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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

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

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

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

13 ACTING PRESIDENT COONEY: Reading  
14 of the Journal.

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

20 ACTING PRESIDENT COONEY: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Good afternoon, Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,  
7 Mr. President.

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

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

16 Senator Gianaris.

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

21 ACTING PRESIDENT COONEY: The  
22 Secretary will read.

23 THE SECRETARY: Calendar Number  
24 148, Senate Print 1979, by Senator Cleare, an act  
25 in relation to requiring the Empire State

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

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

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

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 50.

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

12 SENATOR GIANARIS: I offer the  
13 following amendments.

14 ACTING PRESIDENT COONEY: The  
15 amendments are received.

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

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

22 The Senate will stand at ease.

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

25 (Whereupon, the Senate reconvened at

1 12:56 p.m.)

2 ACTING PRESIDENT COONEY: The  
3 Senate will return to order.

4 Senator Gianaris.

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

8 ACTING PRESIDENT COONEY: The  
9 Secretary will read.

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

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

16 The bill reports direct to third  
17 reading.

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

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

23 (Response of "Aye.")

24 ACTING PRESIDENT COONEY: Opposed,  
25 nay.

1 (No response.)

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

4 Senator Gianaris.

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

7 ACTING PRESIDENT COONEY: The  
8 Secretary will read.

9 THE SECRETARY: Calendar Number  
10 792, Senate Print 9036, by Senator Krueger, an  
11 act making appropriations for the support of  
12 government.

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

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

19 SENATOR GIANARIS: Move to accept  
20 the message.

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

24 (Response of "Aye.")

25 ACTING PRESIDENT COONEY: Opposed,

1        nay.

2                                (Response of "Nay.")

3                                ACTING PRESIDENT COONEY:    The  
4        message is accepted.

5                                The bill is before the house.

6                                SENATOR LANZA:    Lay it aside.

7                                ACTING PRESIDENT COONEY:    The bill  
8        is laid aside.

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

11                                SENATOR GIANARIS:    On to the  
12        controversial calendar, please.

13                                ACTING PRESIDENT COONEY:    The  
14        Secretary will ring the bell.

15                                The Secretary will read.

16                                THE SECRETARY:    Calendar Number  
17        792, Senate Print 9036, by Senator Krueger, an  
18        act making appropriations for the support of  
19        government.

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

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

24                                (Laughter.)

25                                ACTING PRESIDENT COONEY:    I'm

1       sorry. My apologies, Senator O'Mara.

2                       (Inaudible overtalk.)

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

5                       (Inaudible overtalk.)

6                       SENATOR O'MARA:     -- trust me.

7                       (Laughter.)

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

11                      ACTING PRESIDENT COONEY:     Will  
12      Senator Krueger yield?

13                      Senator Krueger yields.

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

16                      (Laughter.)

17                      SENATOR O'MARA:     Okay. Senator, we  
18      have yet another extender before us here today on  
19      April 11th. So the budget is now officially  
20      10 days late. What does this extender do for us  
21      today?

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

25                      So it's pretty much the one we did

1 earlier in the week, extending till Monday the  
2 15th.

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

5 ACTING PRESIDENT COONEY: Will the  
6 sponsor yield?

7 SENATOR KRUEGER: Yes, I will.

8 ACTING PRESIDENT COONEY: The  
9 Senator yields.

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

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

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

1 some nonpersonnel service payments as well.

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

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

6 ACTING PRESIDENT COONEY: Will the  
7 Senator yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT COONEY: The  
10 Senator yields.

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

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

21 SENATOR O'MARA: Thank you.

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

24 ACTING PRESIDENT COONEY: Will the  
25 Senator yield?

1                   SENATOR KRUEGER:    Yes.

2                   ACTING PRESIDENT COONEY:    The  
3    Senator yields.

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

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

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

15                   SENATOR O'MARA:    11th.

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

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

20                   ACTING PRESIDENT COONEY:    Will the  
21   Senator yield?

22                   SENATOR KRUEGER:    Yes.

23                   ACTING PRESIDENT COONEY:    The  
24   Senator yields.

25                   SENATOR O'MARA:    So without a

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

4 SENATOR KRUEGER: I believe this  
5 only goes through Monday.

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

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

10 SENATOR O'MARA: Okay, thank you.

11 SENATOR KRUEGER: You're welcome.

12 SENATOR O'MARA: On the bill,

13 Mr. President.

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

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

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

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

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

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

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

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

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

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

7                       Thank you, Mr. President.

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

10                      Senator Borrello on the bill.

11                      SENATOR BORRELLO:    Thank you,  
12       Mr. President.

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

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

25                      And if it were, I suspect we would

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

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

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

18 Thank you, Mr. President.

19 ACTING PRESIDENT COONEY: Thank  
20 you, Senator.

21 Senator Tedisco on the bill.

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

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

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

3 Now, I never thought -- because they  
4 said it would take 24 years to have the second  
5 eclipse, I never thought we'd see the second  
6 eclipse so soon. Because it's happening right  
7 here on the New York State budget right now --  
8 total darkness. Ten days late. You'll be  
9 15 days late. You were over 30 days late last  
10 year.

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

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

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

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

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

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

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

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

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

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

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

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

1 Let's just do our job.

2 ACTING PRESIDENT COONEY: Thank  
3 you, Senator.

4 Are there any other Senators wishing  
5 to be heard?

6 Seeing and hearing none, the debate  
7 is closed.

8 Senator Gianaris.

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

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

14 Read the last section.

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

17 ACTING PRESIDENT COONEY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT COONEY: Senator  
21 Krueger to explain her vote.

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

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

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

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

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

1 10 major bills filled with money issues.

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

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

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

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

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

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

8 Thank you, Mr. President.

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

11 Announce the results.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT COONEY: The bill  
14 is passed.

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

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

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

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

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

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

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

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