment of programs that contract through the state such as the WIC program, the Indian Health Program, the Department of Labor for the continuation of UIB benefits, Homeless Veterans Housing Program, and

some nonpersonnel service payments as well.

SENATOR O'MARA: Thank you, Senator.

Through you, Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR O'MARA: And what's the total of the appropriation in this extender?

SENATOR KRUEGER: One-point-three billion, to meet payroll costs and allow certain payments for, again, a number of categories of programs, including the Judiciary, the Legislature -- not us, but the staff -- the Department of Health Supplemental Nutrition WIC program, as I just said, Department of Labor, Department of Veterans Affairs.

SENATOR O'MARA: Thank you.

Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR O'MARA: Senator, we've heard a lot of talk in the hallways, at least, about table targets being out there. What can you tell us about the status of table targets?

SENATOR KRUEGER: I don't think there's been any formal announcement of table targets at this time.

I believe that there still is an intention to have those. Obviously nothing is going as quickly as we all hoped, since it is April 10th -- is it 11th or 10th?

SENATOR O'MARA: 11th.

SENATOR KRUEGER: Eleventh. It is April 11th, and we still are not at that point.

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

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR O'MARA: So without a

budget being in place by next Tuesday, we will have to do another extender on Tuesday or on Monday?

SENATOR KRUEGER: I believe this only goes through Monday.

SENATOR O'MARA: So we'll have to do an extender on Tuesday? Or do it on Monday?

SENATOR KRUEGER: I believe that would be an extender on Monday.

SENATOR O'MARA: Okay, thank you.

SENATOR KRUEGER: You're welcome.

SENATOR O'MARA: On the bill, Mr. President.

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

SENATOR O'MARA: Yeah. You know, here we are, 10 days late, really no further progress on the budget that anybody is aware of -- certainly not the public -- since Monday or Tuesday of this week when we did the last extender. You know, even the -- you know, the media isn't even calling this a late budget at this point.

You know, back when I remember that Republicans were part of this equation of

three-men-in-a-room, on April 2nd the budget was late and the media was raising hell about it.

But now they report it as an extended deadline, so the budget deadline has been extended.

So based on that, we're now -- and the budget's still due April 1st, so apparently we're at March 42nd. And by the time we get here next week to do the next extender, we'll be at I think March 47th, and we'll go on from there.

But budget is late. I asked about table targets because we set up these budget subcommittees. Those committees have not met since Day 1 of the budget discussions, after the one-house budgets came out. The day after, I believe, they met.

And there's been no further meetings. The tables, the various subject matter areas of the budget don't have any targets to talk about. They haven't met. It will be interesting to see whether they ultimately do meet, when they do get table targets, and do anything of substance.

So, you know, this is -- this is not the way we should be running state government.

There certainly should be more transparency and openness with the public, with the taxpayers of New York State on where this budget stands. And we should be working far more diligently to get this job done rather than just extending the budget deadline.

Thank you, Mr. President.

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

Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Mr. President.

You know, we're late on this budget, but it's really not because of numbers. It's not because of the finances of the state. It's because of controversial policy that is included in this budget, things that we cannot get agreement on. I think that's the problem here, folks.

In local government, county government, you do a budget and it's about the finances of the state, your projections of revenue and what you're going to spend. That's what the budget should be about.

And if it were, I suspect we would

probably have an on-time budget. Instead, we're hiding controversial policy within the cracks and crevices of this very large document.

That's why I'm very proud to support Senator Fernandez in Bill 2062, a bipartisan bill with a lot of support from my colleagues here on this side of the aisle that would remove policy from the budget process and hold people accountable for making sure the finances are the first and only concern when we discuss and vote on a budget.

So I'll be supporting this extender because it's important to folks that rely on these finances to be extended. But the bottom line is there should be no policy in the budget. And there's a large contingent on both sides of the aisle that believe that should be the case.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Tedisco on the bill.

SENATOR TEDISCO: Thank you, Mr. President. On the extender.

Mr. President, Monday we had a kind of unique day. It was what they call an eclipse.

The moon carried right in front of the sun, and we had total darkness.

Now, I never thought -- because they said it would take 24 years to have the second eclipse, I never thought we'd see the second eclipse so soon. Because it's happening right here on the New York State budget right now -- total darkness. Ten days late. You'll be 15 days late. You were over 30 days late last year.

I want to give you a message from my constituents. They don't want extenders. And the last thing they want to hear, and we'll be ready for it shortly -- and if I had a quarter for every time I heard that from your side of the aisle -- it's better to have a good late budget than a bad on-time budget.

Well, I'll give you the message from my constituents. They don't want a good late budget. The Constitution says April 1st is a mandate. It's a law. And I know Mr. Heastie said that penalties don't help us, penalties for laws. And we can legalize all crimes and have no data on crimes. Just legalize it. Stop signs, go through them. Red lights, go through. But

people stop for signs and red lights because there's penalties.

But there doesn't seem to be any penalty for what's taking place here. First time in 40 years.

So my constituents want to say to you, nobody in the 44th Senatorial District, nobody -- I really believe this -- goes to work, sits there, has a deadline for arguably doing the most important job they're expected to do when they were hired, expects to get paid on that day, let alone have a job the next day.

But the eclipse tells us today, so if you want the best view, if you're listening here, the media or my constituents, come here, because the eclipse is happening over and over, total darkness on a budget process that we're mandated to accomplish, by the New York State Constitution, April 1st.

Yeah, it's way past that now. It was way past that last year. And unfortunately, this is an important extender because we have to pay people. But the only reason why we have to vote for this now is because non-for-profits and our workers are not going to get paid.

But our constituents don't want extender after extender. What they want is an on-time, balanced budget. The Senate's in control by you, the Assembly's in control by your affiliation, and the Governor. Nobody else to blame but you. Can't point to this side anymore. It's you.

And please, you can say it's better to have a late budget, but they want an on-time budget and they want it balanced. And that's your obligation.

And I know we were blaming each other for many years. You had two parts; we had one. We had two parts, you had your -- yeah, there's no time to blame anybody now. The constituents don't want blame, they want to get it done.

So let's get it done by next week, when we come back. Let's work right through, get it all set to go just like my constituents are going to work.

So on that, I'll have to support this because we have to pay our bills. But we don't need another eclipse. We already had one; it was exciting. Let's just do our budget.

Let's just do our job.

ACTING PRESIDENT COONEY: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed.

Senator Gianaris.

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

ACTING PRESIDENT COONEY: The bill is restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, colleagues. I hear the frustration in the room. I think everybody is suffering from some frustration.

I don't agree with my dear friend Jim Tedisco. I never hear from a constituent they're worried about a late budget. They do want a good budget. I want a good budget. We all want a good budget. We might have different interpretations of that.

But as long as we are paying our bills, we are assuring people that the government of New York State continues to operate, there is no interference in any issue or work that needs to be done -- I actually think our constituents probably are talking to us about specific issues in the budget that they hope are in the final budget, or they hope are not in. And I think that's exactly what we are trying to do.

It's an interesting question. Can you do a budget completely pure of policy? You probably can't.

But to address another issue raised here, I also agree there's too much policy in this budget. We actually have worked to try to remove any number of issues that we don't think should be in the budget because (A) they don't have a budget impact and (B) they get short shrift when they are done in the middle of

10 major bills filled with money issues.

So I do agree with those who think that there's too much policy in this budget. I will have to take a look at the bill to see whether I could support a bill that had no policy in it, at least as it was described.

And as far as we're not having events and we're not having a lot of public discussion, you know, I've been here twenty -- this will be, I guess, the 23rd session. Nobody's ever done the budget in public discussions. And I've heard it said over and over again, it doesn't work that way.

I don't know, sincerely, whether there's any legislative body or executive process in any state where the budget negotiations are done in public. I just don't think that I'm going to see this town do it this year.

And so we are in the process we are in. We are trying to get the best budget we can out of it. And I am still hopeful, frankly, that next week might be the right week for this. But it might not be.

So thank you very much. I vote yes, and I urge everyone to vote yes. Because

whatever your frustrations and opinions about the process and what's there and what's not in there, I think what our constituents do want to see from us today is a guarantee that state government will continue and that people will get paid, and that that is the biggest question we might face if we don't vote yes on this today.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT COONEY: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until Monday, April 15th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until Monday,

April 15th, at 3:00 p.m., with the intervening days being legislative days.

(Whereupon, at 1:12 p.m., the Senate adjourned.)