

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 18, 2024

11 11:50 a.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The
Senate will come to order.

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

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

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Reading
of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good morning,
7 Madam President.

8 There are two privileged resolutions
9 at the desk. Let's take them both up
10 simultaneously, read their titles, and recognize
11 Senator Mannion.

12 ACTING PRESIDENT PERSAUD: The
13 Secretary will read.

14 THE SECRETARY: Resolution 2266, by
15 Senator Mannion, mourning the untimely death and
16 paying tribute to the life and heroic service of
17 Lieutenant Michael "Hootch" Hoosock, who died in
18 the line of duty on April 14, 2024.

19 Resolution 2268, by Senator Mannion,
20 mourning the untimely death and paying tribute to
21 the life and heroic service of Officer Michael E.
22 Jensen, who died in the line of duty on April 14,
23 2024.

24 ACTING PRESIDENT PERSAUD: Senator
25 Mannion on the resolutions.

1 SENATOR MANNION: Thank you,
2 Madam President.

3 And thank you to Majority Leader
4 Andrea Stewart-Cousins for bringing this
5 privileged resolution to the floor.

6 This past Sunday and into
7 Monday morning, two members of law enforcement --
8 one the son of Central New York, the other the
9 son of the Mohawk Valley -- were senselessly and
10 tragically gunned down in the line of duty on a
11 quiet street in the town of Salina just outside
12 of the city of Syracuse.

13 Their names are Lieutenant Michael
14 Hoosock, from the Onondaga County Sheriff's
15 Department, and Officer Michael Jensen, from the
16 Syracuse Police Department.

17 According to the police, the killer
18 used an illegally altered AR-15 rifle to take the
19 lives of these brave men. According to Syracuse
20 Police Chief Joe Cecile, the individual was
21 trying to provoke an interaction with police.

22 Syracuse Mayor Ben Walsh referred to
23 that day as our worst nightmare come true. I'll
24 add that it is an awful reminder that routine
25 police work is never routine, and police officers

1 always should have our respect and support.

2 In life, Lieutenant Hoosock and
3 Officer Jensen were united by a sense of service,
4 by their bravery, and by their willingness to put
5 themselves between the danger and the people they
6 swore to keep safe. And now in death,
7 Madam President, they are united in making the
8 ultimate sacrifice for all of us.

9 We are devastated for the families,
10 for Lieutenant Hoosock's wife and three children,
11 for Officer Jensen's family in Rome, New York,
12 and for their fellow law enforcement officers.

13 Today, school districts across
14 upstate New York are encouraging all to wear the
15 color blue in a show of support. Restaurants are
16 reserving an empty table in their honor. And in
17 the days ahead, we'll witness and take part in
18 more solemn rituals. Law enforcement from across
19 the state and our country will be there. The
20 community will be there. The volunteer
21 firefighters will be there, especially the men
22 and women from the Lyncourt Fire Department and
23 the Moyers Corners Fire Department, where
24 Lieutenant Hoosock also volunteered as a
25 firefighter and a paramedic.

1 Regular folks from Rome and Clay and
2 Syracuse will line the streets. They'll salute.
3 Some will weep. Many are still in shock. But we
4 will all offer a silent and stoic final thank you
5 and goodbye to these heroes.

6 There are small gestures all around
7 to try to bring solace to this tragic event. The
8 black memorial bunting that adorns the Onondaga
9 County Sheriff's Office was provided by the
10 Lakeside Fire Department. It was hung by the
11 Syracuse Fire Department. Again, just a small
12 gesture among many in the last few days that the
13 sheriff's office describes as appreciated beyond
14 words.

15 This outpouring of support and grief
16 shows the shared humanity and values of Central
17 New York, including respecting the men and women
18 who risk their lives every day, including today,
19 to protect us.

20 I'm proud to represent so many of
21 these good and decent people. My hometown paper,
22 the Syracuse Post Standard, reported that in the
23 hours after his son died, Officer Jensen's father
24 had one request. It was not for himself. It was
25 for his sons, brothers and sisters in

1 law enforcement. Officer Jensen's father wanted
2 to make sure that the police chaplain prayed with
3 and for his son's colleagues who came to his aid,
4 who watched him die, and who will have to go out
5 and do their job despite their grief. He wanted
6 all to pray for their safety.

7 My heart aches for the Hoosock and
8 Jensen families and for everyone in the
9 law enforcement community. May God bless these
10 brave men, their families, and all who knew and
11 loved them.

12 Thank you, Madam President.

13 ACTING PRESIDENT PERSAUD: Thank
14 you, Senator.

15 Senator Griffo on the resolutions.

16 SENATOR GRIFFO: Thank you,
17 Madam President.

18 I also want to thank the leader and
19 Senator Mannion and Senator May for this
20 resolution today, because we come to pay tribute
21 and to honor in a very solemn way, in a very
22 somber time, two outstanding police officers:
23 Syracuse Police Department Officer Michael Jensen
24 and Onondaga County Sheriff Lieutenant Michael
25 Hoosock. They tragically lost their lives, as

1 you heard Senator Mannion depict, over the last
2 weekend.

3 Like all New Yorkers, I'm
4 heartbroken. And people across this state have a
5 real sense of grief and just a sense of
6 bewilderment as to what happened and how it
7 happened.

8 These men were dedicated individuals
9 who had extraordinary lives and families and made
10 a difference in their community in so many
11 different ways, not in only serving in their
12 capacity in law enforcement. They were there to
13 help others in time of need and truly made
14 New York a better and safer place.

15 Officer Jensen is a native of Rome.
16 His family are my neighbors -- an exceptional
17 family. And I know this is a gut-wrenching loss,
18 an intense grief that no parent should have to
19 endure.

20 He had an infectious smile. He was
21 so much a part not only of the police force but
22 in the community in which he lived when he chose
23 to join Syracuse P.D. and live in Syracuse.

24 President Ronald Reagan once said
25 "Evil is powerless if the good are unafraid."

1 Officer Jensen and Lieutenant Hoosock were
2 unafraid. Good men who put their lives on the
3 line, doing a job to protect and serve our
4 community. And there's no doubt that they are
5 true heroes.

6 They didn't run from danger. Like
7 all our first responders admirably do, they run
8 towards it, demonstrating remarkable bravery and
9 courage in undertaking and fulfilling their sworn
10 duties and responsibilities.

11 We'll always remember these two
12 officers and the ultimate sacrifice that they
13 made. We must remain forever grateful and find
14 ways to memorialize them and the commitment that
15 they made to continue to protect and serve this
16 great state and our communities.

17 I pray that God provides peace and
18 solace to the families of these fallen officers.
19 The days ahead will be very difficult and
20 challenging. And there will be great support
21 during the next week from all parts of not only
22 this state but the nation.

23 It's my hope that when that ends,
24 and these families continue to experience this
25 loss and the grief, that we and others will

1 continue to be there to support them.

2 And again, I pray for that peace and
3 solace and I ask that God bless all our police,
4 fire and emergency personnel who work so hard
5 each and every day. And they deserve, truly
6 deserve our gratitude, our respect, and our
7 support.

8 May the souls of Lieutenant Hoosock
9 and Michael Jensen rest in peace.

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator.

12 Senator Ortt on the resolutions.

13 SENATOR ORTT: Thank you,
14 Madam President.

15 I want to thank the sponsor of this
16 resolution for bringing it to the floor, for his
17 comments. I want to thank my colleague
18 Senator Griffo for his very heartfelt comments.

19 It's with a heavy heart that I think
20 we're all here to honor, to pay tribute, to
21 recognize the sacrifice of Officers Jensen and
22 Hoosock, who gave their lives, whose lives were
23 taken a couple of nights ago in Syracuse.

24 And it's a reminder -- when things
25 like this happen, it's a reminder of the very

1 real danger that our law enforcement officers
2 face every day. Every day the most routine thing
3 can become anything but. Every day the most
4 mundane police action can become anything but.

5 And I look at something like this
6 and I really think when someone kills two police
7 officers, shoots two police officers, that is not
8 simply an attack against law enforcement. It is
9 an attack against all of us. It is an attack on
10 the very fabric of our laws, our institutions,
11 our society.

12 We debate a lot of things in this
13 chamber. We talk about a lot of things. We talk
14 about public safety, law and order, criminal
15 justice. And rightfully so. That's -- this is
16 the place where those things are discussed. But
17 very often when we talk about it, naturally it's
18 in philosophical terms. It's political concepts,
19 it's governmental concepts. What does this mean?

20 For Officers Jensen and Hoosock, for
21 their brothers and sisters in the Syracuse Police
22 Department, for our police officers across the
23 state, for their families, these are not
24 concepts. These are not philosophical talking
25 points or political or governmental talking

1 points. This is -- they live these concepts
2 every single day.

3 And this is what public safety looks
4 like. Sadly -- sadly, our police officers are
5 there to put themselves in harm's way so that a
6 civilian doesn't have to. And they paid with
7 their lives the other night. And I just hope
8 it's a reminder to everybody, we can disagree on
9 a lot of things, but we cannot -- there cannot be
10 a disagreement on the need for more people like
11 Officers Jensen and Hoosock.

12 What they do is important, is
13 necessary to the proper functioning of any civil
14 society -- any state, any community. And that
15 their heroism and their selfless sacrifice and
16 their selfless service -- and Senator Mannion
17 actually said it I think well when he said today
18 there's police officers in the city of Syracuse
19 who knew these two men well, who have to go out
20 and do their patrol, they have to go out and do
21 their job to protect that community with the
22 heaviest of hearts. And they have to do it
23 dispassionately. They have to do it
24 professionally. And they are.

25 And we should remember them right

1 now as well, because they grieve -- though we may
2 grieve and recognize it, they will grieve many
3 days, many months, many years after. And they
4 have to get up every day, put that uniform on,
5 and continue to do that job. And they should do
6 so knowing that they have the support, at a bare
7 minimum, of the elected representatives at the
8 state level, at the local level, and any other
9 elected level of government.

10 So my thoughts, my heart, my prayers
11 is with their families, it is with the people of
12 Syracuse. And it's a stark reminder three police
13 officers have lost their lives in the last
14 30 days here in the State of New York. And that
15 is not something that anybody here should be okay
16 with. And it is something that we -- absolutely
17 should serve as a reminder of the dangerousness
18 and the practical realities on the street for our
19 men and women who put on that uniform to protect
20 us and to protect the people we serve.

21 So Madam President, thank you very
22 much for your indulgence. And again, I want to
23 thank the sponsor and Senator Griffo for their
24 remarks.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator.

2 Senator May on the resolutions.

3 SENATOR MAY: Thank you,
4 Madam President.

5 And I want to thank Senator Mannion
6 and all of my colleagues for their heartfelt
7 comments. I share the boundless grief of my
8 whole community over this tragic night of -- of
9 terror, really. And my heart is with the
10 families of Lieutenant Jensen and Deputy Hoosock,
11 with their law enforcement families.

12 Following up with what Senator Ortt
13 said, what stays in my mind is the image of at
14 least a hundred police officers dropping
15 everything and going straight to the hospital
16 when they heard about this, and just bearing
17 witness together as the bodies were brought
18 there. And -- and some of them said things like
19 "No one else understands. We need to be together
20 at this moment because we are the -- this is the
21 life that we lead, and nobody else really
22 understands what it is like to get up every day
23 and take this kind of risk."

24 It was the first time in 30 years
25 that a Syracuse police officer was killed in the

1 line of duty. But it's a threat that hangs over
2 their heads every day.

3 And I join my colleagues in saying
4 we -- I mean, I wouldn't have the kind of courage
5 that they have to -- when called upon, to run
6 toward a dangerous situation the way they do.
7 And I honor them for these two, but all of our
8 police officers for taking that on, for being
9 there, for stepping forward, even -- this was
10 just a routine traffic stop, they thought at the
11 beginning.

12 And both of these men were known to
13 be people who would drop anything and just do
14 what needed to be done. And in this case, both
15 of them had done that. And it is a character
16 of -- a quality of character that is remarkable
17 and honorable. And I just send all of my best
18 wishes to their families and their law
19 enforcement family, because our entire community
20 grieves with them.

21 Thank you.

22 ACTING PRESIDENT PERSAUD: Thank
23 you, Senator.

24 The question is on the resolutions.
25 All those in favor please signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT PERSAUD: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT PERSAUD: The
6 resolutions are adopted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 I know Senator Mannion would like to open both
10 these resolutions for cosponsorship.

11 ACTING PRESIDENT PERSAUD: The
12 resolutions are open for cosponsorship. Should
13 you choose not to be a cosponsor, please notify
14 the desk.

15 Senator Gianaris.

16 SENATOR GIANARIS: There will be an
17 immediate meeting of the Committee on Rules in
18 Room 332, and the Senate will stand at ease.

19 ACTING PRESIDENT PERSAUD: 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 12:09 p.m.)

25 (Whereupon, the Senate reconvened at

1 12:14 p.m.)

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

4 Senator Gianaris.

5 SENATOR GIANARIS: There is a
6 report of the Rules Committee at the desk.

7 Please take that up.

8 ACTING PRESIDENT PERSAUD: The
9 Secretary will read.

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

13 Senate Print 8145, by
14 Senator Kennedy, an act to amend the
15 Local Finance Law;

16 Senate Print 9083, by
17 Senator Krueger, an act making appropriations for
18 the support of government.

19 Both bills reported direct to third
20 reading.

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

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

1 (Response of "Aye.")

2 ACTING PRESIDENT PERSAUD: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT PERSAUD: The
6 report of the Rules Committee is accepted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Please take up
9 the supplemental calendar.

10 ACTING PRESIDENT PERSAUD: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 839, Senate Print 8145, by Senator Kennedy, an
14 act to amend the Local Finance Law.

15 ACTING PRESIDENT PERSAUD: There is
16 a home-rule message at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Announce
24 the results.

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 There is a substitution at the desk.
4 The Secretary will read.

5 THE SECRETARY: Senator Krueger
6 moves to discharge, from the Committee on Rules,
7 Assembly Bill Number 9852 and substitute it for
8 the identical Senate Bill 9083, Third Reading
9 Calendar 840.

10 ACTING PRESIDENT PERSAUD: The
11 substitution is so ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 840, Assembly Print Number 9852, by
15 Assemblymember Weinstein, an act making
16 appropriations for the support of government.

17 SENATOR GIANARIS: Is there a
18 message of necessity and appropriation at the
19 desk?

20 ACTING PRESIDENT PERSAUD: There is
21 a message of necessity at the desk.

22 SENATOR GIANARIS: Move to accept
23 the message.

24 ACTING PRESIDENT PERSAUD: All
25 those in favor of accepting the message of

1 necessity signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT PERSAUD: Opposed,
4 nay.

5 (Response of "Nay.")

6 ACTING PRESIDENT PERSAUD: The
7 message is accepted.

8 The Secretary will read the last
9 section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Announce
16 the results.

17 THE SECRETARY: Ayes, 57.

18 Excuse me. Actually, in relation to
19 Calendar 840, voting in the negative:
20 Senator Helming.

21 Ayes, 56. Nays, 1.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 Senator Gianaris, that completes the
25 reading of the calendar.

1 SENATOR GIANARIS: Thank you,
2 Madam President.

3 So for the remainder of the day
4 we're going to first break for party conferences
5 to begin conferencing the initial budget bills
6 that are now in print. We will be returning to
7 pass those bills later today and continue the
8 work as necessary.

9 So the Senate for now will stand at
10 ease.

11 ACTING PRESIDENT PERSAUD: The
12 Senate will stand at ease.

13 (Whereupon, the Senate stood at ease
14 at 12:16 p.m.)

15 (Whereupon, the Senate reconvened at
16 3:07 p.m.)

17 ACTING PRESIDENT PERSAUD: The
18 Senate will return to order.

19 Senator Gianaris.

20 SENATOR GIANARIS: Madam President,
21 there will be an immediate meeting of the
22 Finance Committee in Room 332.

23 ACTING PRESIDENT PERSAUD: There
24 will be an immediate meeting of the
25 Finance Committee in Room 332.

1 SENATOR GIANARIS: The Senate will
2 stand at ease.

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

5 (Whereupon, the Senate stood at ease
6 at 3:07 p.m.)

7 (Whereupon, the Senate reconvened at
8 3:19 p.m.)

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

11 Senator Gianaris.

12 SENATOR GIANARIS: There's a report
13 of the Finance Committee at the desk.

14 Please take that up.

15 ACTING PRESIDENT PERSAUD: The
16 Secretary will read.

17 THE SECRETARY: Senator Krueger,
18 from the Committee on Finance, reports the
19 following bills:

20 Senate Print 8305C, Budget Bill, an
21 act to amend the Penal Law;

22 Senate Print 8308C, Budget Bill, an
23 act to amend Part PP of Chapter 54 of the Laws of
24 2016;

25 Senate Print 8309B, Budget Bill, an

1 act to amend the Tax Law.

2 All bills reported direct to third
3 reading.

4 SENATOR GIANARIS: Move to accept
5 the report of the Finance Committee.

6 ACTING PRESIDENT PERSAUD: All
7 those in favor of accepting the report of the
8 Finance Committee, signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT PERSAUD: Opposed,
11 nay.

12 (Response of "Nay.")

13 ACTING PRESIDENT PERSAUD: The
14 report of the Finance Committee is accepted.

15 Senator Gianaris.

16 SENATOR GIANARIS: Please take up
17 the supplemental calendar.

18 ACTING PRESIDENT PERSAUD: There is
19 a substitution at the desk.

20 The Secretary will read.

21 THE SECRETARY: Senator Krueger
22 moves to discharge, from the Committee on
23 Finance, Assembly Bill Number 8805C and
24 substitute it for the identical Senate Bill
25 8305C, Third Reading Calendar 841.

1 ACTING PRESIDENT PERSAUD: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 841, Assembly Bill 8805C, Assembly Budget Bill,
6 an act to amend the Penal Law.

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

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

11 SENATOR GIANARIS: Move to accept
12 the message.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT PERSAUD: Opposed,
18 nay.

19 (Response of "Nay.")

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

23 SENATOR LANZA: Lay it aside.

24 ACTING PRESIDENT PERSAUD: Lay it
25 aside.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 842, Senate Print 8308C, Senate Budget Bill, an
4 act to amend Part PP of Chapter 54 of the Laws of
5 2016.

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

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

10 SENATOR GIANARIS: Move to accept
11 the message.

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

15 (Response of "Aye.")

16 ACTING PRESIDENT PERSAUD: Opposed,
17 nay.

18 (Response of "Nay.")

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

22 SENATOR LANZA: Lay it aside.

23 ACTING PRESIDENT PERSAUD: Lay it
24 aside.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 843, Senate Print 8309B, Senate Budget Bill, an
3 act to amend the Tax Law.

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

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

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

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

13 (Response of "Aye.")

14 ACTING PRESIDENT PERSAUD: Opposed,
15 nay.

16 (Response of "Nay.")

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

20 SENATOR LANZA: Lay it aside.

21 ACTING PRESIDENT PERSAUD: Lay it
22 aside.

23 Senator Gianaris.

24 SENATOR GIANARIS: Let's move on to
25 the controversial calendar, please.

1 ACTING PRESIDENT PERSAUD: The
2 Secretary will ring the bell.

3 SENATOR GIANARIS: Let's start with
4 843, Madam President.

5 ACTING PRESIDENT PERSAUD: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 843, Senate Print 8309B, Senate Budget Bill, an
9 act to amend the Tax Law.

10 ACTING PRESIDENT PERSAUD: Senator
11 O'Mara.

12 SENATOR O'MARA: I'm sorry,
13 Madam President, I thought we had one more bill
14 to lay aside.

15 Through you, Madam President, if
16 Senator Krueger would yield for a few questions.

17 ACTING PRESIDENT PERSAUD: Senator,
18 will you yield?

19 SENATOR KRUEGER: I will.

20 ACTING PRESIDENT PERSAUD: Senator
21 Krueger yields.

22 SENATOR O'MARA: Senator, do we
23 have a complete budget in print yet?

24 SENATOR KRUEGER: No, we do not.

25 SENATOR O'MARA: Through you,

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

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR O'MARA: We have three
9 budget bills in print before us today that are
10 alive, with messages of convenience from the
11 Governor, and we did one budget bill already with
12 the debt. That leaves six other budget bills, by
13 my count, that are not yet in print. Is that
14 correct?

15 SENATOR KRUEGER: That is correct.

16 SENATOR O'MARA: Through you,
17 Madam President, if Senator Krueger will continue
18 to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 Senator yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 Senator yields.

24 SENATOR O'MARA: Do we have any
25 appropriation bill as part of this budget that's

1 in print yet?

2 SENATOR KRUEGER: No, we do not.
3 We are only looking at Article VII bills today.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR O'MARA: Senator Krueger,
13 you say we just have Article VII bills before us
14 today. But Article VII bills direct how the
15 money that's going to be appropriated is to be
16 spent, is that right?

17 SENATOR KRUEGER: That's a good
18 description, yes.

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

22 ACTING PRESIDENT PERSAUD: Does the
23 Senator yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR O'MARA: Earlier this week,
3 on Monday -- and we're now Thursday, I believe --
4 just about the same time of day, the Governor
5 came out with an announcement that there was a
6 budget agreement. Then the leaders came out and
7 said, Well, not completely. And then we've been
8 in limbo since then.

9 Can you tell us at this point, since
10 there's six bills that aren't in print, what's
11 still open, what's not resolved, and where we're
12 going with those?

13 SENATOR KRUEGER: It seems to
14 change every few minutes, so I actually can't.
15 Although I am led to believe that we are down to
16 a tiny number of issues.

17 And that I believe, unlike when the
18 Governor did her press conference as a surprise
19 to us the other day, that I think the Governor
20 and both leaders would say, if they were here on
21 the floor, that we are close enough to be
22 confident that we will have six additional budget
23 bills ready to go tomorrow.

24 And with any luck -- and that's up
25 to you and both sides here -- we will actually be

1 able to debate those and pass those tomorrow or
2 Saturday morning and then be complete for the
3 budget.

4 SENATOR O'MARA: Thank you.

5 Madam President, through you, if the
6 Senator will continue to yield.

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR O'MARA: So we're four days
13 now post the Governor announcing the budget
14 agreement that still isn't finalized yet. And
15 now we have before us three budget bills that are
16 in print that were available to us and the public
17 at some point this morning. So the public and us
18 on the Minority side of the house get less than
19 12 hours of review on this, after four days of
20 the Governor announcing an agreement.

21 So why are we rushing this through
22 on such short notice to the citizens of New York
23 State and, you know -- probably to a lesser
24 concern to your side of the aisle -- us?

25 SENATOR KRUEGER: So I can't

1 possibly explain why the Governor announced it
2 was all done on Monday, because we didn't ever
3 believe it was. So you would have to ask her why
4 it wasn't done on Monday when she said it was.

5 As far as where we are now, I think
6 I'm being as truthful as I can be that we are
7 almost there and we are pretty damn confident we
8 could get all of the budget done by Saturday
9 morning.

10 As to the public, I think those
11 three bills went in last night, not this morning.
12 I just want to double-check. Am I right, did the
13 three bills that we're dealing with today go in
14 last night?

15 Past midnight. So technically you
16 can say this morning. That's fine.

17 And you're right, I would prefer if
18 people had more time to review it, including my
19 side of the aisle. But just the other day
20 several of your colleagues were complaining about
21 the fact that we were late and they were very,
22 very frustrated we were late.

23 So to be honest, I think most of us
24 might agree it's good to get the budget done now,
25 because we are late. And we are concerned, as

1 you pointed out yourself the other day, that the
2 school boards need this information.

3 And so while not a perfect system --
4 and it's never been as long as I've been here --
5 that probably our best path at this moment in
6 history is to ask our questions, get our answers,
7 decide whether we're voting up or down, and move
8 this budget to completion.

9 SENATOR O'MARA: Thank you.

10 Madam President, if the Senator will
11 continue to yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 Senator yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR O'MARA: Speaking of
18 education budgets and the need to get the budget
19 done, where are the school runs?

20 SENATOR KRUEGER: We're
21 double-checking. We don't think we have new ones
22 based on the final budget agreement. But if
23 staff are listening and they have a better
24 answer, they will make sure I correct myself.

25 SENATOR O'MARA: Thank you.

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

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR O'MARA: So we're starting
9 this budget process with six-tenths of it not
10 being in print, no appropriation bills being in
11 print. And the really, in a lot of our opinions,
12 most important reason for getting it done on time
13 is because schools need to set their budgets to
14 get in front of the voters by the middle of May,
15 and I think they have to have that wrapped up by
16 April 23rd, just five days from now, so they can
17 get military ballots in the mail.

18 Yet we're proceeding without having
19 the school runs before us. So wouldn't it be
20 prudent for us to wait for at least that?

21 SENATOR KRUEGER: We're not passing
22 the education appropriation budget today. So
23 it's a relevant question, but perhaps a more
24 relevant question for tomorrow, when I am
25 optimistic we will have that budget language.

1 And clearly I agree that we should have the
2 school-run information by then as well.

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

6 ACTING PRESIDENT PERSAUD: Does the
7 Senator yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR O'MARA: Senator Krueger,
12 the Governor's Executive Budget came out, I
13 believe, at approximately \$233 billion, which was
14 I think somewhere in the range of 4 billion more
15 than last year's budget. Is that basically
16 accurate?

17 SENATOR KRUEGER: Last year's
18 budget, yes.

19 SENATOR O'MARA: Yup.

20 And through you, Madam President, if
21 the Senator will continue to yield.

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR O'MARA: And then in

1 response to the Governor's Executive Budget
2 raising spending by 4 billion, the one-house, the
3 Senate budget resolution in response to the
4 Executive, raised spending an additional
5 \$13.4 billion over the Governor's proposal.

6 SENATOR KRUEGER: I don't have my
7 one-house materials with me today, but I think
8 that that is correct.

9 Yes. Yes, I have a staff person who
10 agrees. Yes.

11 SENATOR O'MARA: Excellent. Thank
12 you.

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

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR O'MARA: Now, as -- I guess
19 the last we heard in the Governor's announcement
20 on Monday that the final budget was going to be
21 \$237 billion, another 4 billion on top of what
22 the Governor proposed. So she added four.

23 The Legislature has now come to an
24 agreement with -- apparently, maybe not
25 completely -- with the Governor to raise another

1 \$4 billion.

2 So we're raising spending \$8 billion
3 year to year?

4 SENATOR KRUEGER: So the amount
5 that she went up, plus the amount we believe is
6 the final number to be voted on when we get to
7 appropriation bills tomorrow -- we don't have the
8 final numbers yet.

9 So we can agree that is what the
10 Governor said, but we cannot agree that we know
11 that those are the final numbers.

12 SENATOR O'MARA: Thank you.

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

15 SENATOR KRUEGER: Absolutely.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR O'MARA: So, Senator, at
19 this point -- stage in the budget, with
20 six-tenths of the bills not having been printed
21 yet or even finally agreed to, do you have a
22 financial plan overview of this budget?

23 SENATOR KRUEGER: We will have that
24 tomorrow before we move appropriation bills.

25 But because of the few things that

1 are holding up the completion of negotiations, we
2 could not develop a financial plan to give our
3 colleagues tonight -- this afternoon or tonight.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR O'MARA: Can you tell us,
13 Senator, in the roughly 8 billion increase in
14 spending that's yet to be finalized, what the
15 sources of that spending is, that \$8 billion
16 increase? Is it from reserves? Is it increased
17 taxes? Is it just growth in general revenue?

18 SENATOR KRUEGER: It's a
19 combination. It's certainly the -- we recognized
20 that we had revenues coming in at a higher rate
21 than originally expected when the Governor put
22 out her Executive Budget.

23 Well, we did the 1.4 billion and the
24 revenue consensus, so we got some there. We made
25 some reductions in the Governor's Executive

1 Budget, some increases. We did not increase any
2 large taxes significantly. But again, I'm
3 uncomfortable trying to go down a list that I
4 don't have in front of me yet because it's not
5 finalized until tomorrow.

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

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR O'MARA: Since we didn't
13 increase any significant taxes significantly, if
14 that's the way you phrased it --

15 SENATOR KRUEGER: That was a bad
16 sentence, wasn't it? I take that back. We
17 really didn't do any significant tax increases in
18 this budget.

19 SENATOR O'MARA: Okay.

20 Through you, Madam President, if the
21 Senator will continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 Senator yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR O'MARA: Can you generally
3 outline for us what tax increases have been
4 approved that aren't in print yet?

5 SENATOR KRUEGER: We don't have any
6 tax increases that aren't in print yet.

7 SENATOR O'MARA: Through you,
8 Madam President, if the Senator would yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 Senator yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR O'MARA: Okay. I don't
15 know if you wanted to amend that answer. But my
16 next one is what tax increases do we have in
17 print at this point.

18 SENATOR KRUEGER: There's some
19 minimal changes that are in the rev bill that in
20 theory we're on right now, the revenue bill. So
21 we have some changes in licensing, tax rate on
22 cigars, some changes -- there are no actual
23 increases in this bill. Thank you.

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

1 ACTING PRESIDENT PERSAUD: Does the
2 Senator yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 Senator yields.

6 SENATOR O'MARA: It was my
7 understanding, at least, there was an increase on
8 small cigars of 5 cents per cigar. I don't know
9 if that's in the revenue bill or one of the other
10 bills. I think it's in the revenue bill.

11 (Pause.)

12 SENATOR KRUEGER: Perhaps it's
13 because I don't smoke cigars, but apparently we
14 are changing how we present the language on the
15 small cigar tax. But it's actually not a change
16 in the rate or an increase. (Pause.)

17 We're tying it to the cigarette
18 increase from last year, but we're not actually
19 increasing the rate for cigars? (Pause.)

20 I don't think this will satisfy you,
21 because I'm still confused. But it's being
22 explained to me that we changed the calculation
23 of how we collect the small cigar tax. But it's
24 basically equal to what we did with the cigarette
25 tax. You're shaking your head yes or no -- good,

1 haven't ruined it yet.

2 And that therefore does change how
3 we collect the tax, but it does not actually
4 increase the tax.

5 Is that a fair statement? Have I
6 done that right? You can talk to him afterwards.
7 He's much smarter on this than I am.

8 SENATOR O'MARA: I don't need to
9 belabor any more time on the small cigar tax that
10 I believe is an increase in effect of about
11 5 cents per cigar. Call that substantial, call
12 it unsubstantial, insignificant, whatever. But
13 it's a tax increase nonetheless.

14 I guess on the bill, I guess,
15 Madam President.

16 Thank you, Senator Krueger.

17 ACTING PRESIDENT PERSAUD: Senator
18 O'Mara on the bill.

19 SENATOR O'MARA: You know, we're
20 here with six-tenths of the budget not in print.
21 Clearly it's been stated that there is no
22 final-final agreement. A lot of loose ends.
23 Maybe not a lot, but there are loose ends on
24 this.

25 Yet we're being asked to proceed on

1 voting on Budget Article VII bills today, three
2 of them in front of us, on less than 15 hours
3 notice to the public and to the Minority on the
4 language of these three bills that are in front
5 of us. Six other bills that aren't even in print
6 yet. This budget is not ready to be voted on.

7 We've already passed one part before
8 the end of the last month to agree to pay our
9 debt service, which is extremely important for
10 our creditors. But in that there was included
11 about an \$8 billion increase in anticipated debt
12 that we're going to approve in this budget at
13 some point. We don't know what that number is.
14 That bill's already been passed, so we've agreed
15 to pay those bills when they come due. And we
16 should continue to pay the bills that are due and
17 owing to this point.

18 But the rest of the budget is not in
19 the print. There's not one appropriation bill in
20 print, yet we're proceeding to vote on three
21 Article VII bills that outline in three major
22 areas -- more than three major areas of
23 government on how the revenues are to be spent.
24 No appropriations, no dollar amounts. This is
25 absolutely no way to be doing a budget in the

1 great State of New York.

2 Frankly, I find it embarrassing that
3 we're at this stage and being asked to vote on a
4 budget when six-tenths of it haven't been
5 printed. Just based on that alone, at this
6 juncture I encourage a no vote.

7 Thank you.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Senator Borrello.

11 SENATOR BORRELLO: Thank you,
12 Madam President. I have questions on the revenue
13 bill Part T, as in Tom.

14 SENATOR KRUEGER: Cannabis. Our
15 favorite topic.

16 SENATOR BORRELLO: Exactly.

17 SENATOR KRUEGER: Yes, happily.

18 SENATOR BORRELLO: We're back at
19 it. Thank you. Through you, Madam President.

20 So I see that this is calling for a
21 reduction in the tax on medical marijuana, from
22 7 percent to 3.15 percent. This is probably the
23 only place that New York State is actually
24 garnering revenue from marijuana. So can you
25 tell us why we're having this reduction?

1 SENATOR KRUEGER: Because it's the
2 only medical product we tax in New York State,
3 and many people have been very concerned that we
4 recognize cannabis as having medical value,
5 doctors prescribe it, but it's taxed.

6 So some people wanted us to
7 completely zero out the sales tax on cannabis,
8 but instead we went with a decision to remove the
9 state level of sales tax and allow the counties
10 to continue theirs, although they could choose to
11 reduce theirs also if they wish.

12 SENATOR BORRELLO: Madam President,
13 will the sponsor continue to yield?

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR BORRELLO: So with that
20 being said, do we know what this is going to cost
21 the State of New York as far as lost revenue?

22 SENATOR KRUEGER: An estimated
23 \$4 million loss in sales tax.

24 SENATOR BORRELLO: Four million,
25 okay.

1 Madam President, does the sponsor
2 continue to yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR BORRELLO: So you explained
9 why the reduction in this, but New Yorkers are
10 already losing a lot of money on marijuana here.
11 So I'd like to actually move to Part L, the
12 potency tax, if that's okay.

13 SENATOR KRUEGER: Yes.

14 SENATOR BORRELLO: So I know the
15 idea was to do something that no other state had
16 done before, which is to tax -- have taxes based
17 on the potency, the amount of THC, in marijuana.
18 But that's not being changed.

19 Can you explain why?

20 SENATOR KRUEGER: So when we first
21 passed the MRTA Law, then Governor Cuomo thought
22 the potency tax would be a great approach. There
23 were a couple of other states who said they were
24 also going to do this.

25 I actually never thought it was a

1 great idea, but we put it into law, and then
2 we've watched as other states have walked away
3 from it because it's so difficult to actually
4 appropriately calculate and has had quite a few
5 other problems.

6 So there were national researchers
7 on tax models who all concluded this wasn't a
8 good idea and we were never really going to gain
9 the revenue we had hoped that way, but we were
10 confusing a lot of the businesses in the
11 industry.

12 So we walked away from the potency
13 tax and went to an alternative model, which is a
14 more traditional approach. And I think we don't
15 expect to actually lose revenue. It's a
16 revenue-neutral change.

17 SENATOR BORRELLO: Madam President,
18 will the sponsor continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 Senator yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 Senator yields.

24 SENATOR BORRELLO: I absolutely
25 agree with you. You know, I've spoken with the

1 folks in the industry and this was, you know,
2 doomed from the beginning, from what it sounds
3 like. So I actually appreciate that that change
4 is happening.

5 That being said, you know, we are
6 still in the -- I would say by most accounts we
7 have really failed in the rollout of recreational
8 marijuana. We've had projections that we've
9 missed every single year since the legalization
10 under the MRTA. So what -- how much is being
11 projected in this budget as revenue, tax revenue,
12 on recreational marijuana?

13 SENATOR KRUEGER: One minute.
14 (Pause.)

15 We're estimating 70 million in tax
16 revenue from cannabis this year.

17 SENATOR BORRELLO: Madam President,
18 will the sponsor continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR BORRELLO: Thank you.

23 So I know the original projection
24 was, you know, by now it would be roughly
25 \$300 million this -- you know, by this budget

1 year, based on what we were told three years ago.
2 So we're now at 70 million. We've yet to
3 actually meet a target from any -- even the
4 lowered expectations from previous years, as far
5 as I know.

6 So what makes us think we're going
7 to -- with still this proliferation of illegal
8 weed all over the state, how are we going to meet
9 that \$70 million target? What's it based on?

10 SENATOR KRUEGER: The good news is
11 when you look at why we're behind where we all
12 hoped we would be -- well, not all of us hoped.
13 Some of us never thought we should have done
14 this, I think you -- but where some of us thought
15 we would be. We didn't realize, one, we would be
16 trapped in frankly annoyance law cases all over
17 the state that prevented us from moving forward
18 with licensing.

19 So hence we were slowed down in
20 being able to provide licenses for companies to
21 open, which hence decreased the amount of tax
22 revenue, because we weren't able to have the
23 sales because we didn't have the stores and
24 companies because we had these lawsuits.

25 It seems like we have gotten past

1 the problems of the lawsuits, though people still
2 seem to file them. Apparently it's just they're
3 just not anything we need to worry about too
4 much.

5 So we are speeding up the number of
6 licenses we are giving out in all categories
7 within legal cannabis, and that will increase
8 business, which will increase tax revenue. And
9 we are -- not in this bill, but in any other
10 bill -- significantly increasing the ability of
11 law enforcement to close down illegal shops which
12 have been popping all over the state like
13 mushrooms. Is that an okay pun? I'm not sure
14 it's a pun.

15 SENATOR BORRELLO: (Inaudible.)

16 SENATOR KRUEGER: And with -- okay.

17 With the changes we are making, we
18 believe that there will be far fewer illegal
19 stores and people will be able to shift to buying
20 legal because there will be licensed, legal
21 stores.

22 So yes, no question about it, this
23 has taken far longer than we hoped. And yet I'm
24 very optimistic about the coming year for tax
25 revenue and for a change in the model.

1 SENATOR BORRELLO: Madam President,
2 on the bill.

3 ACTING PRESIDENT PERSAUD: Senator
4 Borrello on the bill.

5 SENATOR BORRELLO: Thank you.

6 You know, we've had this debate
7 before, and I want to thank Senator Krueger for
8 always engaging on this.

9 The only place where we're actually
10 making revenue is actually medical marijuana, and
11 now we're going to reduce that. Four million
12 dollars might not sound like a lot of money, but
13 again, our budget is made up of lots of little
14 revenues, really, to create the revenue that we
15 need.

16 But more importantly, marijuana has
17 been a net negative for New York State taxpayers.
18 That's the bottom line. Overall, we have spent
19 more money than we've made, and there doesn't
20 appear to be an end in sight right now.

21 We're going to bail out the
22 marijuana farmers -- which I agree with and I
23 support. But we have gone so far down this road
24 that we're just -- there's no end in sight. This
25 has become a black hole for revenue.

1 So New York State is going to
2 continue now to go down that road of losing more
3 revenue on this product that has now been
4 proliferating illegally everywhere. There's not
5 a town in this state that doesn't have some kind
6 of an illegal pot shop operation because of the
7 way we legalized recreational marijuana.

8 So it's going to be a long time for
9 the liability and the cost of marijuana
10 exceeds -- or actually is not exceeded by the
11 revenue. A very, very long time. And this year
12 isn't going to be the year.

13 So thank you, Madam President.

14 ACTING PRESIDENT PERSAUD: Thank
15 you, Senator.

16 Senator Helming.

17 SENATOR HELMING: Thank you,
18 Madam President. A quick question, if the
19 sponsor will yield for a question.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR HELMING: Thank you,

1 Senator Krueger.

2 So I just wanted to get a little
3 more information. I'm seeking a little more
4 clarity on your response to one of
5 Senator Borrello's questions. It had to do with
6 the revenue that hasn't been realized from the
7 cannabis sales because of all the delays.

8 So we haven't made our projected
9 revenues. And when asked why, I believe part of
10 your response was because of a number of
11 annoyance law cases, lawsuits. And I have to
12 ask, do you consider a lawsuit brought forward by
13 disabled veterans who were discriminated against
14 as an annoyance? People who have served this
15 country, put their life on the line, that's an
16 annoyance?

17 SENATOR KRUEGER: Through you,
18 Madam President. We did not discriminate against
19 disabled veterans, and they have been getting
20 licenses.

21 And I have documents submitted by
22 large numbers of disabled veterans who did get
23 licenses who pointed out this lawsuit was brought
24 by a front company claiming that they were
25 bringing it on behalf of disabled veterans, and

1 they were not.

2 In fact, each of the lawsuits pretty
3 much followed the same story. It's large
4 national companies who want to make sure
5 New York's model doesn't work so that they can
6 actually take over all the businesses in
7 New York. Companies having people front that
8 they are X or Y or Z, which they are not. And
9 those have been confirmed through the outcomes in
10 the lawsuits.

11 So I do not feel that we
12 discriminated against disabled veterans from the
13 State of New York making applications who were
14 licensed, and who came forward to say exactly
15 that. And at least in one of the case
16 interviews, the companies who were actually
17 funding the lawsuit admitted that they were
18 simply using this as a front and this wasn't a
19 real issue.

20 SENATOR HELMING: Through you,
21 Madam President, on the bill.

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

24 SENATOR HELMING: I just want to
25 say that I stand with our disabled veterans. I

1 support them 100 percent. I feel that time and
2 time again here in this state, in this chamber,
3 that we will put criminals ahead of people like
4 our veterans.

5 And I do not agree with the
6 sentiment that those veterans from New York State
7 who brought this lawsuit forward were the front
8 for anyone else.

9 Thank you, Madam President.

10 ACTING PRESIDENT PERSAUD: Senator
11 Tedisco.

12 SENATOR TEDISCO: Would the Senator
13 yield --

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR TEDISCO: -- for a
17 question?

18 SENATOR KRUEGER: I believe that
19 Senator Serrano would like to take these
20 questions because it's relating to parks. Is
21 that correct?

22 SENATOR TEDISCO: Yes.

23 ACTING PRESIDENT PERSAUD: Senator
24 Serrano, do you yield?

25 SENATOR SERRANO: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR TEDISCO: I've talked to
4 Senator Krueger, and we agree that probably
5 Senator Serrano -- I'm the ranker on his
6 Committee on Parks and Recreation.

7 Senator, or both Senators, all my
8 colleagues, this is an important day today from
9 an action that took place yesterday for a family
10 and for a young nine-year-old child and for the
11 Capital Region, actually, for the conviction of
12 an individual, a 49-year-old individual who was
13 convicted of abducting one of our nine-year-old
14 children from my district, from the 44th
15 Senatorial District, from a beautiful park, one
16 of our state parks, Moreau State Park.

17 And very proud to say that
18 Judge Murphy from Saratoga, under some very
19 difficult laws we have now in the criminal
20 justice system, sentenced him to 49 years today.

21 And exactly what happened was this
22 young lady went to the park with her family and
23 had her bike with her, was recreating there, they
24 were having a good time. She was riding around
25 the park. She said, I want to take one more ride

1 by myself -- she was riding with her family and
2 some of the other kids -- and I want to take one
3 more ride around the park myself.

4 Okay. She did. That was a mistake,
5 because she didn't come back after she took off.

6 Immediately the parents called. An
7 Amber Alert went out. Chaos in the community.
8 Volunteers went out. Law enforcement went out,
9 did everything they could to track her down in
10 the immediacy that you need when something like
11 this happens. As chairman in the past of the
12 Task Force on Child Abduction and Missing
13 Children, I understand, law enforcement
14 understands a day, a day and a half, two days is
15 too long not to find a clue or not to find the
16 perpetrator or not to find someone who is
17 missing. Very bad outcome if you go past maybe
18 half a day or a day or into two days.

19 It was into two days we hadn't found
20 this young lady. Fortunately, this abductor made
21 a mistake. He went to the home of this young
22 girl, put a note there, a ransom note. There was
23 a law enforcement official parked there who got
24 the ransom note, found the fingerprints, and
25 tracked down this individual, found the young

1 girl -- who unfortunately was abused -- in a
2 closet in the home. Arrested him, we got her
3 back safely.

4 I immediately, within days, called
5 the State Parks department. Let me ask you
6 something. Do you have cameras in parks in
7 New York State as people enter, go into the parks
8 or leave the parks? I'm not necessarily talking
9 about cameras in every tree when people are
10 swimming or picnicking, but going in, coming out.

11 I said because under this abduction,
12 individual drove into the park, grabbed her, with
13 her bike, got her into the car. Because they
14 know every technique psychologically. Many times
15 they don't even have to physically abduct the
16 child, they can find the tricks of psychological
17 maneuvering, and drove out.

18 I said, if we had a camera there,
19 you might have even seen her in the car, but
20 certainly might have gotten a license plate.

21 Didn't have it. Two weeks later, we
22 had cameras in Moreau Park.

23 But I realized something. All the
24 abductors, all the dangers, all the violence, all
25 the crimes which take place in the over 200 or

1 more state parks and recreational facilities --
2 they don't all take place in Moreau Park. Every
3 constituent, every Senator, every Assemblyperson
4 who has a park in his or her district deserves
5 those cameras to be able to track down an
6 individual who might be perpetrating some of
7 these crimes.

8 I have to tell you, ironically, last
9 week -- I bring a lot of groups in, classes. I
10 had a fourth-grade class here with me. Took a
11 picture, talked to them --

12 ACTING PRESIDENT PERSAUD: Senator
13 Tedisco, if I may interrupt you for one second.
14 Are you on the bill, or are you asking the
15 Senator a question?

16 SENATOR TEDISCO: No, I'm asking
17 him a question. I'm trying to --

18 ACTING PRESIDENT PERSAUD: Because
19 he's trying to figure what's the question.

20 SENATOR TEDISCO: I'm going to get
21 to the question. Is there a time limit I have?
22 I don't know.

23 ACTING PRESIDENT PERSAUD: No. We
24 weren't sure if you were on the bill or asking a
25 question.

1 SENATOR TEDISCO: No, I said I
2 wanted him to rise for a question. Was that
3 confusing to you?

4 ACTING PRESIDENT PERSAUD: Yeah.
5 (Laughter.)

6 SENATOR TEDISCO: It was confusing?

7 ACTING PRESIDENT PERSAUD: Because
8 we --

9 SENATOR TEDISCO: Okay.

10 ACTING PRESIDENT PERSAUD: Go
11 ahead.

12 So, Senator, he's asking a question.

13 SENATOR TEDISCO: Yes.

14 So I had a fourth-grade class there.
15 What happened was the Commissioner of Education
16 was there with his daughter, at the fourth-grade
17 class. He came up to me: Senator Tedisco, that
18 idea you have about cameras in the parks, I want
19 you to know -- this is what he said to me, as I'm
20 going to ask the question. He said, We're going
21 to do a third of those cameras and we're going to
22 do license-plate readers and we're going to do
23 expanded parks law enforcement to patrol the
24 parks. We're going to do a third this year,
25 we're going to do a third next year, and we're

1 going to do a third the following year.

2 My question is, is there funding in
3 the budget, in this part of the budget, for that?
4 And how much is it? Or is it in another spot?

5 SENATOR SERRANO: Through you,
6 Madam President. Thank you very much, my
7 colleague, for that question.

8 The Executive in -- Governor Hochul,
9 in her Executive Budget proposal, allocated
10 \$53 million for park security. Parks
11 Commissioner -- then Parks Commissioner Eric
12 Kulleseid said in his testimony before us in
13 February that that \$53 million would be there for
14 enhanced security, including cameras and fences.

15 We in our Senate one-house budget
16 accepted that proposal. I don't believe that
17 that particular bill is complete yet. But as far
18 as we're concerned -- we're waiting on final
19 sign-off.

20 But as far as we were concerned in
21 our one-house, we were supportive of that
22 allocation. And it is my hope and intention that
23 the final budget will contain that \$53 million
24 for the issues which you speak of, which of
25 course the commissioner mentioned and we

1 accepted.

2 In addition to that, we have also
3 accepted additional funding for Park Police, for
4 additional Park Police throughout the State of
5 New York.

6 So again, security is very important
7 in our beloved state parks. As you know, we are
8 in our centennial year. It's a very important
9 milestone for our state parks. We all use them,
10 we all care deeply about them, and we want to
11 make sure that we have a safe experience when we
12 go to visit them.

13 SENATOR TEDISCO: Thank you.

14 Will the gentleman yield for another
15 question.

16 SENATOR SERRANO: Sure. Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR TEDISCO: So when that
20 finally -- 53 million, did you say?

21 SENATOR SERRANO: Yes.

22 SENATOR TEDISCO: -- comes through,
23 do you know what part of the budget that will be
24 reflective of?

25 SENATOR SERRANO: It will be in the

1 budget bill that has parks capital. We will find
2 that there once that's all complete.

3 SENATOR TEDISCO: Thank you.

4 Thank you, Madam President.

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator.

7 Are there any other Senators wishing
8 to be heard?

9 Seeing and hearing none, debate
10 is -- oh, Senator Rhoads.

11 SENATOR RHOADS: Thank you. Thank
12 you, Madam President. Will the sponsor yield to
13 a question.

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR KRUEGER: I'll do my best.

17 SENATOR RHOADS: Thank you,
18 Senator Krueger. I appreciate that.

19 Referring to Part II in the budget.

20 SENATOR KRUEGER: We're on the
21 revenue Article VII bill?

22 SENATOR RHOADS: Never mind, I'll
23 sit down. Thank you, Madam President.

24 (Laughter.)

25 SENATOR RHOADS: Thank you very

1 much.

2 ACTING PRESIDENT PERSAUD: You're
3 welcome.

4 Okay, I'll ask again. Is there any
5 other Senator wishing to be heard?

6 Seeing and hearing none, debate is
7 closed.

8 Senator Gianaris.

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

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

14 Read the last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Senator
21 Ramos to explain her vote.

22 SENATOR RAMOS: Thank you.

23 You know, this past Monday was
24 Tax Day. It should be celebrated as a patriotic
25 occasion where we all fulfill our part of the

1 social contract to make sure we live in a society
2 with paved streets and modern infrastructure,
3 well-resourced schools and hospitals, a
4 comprehensive care network from cradle to grave,
5 21st-century public transit.

6 And instead, this past Tax Day
7 emphasized that our economy is out of whack.
8 While one in four of New York City's children
9 live in poverty, New York's billionaires' wealth
10 reached a staggering \$725 billion. Most people
11 can't even comprehend how much money a billion
12 dollars is, let alone over \$700 billion. So I
13 want to put it into some perspective.

14 If you could save \$100,000 a year,
15 it would take you 70,000 years to save
16 \$7 billion. If you could save \$10,000 every
17 single day, then it would only take you
18 1,918 years to save \$7 billion. Now multiply
19 that by a hundred.

20 This is wealth beyond comprehension.
21 It's wealth being built off the backs of people
22 who risk losing everything if they face an
23 unprecedented expense. It is wealth made with
24 the help of firefighters, police, teachers and
25 infrastructure we pay for.

1 The patriotic thing, the responsible
2 thing would be for these billionaires to pay
3 their fair share. I can't believe that their
4 quality of life would diminish if they had a
5 collective net worth of only \$625 billion instead
6 of \$725 billion.

7 But that money would make a world of
8 difference for New York's children. We could
9 move families out of shelters, fully fund
10 universal childcare, bolster our healthcare
11 infrastructure, and make education free from
12 pre-K to CUNY and SUNY. All these investments in
13 our children would end up paying for themselves
14 in our safety and our prosperity.

15 Failing to tax billionaires fairly
16 is a failure of leadership and responsibility
17 that will continue to push working families out
18 of our state.

19 I vote nay.

20 ACTING PRESIDENT PERSAUD: Senator
21 Ramos to be recorded in the negative.

22 Senator Martins to explain his vote.

23 SENATOR MARTINS: Thank you,
24 Madam President.

25 I too rise to vote no on this bill.

1 You know, I've heard a lot of
2 explanations over the last week, some going so
3 far as to say that this bill in particular, but
4 this budget actually creates affordability in
5 New York State. It actually has been claimed,
6 Madam President, that by spending \$8 billion more
7 year over year that we're going to make New York
8 State more affordable.

9 Let that sink in. That we here in
10 Albany, by spending \$8 billion more -- which, by
11 the way, we don't produce, we take it out of
12 people's pockets, whether it's businesses or
13 individuals -- that by spending \$8 billion more,
14 that this state is more affordable.

15 There's a term for that.
16 Madam President and my colleagues, there's a term
17 for that. It's called gaslighting. Where you
18 tell people something and you try and convince
19 them, against their own better judgment, that
20 there's something going on. And in this case
21 there is. We are taxing and spending this state
22 into oblivion. And for anyone to suggest that by
23 spending more that somehow we're making the state
24 more affordable, it's a lie.

25 I vote no.

1 ACTING PRESIDENT PERSAUD: Senator
2 Martins to be recorded in the negative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 843, those Senators voting in the
6 negative are Senators Ashby, Borrello,
7 Canzoneri-Fitzpatrick, Griffo, Helming, Lanza,
8 Martins, Mattera, Murray, Oberacker, O'Mara,
9 Ortt, Palumbo, Ramos, Rhoads, Rolison, Stec,
10 Tedisco, Weber and Weik.

11 Ayes, 37. Nays, 20.

12 ACTING PRESIDENT PERSAUD: The bill
13 is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: Next up let's go
16 to Calendar 842, please.

17 ACTING PRESIDENT PERSAUD: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 842, Senate Print 8308C, Senate Budget Bill, an
21 act to amend Part PP of Chapter 54 of the Laws of
22 2016.

23 ACTING PRESIDENT PERSAUD: Senator
24 Lanza, why do you rise?

25 SENATOR LANZA: Madam President, I

1 believe there's an amendment at the desk. I
2 waive the reading of that amendment and ask that
3 you recognize Senator Ashby.

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator Lanza.

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

9 SENATOR LANZA: Madam President,
10 Accordingly, I appeal the ruling of the chair and
11 ask that you recognize Senator Ashby to be heard
12 on that appeal.

13 ACTING PRESIDENT PERSAUD: The
14 appeal has been made and recognized, and
15 Senator Ashby may be heard.

16 Senator Ashby.

17 SENATOR ASHBY: Thank you,
18 Madam President.

19 I rise to appeal the ruling of the
20 chair. The proposed amendment is germane to the
21 bill at hand because the bill at hand extends and
22 increases energy taxes against ratepayers. And
23 my amendment would give them a tax credit to
24 offset the increase in their energy bills.

25 New Yorkers are living through a

1 time of tremendous economic insecurity and
2 uncertainty. Inflation is hitting their wallets
3 in every direction, from the grocery store to the
4 light switch. In a time where living in this
5 state is incredibly expensive, we as a
6 legislature should be doing everything possible
7 to take aim at making people's lives easier.

8 The amendment I have proposed will
9 give ratepayers a tax credit against the
10 increases they have been seeing on their electric
11 bills. The PSC approved rate hikes last year
12 that are costing ratepayers an extra 9 percent on
13 their utility bills now, with additional rate
14 hikes to come.

15 When people get these bills and see
16 how much it is costing them just to keep the
17 lights on, it's a gut punch. Families sitting
18 around the kitchen table don't have access to
19 bond issuance to defray the cost like the state
20 does. They don't have the option of going and
21 raising money from others or borrowing endlessly.
22 They have to make choices about how they will
23 spend what little extra money they may have.

24 It's time to do the right thing by
25 them and to put a little bit of that money that

1 the state is forcing them to pay back in their
2 own pockets.

3 For these reasons, I strongly urge
4 you to reconsider your ruling.

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator.

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

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

12 (Response of "Aye.")

13 SENATOR LANZA: Show of hands.

14 ACTING PRESIDENT PERSAUD: A show
15 of hands has been requested and so ordered.

16 Announce the results.

17 THE SECRETARY: Ayes, 19.

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

21 Senator Ashby.

22 SENATOR ASHBY: Will the sponsor
23 rise for a few questions.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR KRUEGER: I do.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR ASHBY: Through you,
5 Madam President. I'm asking a question regarding
6 Part MM, subpart B. Are --

7 SENATOR KRUEGER: The prenatal care
8 section?

9 SENATOR ASHBY: Oh, I thought we
10 were on TED.

11 SENATOR KRUEGER: The category's
12 wrong.

13 I believe Senator Gonzalez would
14 like to answer these questions.

15 SENATOR ASHBY: Okay.

16 SENATOR KRUEGER: Senator Gonzalez.

17 ACTING PRESIDENT PERSAUD: Senator
18 Gonzalez, do you yield?

19 SENATOR GRIFFO: Yes. Through you,
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR ASHBY: This is regarding
24 AI, correct? Just so we're on the same page.

25 SENATOR GONZALEZ: Yes.

1 SENATOR ASHBY: All right.

2 Are there penalties for a campaign
3 or PAC that fails to disclose AI in political
4 communication?

5 SENATOR GONZALEZ: Through you,
6 Madam President. Yes, you would be liable if you
7 were circulating deep-fake content around a
8 specific candidate or election.

9 SENATOR ASHBY: Through you,
10 Madam President, will the sponsor yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR GONZALEZ: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR ASHBY: Can you provide
17 more detail on what the penalties are?

18 SENATOR GONZALEZ: Yes.

19 Through you, Madam President, this
20 bill is incredibly important because, as we've
21 seen, there's been a rise in the number of
22 deep fakes and misinformation around our
23 elections. So in order to protect the integrity
24 of our elections, we've made sure that any
25 content that is deemed to be deep fake -- which

1 means essentially leading the voters to believe
2 that something happened that didn't happen --
3 that the victim of that would have immediate
4 relief. Right?

5 So they would have the ability to
6 make sure that the content is removed. And then
7 whoever put up that content would then be liable
8 for what they've put up.

9 SENATOR ASHBY: Through you,
10 Madam President, would the Senator yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR GONZALEZ: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR ASHBY: Can you provide
17 more detail on a penalty, other than being
18 liable?

19 SENATOR GONZALEZ: Through you,
20 Madam President. So in the case that a person is
21 the victim of a deep fake, they would notify
22 whatever platform it is on, have it immediately
23 removed -- and that is because of the work that
24 we've done on this bill. And then once that
25 happens, they have the choice to move forward

1 with a legal proceeding, an injunction.

2 And so once you go through the legal
3 proceeding, what we've also done in this bill is
4 ensure that the costs are covered. And of
5 course, you know, it is up to the courts what the
6 actual punitive measures are. But we think it's
7 really important to ensure that, one, we're
8 covering those costs so that it's accessible to
9 anyone. And two, there is immediate action,
10 because we know elections happen so quickly.

11 SENATOR ASHBY: Thank you.

12 Madam President, on the bill.

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

15 SENATOR ASHBY: I'm actually glad
16 to hear that there would be punitive measures on
17 this. However, there is existing legislation out
18 there that I think would put more teeth to this:
19 A dollar-to-dollar fine. For example, if
20 somebody spent \$20,000 on a fake advertisement
21 used by AI, they would get a \$20,000 fine.

22 You know, I sponsor this bill; I'm
23 hopeful that we can implement this bill in the
24 future, because I think this problem is going to
25 impact both sides of the aisle.

1 Thank you, Madam President.

2 ACTING PRESIDENT PERSAUD: Senator
3 Mattera.

4 SENATOR MATTERA: Thank you,
5 Madam President. Would the sponsor yield for a
6 couple of questions, please.

7 SENATOR KRUEGER: I believe that
8 Senator Parker would love to answer your
9 questions.

10 ACTING PRESIDENT PERSAUD: Senator
11 Parker, do you yield?

12 SENATOR PARKER: I yield,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR MATTERA: Hello,
17 Senator Parker, how you been? I haven't seen you
18 in a while, brother.

19 SENATOR PARKER: I'm well,
20 Senator Mattera. Thanks for asking.

21 SENATOR MATTERA: Good.

22 Part M, please. What was the
23 rationale by including storage systems under this
24 Build-Ready?

25 (Pause.)

1 SENATOR PARKER: Thank you for the
2 question, Senator Mattera.

3 So under the Build-Ready Program,
4 storage was added as a way to facilitate the
5 increased use of battery storage in the state as
6 we build up under -- I guess if you think about
7 an all-of-the-above approach that we need to take
8 in the context of the CLCPA.

9 SENATOR MATTERA: Would the sponsor
10 continue to yield, please, Madam President?

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR PARKER: Yes,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR MATTERA: So, Senator, what
18 impact will be included, then, under the
19 Build-Ready that have local communities where
20 these projects have caused some major issues?

21 SENATOR PARKER: Senator Mattera,
22 under this legislation local approval is going to
23 be necessary. Right? And so you're going to
24 have a context in which if a community doesn't
25 want something or doesn't like it, there's both a

1 comment and an ability for them to take action
2 around it.

3 SENATOR MATTERA: Would the sponsor
4 continue, please, to yield. This is still going
5 to be on Part M.

6 ACTING PRESIDENT PERSAUD: Does the
7 Senator yield?

8 SENATOR PARKER: The sponsor
9 yields, Madam President.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR MATTERA: We know that
13 there's major, major concerns. You and I have
14 had this discussions also, too, what's happening
15 with the fires that are with these battery
16 storage facilities. But there's still major
17 concerns about local government having a part in
18 the approval process.

19 Are you saying here that if it does
20 not pass with local government, are you saying
21 that in other words the state could come in and
22 supersede that approval process?

23 SENATOR PARKER: Madam President,
24 through you. What I'm saying is that in this
25 legislation that we're voting on now, that there

1 is a local government process for input on this.
2 Right? The State Legislature always can come
3 back on a particular project and do something.
4 The Governor under certain circumstances can
5 always come back and, you know, file regulations,
6 right? So it's not -- nothing that we do here is
7 like written in stone or permanent.

8 But I am saying in the context of
9 this legislation that there is local approval for
10 these battery storage systems and their siting.

11 SENATOR MATTERA: Through you,
12 Madam President. Would the sponsor still
13 continue to yield?

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR PARKER: Yes,
17 Madam President.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR MATTERA: So really you
21 didn't answer that question. So really, then, so
22 you're saying that the state could really
23 supersede -- if the town goes and denies the
24 battery storage -- like we have a major, major
25 issue right now and in Mahopac, up in the

1 Hudson Valley, and the residents there are up in
2 arms with this massive battery storage
3 facility -- fire safety, air quality, water
4 contamination, community disruption.

5 So, Senator, so you're telling me
6 that the state could come in -- if there's a
7 denial with the town, that they could come in and
8 supersede? And, guess what --

9 SENATOR PARKER: No, what I'm
10 saying is two things. Through you,
11 Madam President. What I'm saying is two things.
12 That within the context of the legislation that
13 we're passing today, that the approval of a
14 municipality is first sought through the
15 Build-Ready process. That's the first thing. So
16 that's always the case.

17 But also understand the larger
18 context in which I believe you're asking. And I
19 just want to give everybody some context for
20 this. Every municipality is a creature of the
21 state. And so there's pretty much nothing, you
22 know, or very little that municipalities can do
23 that can't be superseded by the state. Right?
24 On any matter, not just in this matter. Right?

25 So if this is a matter --

1 (Inaudible overtalk.)

2 SENATOR PARKER: If this is a
3 matter of -- if this is a matter --

4 ACTING PRESIDENT PERSAUD: Senator
5 Mattera, he's answering your question.

6 SENATOR PARKER: If this is a
7 matter of being concerned about, you know, state
8 superseding, that is in fact a concern you can
9 have literally on every single vote that we take
10 on every single matter.

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

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR PARKER: Yes,
17 Madam President, I yield.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR MATTERA: So again, you are
21 answering the question saying yes. So all
22 New Yorkers need to know that, guess what, when a
23 town moves forward with a vote and they deny the
24 application, the state can come in, and guess
25 what, and say we're putting it there anyways.

1 Without -- even though the community input. So
2 everybody needs to know that. So you did answer
3 my question.

4 But now, has there been anything
5 done to strengthen the fire safety standards
6 around these facilities? You know that it is a
7 major issue that I gave you a huge, huge laundry
8 list to look at. And we're still never really
9 getting the answer what's happening with this
10 battery storage that is nothing but an
11 experiment. And New Yorkers deserve better than
12 an experiment.

13 And it's going to cost them triple
14 to quadruple with their rates. Triple to
15 quadruple, what's going to happen with this
16 experiment.

17 So again, has there been anything
18 done to strengthen the fire safety standards
19 around these facilities?

20 SENATOR PARKER: Senator Mattera,
21 thank you for the question.

22 I think all of us share your concern
23 around safety for our constituents and the
24 residents of our great state. And particularly
25 as we start expanding battery storage as part of

1 our clean energy future, the concerns around
2 safety continue to be, you know, a priority.

3 And so as the chair of the
4 Energy Committee, there are a number of things
5 that the committee has been discussing, there's
6 things that -- there's conversations happening on
7 the level of the Governor and agencies that are
8 addressing these issues, and we're looking at
9 them very closely.

10 SENATOR MATTERA: Thank you,
11 Madam President. Thank you.

12 Would the sponsor still yield for a
13 couple more questions, please.

14 ACTING PRESIDENT PERSAUD: Will the
15 Senator yield?

16 SENATOR PARKER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR MATTERA: Part N, please.

20 The \$28 million that is being
21 assessed, what will that money be used for?

22 SENATOR PARKER: Through you,
23 Madam President. That \$28 million assessment for
24 NYSERDA is in part for the operation of NYSERDA,
25 but then also for clean energy projects.

1 Again, there's lots of, you know,
2 clean energy buildout that needs to happen in our
3 transition to a clean energy economy.

4 SENATOR MATTERA: Through you,
5 Madam President, would the sponsor still
6 continue, please.

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR PARKER: Yes,
10 Madam President, I yield.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR MATTERA: And I only say
14 this -- and I asked this question even in our
15 committees, Chairman. Who is going to be paying
16 for these projects? All New Yorkers need to know
17 who is going to be paying for this. Is this
18 going to be in their bills, is it going to be in
19 their utility bills?

20 SENATOR PARKER: Through you,
21 Madam President. Right now the 28 million that
22 you're talking about is coming out of the
23 General Fund.

24 SENATOR MATTERA: Madam President,
25 would the sponsor --

1 SENATOR PARKER: I apologize. Let
2 me correct my last answer. I apologize.

3 It's an assessment. It's an
4 assessment and a pass-through.

5 SENATOR MATTERA: Through you,
6 Madam President, would the sponsor still continue
7 to yield?

8 ACTING PRESIDENT PERSAUD: Will the
9 Senator yield?

10 SENATOR PARKER: Yes,
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR MATTERA: And where did
15 that money come from?

16 SENATOR PARKER: It's an
17 assessment.

18 SENATOR MATTERA: Where is the
19 money from? Who -- where did that money come
20 from? New Yorkers need to know where --

21 SENATOR PARKER: Oh, ratepayers.

22 SENATOR MATTERA: Thank you. Thank
23 you for that.

24 SENATOR PARKER: Madam President,
25 but ratepayers pay for everything. Right? When

1 we're talking about --

2 SENATOR MATTERA: This is an
3 extra -- it's an extra cost.

4 SENATOR PARKER: When you're
5 talking about the energy system generally, the
6 ratepayers own the system and they pay for it.
7 Right? And so this is not any different than any
8 other project that may be being taken on by a
9 utility.

10 SENATOR MATTERA: Through you,
11 Madam President, would the sponsor still continue
12 to yield, please?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR PARKER: Yes,
16 Madam President, I yield.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR MATTERA: And I thank you,
20 Senator Parker.

21 The Senate one-house included
22 language to also incorporate battery storage into
23 the siting process. Is that still incorporated
24 here? And if not, why was it removed?

25 SENATOR PARKER: Madam President,

1 through you. It's not included in this
2 particular legislation that we're voting on
3 today. It was taken out in part because we were
4 concentrating on the transition of ORES into the
5 PSC and the taking on of the transmission lines
6 as part of their responsibility, and we wanted to
7 kind of focus on those parts first.

8 SENATOR MATTERA: Through you,
9 Madam President, would the sponsor still continue
10 to yield, please?

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR PARKER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR MATTERA: So what is the
17 plan to ensure that these sites are being
18 constructed and operated in a safe manner?

19 SENATOR PARKER: Madam President,
20 through you. I think it's no different than any
21 other energy project that we do in the state,
22 which -- where safety is always one of the major
23 concerns.

24 Whether you're talking about, you
25 know, offshore wind, onshore wind, a solar

1 project, a hydroelectric project, a hydrogen
2 project, safety is already -- is always built
3 into the construction and the assessment of
4 whether the project is going to work or not,
5 so ...

6 SENATOR MATTERA: Through you,
7 Madam President. I just have another question
8 also, again, please, if the sponsor --

9 ACTING PRESIDENT PERSAUD: Will the
10 Senator yield?

11 SENATOR PARKER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR MATTERA: In Part P it
15 appears both the HEAT Act and the Governor's
16 Heat Act were omitted from this bill. Will
17 either of them be appearing in another budget
18 bill today, tomorrow, the -- our last bills?

19 SENATOR PARKER: Through you,
20 Madam President. Quickly, Senator Mattera, to go
21 back to your last question, when you talk about
22 the siting of battery storage projects, they're
23 right now governed by the safety standards of the
24 municipalities in which they are located. Right?

25 So if you talk about safety, the

1 kind of sharp end of the sword on safety around
2 these issues are local municipalities and their
3 own rules and guidelines for what's safe and
4 what's not safe. That's first.

5 As relates to the HEAT Act, no, not
6 only does it not appear here, it's not going to
7 appear anywhere in the budget.

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

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR PARKER: Yes, the Senator
14 yields.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR MATTERA: You know,
18 Senator, just quick, I know the CLCPA, we're --
19 we've been sitting there, we care about renewable
20 energy. My question is, do you really feel that
21 battery storage is something that has been
22 perfected in any way -- that in other words, that
23 what's happening, all these fires, people
24 concerned -- the public is very concerned. I
25 gave you a big file on this.

1 Do you feel that -- in other words,
2 that the public is not concerned? Have you not
3 heard anything -- I know you live in Brooklyn,
4 but there's a lot of spots, a lot of -- in
5 Long Island. Your district is -- Brooklyn is
6 beautiful. But there's areas that people are
7 very concerned, just like what I just said about
8 this huge storage facility. Have you talked to
9 anybody? Our fire departments, have you talked
10 to them? They're very concerned. They talk to
11 me. Do they talk to you?

12 SENATOR PARKER: Through you,
13 Madam President. We are both, Senator Mattera,
14 lucky to live on the great Long Island, me at one
15 end and you at the other. And in that context,
16 again, I share your concerns.

17 I have spoken to lots of folks about
18 safety issues as it relates to battery storage.
19 In fact, my office, you know, has, you know, been
20 talking to a number of stakeholders and
21 particularly people in the industry about how we
22 address the issue.

23 The level of safety, again, is
24 important in the context of energy production
25 regardless of the technology. Right? And so

1 battery storage is not being scrutinized,
2 frankly -- maybe a little bit more just because
3 of the nature, but also understand that every
4 single situation that we've had with batteries
5 hasn't all been battery storage. Right? And
6 there's also different technologies in which
7 battery storage is being done with. Right?

8 And so there's really a specific
9 technology that has the problem more than battery
10 storage generally as a -- as a category of
11 technology.

12 And so as we kind of move to meet
13 the goals of the CLCPA, battery storage is an
14 important part of it, and it will continue to be.
15 And we will continue to look at ways to make it
16 safer, in the same way that we look to make, you
17 know, anything that we do around energy safer as
18 we install it, use it, and improve it.

19 SENATOR MATTERA: Through you,
20 Madam President, just a couple more questions.
21 Will the sponsor continue to yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 Senator yield?

24 SENATOR MATTERA: Where has battery
25 storage --

1 ACTING PRESIDENT PERSAUD: Senator
2 Mattera.

3 Senator, do you --

4 SENATOR PARKER: Yes,
5 Madam President, I yield.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR MATTERA: I'm sorry,
9 Madam President.

10 Where has battery storage been
11 perfected, Senator? Where is it working?

12 SENATOR PARKER: Madam President, I
13 don't think there's any energy technology that's
14 perfected. I don't think anybody -- I think the
15 people who are doing offshore wind, I think the
16 people who are using gas and other types of
17 modalities to produce electricity don't think
18 that their technologies are perfected.

19 I think that there are improvements
20 to be made in almost -- you know, we're seeing
21 new technologies coming out all the time as
22 relates to energy generation. And so I don't
23 think that battery storage is any different than
24 any other kind of technology as we, you know
25 again, move towards energy -- a clean energy

1 future.

2 SENATOR MATTERA: Through you,
3 Madam President, would the sponsor continue to
4 yield? I don't want to take everybody's time,
5 but this is a very important bill. I want to be
6 quick.

7 ACTING PRESIDENT PERSAUD: Does the
8 Senator yield?

9 SENATOR PARKER: Yes,
10 Madam President.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR MATTERA: Again, Senator,
14 I'm asking the question -- tell me where, is it
15 in Europe, is it somewhere in California? Is
16 it -- where is battery storage working?

17 In other words, we know that -- in
18 other words, I'm telling you and telling all
19 New Yorkers, it's an experiment and it's going to
20 cost triple to quadruple for an experiment. Wind
21 and solar, guess what? I know that's perfected.
22 Battery storage is a total disaster. Our
23 New York -- really? He's laughing. Our
24 New Yorkers are concerned. They don't want them
25 in their backyards because they're going on fire.

1 Where is it perfected? Where is it
2 working with wind, solar and battery storage?
3 You must have one place.

4 SENATOR PARKER: Madam President,
5 through you. There are globally tons of places
6 that are using -- using battery storage.

7 SENATOR MATTERA: Name one.

8 SENATOR PARKER: Denmark. I went
9 to Denmark last summer and saw battery storage
10 facilities working with offshore wind. Like it's
11 working -- in England they're using it a great
12 deal. And there's places across the
13 United States in which battery storage is being
14 used.

15 Typically when we try to build out
16 these systems, depending on what you're using --
17 you know, they use, you know, wind during the
18 day -- sorry. Sorry. Solar during the day, wind
19 at night, and battery storage in between. And so
20 you really, you know, don't have singular
21 modalities producing electricity. You're
22 using -- you're really trying to address your
23 load, your electrical load vis-a-vis these
24 different technologies that are available.

25 And again, that I think is perfect?

1 No, I don't think that solar and wind is
2 perfected. I don't think that we're doing
3 everything we could be doing with hydro. And we
4 have some of the best built-out hydro facilities
5 in the entire country. But is it perfect? No.
6 Nothing is perfect.

7 But I think that we continue to work
8 to make sure that the technology both is safe,
9 right -- and so we agree with you on the issue of
10 safety. But then also that it's effective. And
11 so far we're seeing that it can be effective.
12 And so it should definitely be part of the mix.

13 A lot of things have not been
14 perfected. You're a big, big, big proponent of
15 hydro. Hydro is not perfected. Hydrogen is not
16 perfected. But does it mean that we shouldn't
17 use it? No. It means that we should figure out
18 how does it fit within the context of the mix of
19 energy sources that we're using. We should build
20 it out. We should create a market in which it's
21 being both experimented and built out and
22 provided.

23 And so it's no different in that
24 regard to anything else that we're trying to do
25 in the state as we build out a clean energy

1 future.

2 SENATOR MATTERA: On the bill.

3 Thank you, Senator Parker.

4 On the bill.

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

7 SENATOR MATTERA: You know,
8 Senator Parker, you and I have our disagreements.
9 You're a gentleman.

10 But you know what? I just want all
11 New Yorkers to realize what's happening right
12 now, especially a ban on natural gas. We could
13 go sit there all day long and sit there and say
14 it's the cart before the horse. Yes, it is. We
15 need all sources of renewable energy moving
16 forward. But wind, solar and battery storage --
17 I'll say wind and solar is fine. Battery storage
18 is a total disaster, just like what Senator
19 Parker pretty much said. It pretty much is -- it
20 is. It's a total experiment. It's an experiment
21 that's going to cost all New Yorkers triple to
22 quadruple.

23 I will stand in this beautiful
24 chamber and say it all day long. Because there's
25 a reason why we have everybody exiting out of

1 New York State because of mandates. These
2 mandates are destroying New York State.

3 I care about renewable energy. I
4 had a green hydrogen tour, Stony Brook and
5 Brookhaven National Lab. I care about green
6 hydrogen. Sewage heat recovery expansion.
7 Carbon capture. Let's retool our power plants.
8 Nuclear. And I know our Senator cared -- in
9 other words, there was a power plant shut down
10 and it shouldn't have been. Geothermal. Thermal
11 network. Guess what? Till it's perfected.

12 But it's the cart before the horse,
13 people. New Yorkers need better, not mandates.
14 And what's happening with -- again, with this
15 battery storage, it's going to hurt all
16 New Yorkers' pocketbooks. People can't afford --
17 I see the food lines, what's happening right now
18 at our food banks. People are having a hard
19 enough time sitting there paying their bills.
20 Triple -- three jobs, all day long. I know this.
21 We all know this in our communities.

22 But you know what? We're still
23 sitting here and saying we're going to pay for
24 this experiment that, guess what, that's not
25 going to work. I have Cornell studies that show

1 that in other words that they're concerned. I've
2 got studies from a gentleman that deals with
3 Cornell professors and he sits there and shows
4 them what's going on. And they are baffled.
5 They even say it's not going to work.

6 And you know what? We keep on --
7 continue going down this road. And you know
8 what? All it's going to do is hurt all
9 New Yorkers -- to exit, to go to Tennessee,
10 North Carolina, South Carolina, Florida, Texas.
11 A \$237 billion budget, more than Florida, Texas,
12 and other states combined. And you know what?
13 All it's going to do is go into our New York
14 State residents' pocketbooks. And you know what?
15 We deserve better.

16 So Madam President, I will be voting
17 no on this -- on this bill. Thank you.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 Senator Canzoneri-Fitzpatrick.

21 SENATOR CANZONERI-FITZPATRICK:
22 Thank you, Madam President.

23 I have some questions on Part 0.
24 And I was wondering if the sponsor would agree to
25 yield.

1 ACTING PRESIDENT PERSAUD: Does the
2 Senator yield?

3 SENATOR KRUEGER: Oh, that's still
4 you. Oh, good. I'm returning it to
5 Senator Parker and sitting down. Thank you.

6 SENATOR CANZONERI-FITZPATRICK:
7 Okay.

8 ACTING PRESIDENT PERSAUD: Senator
9 Parker, do you yield?

10 SENATOR PARKER: Yes,
11 Madam President, I yield.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR CANZONERI-FITZPATRICK:
15 Thank you, Senator Parker.

16 I have some questions about the
17 RAPID Act. I understand that the CLCPA
18 encompasses some of the most aggressive emission
19 reduction targets in the country and possibly
20 even in the world. Both the Executive Budget and
21 the one-house Senate proposal had provisions that
22 would allow ORES to ignore local laws and
23 regulations to advance the goals of the CLCPA.

24 And I'm wondering if those
25 provisions have made it into the budget bill that

1 we're about to vote on.

2 SENATOR PARKER: Madam President,
3 through you. So in the RAPID Act, as we move
4 ORES, we're not providing any additional power to
5 ORES in the way that they operate.

6 But there's already a kind of
7 process that localities and municipalities can
8 participate and adjudicate issues that they think
9 are problematic for their communities.

10 SENATOR CANZONERI-FITZPATRICK:
11 Through you, Madam President, will the sponsor
12 continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR PARKER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR CANZONERI-FITZPATRICK:
19 Thank you, Senator.

20 So my question, though, is how is
21 the standard for decisions to override local laws
22 and regulations different from the existing law
23 to what we have today in the RAPID Act?

24 SENATOR PARKER: The RAPID Act,
25 this is really an administrative move. Right?

1 So literally all we're doing is moving the
2 administrative responsibility from the Secretary
3 of State into the PSC where we think it properly
4 belongs.

5 And so in terms of the authority of
6 ORES, we're not really changing the authority of
7 ORES and the ability for it to do siting in the
8 way that I think it needs to do siting.

9 Part of what I think your concern
10 should be is around having a uniform standard
11 around some of these things, which I -- which,
12 you know, we've been trying to work on in the
13 committee, and I'd love to hear your input on.
14 But I think ultimately that will be some of the
15 solution that we have around addressing the local
16 concerns around siting of clean energy projects.

17 SENATOR CANZONERI-FITZPATRICK:
18 Through you, Madam President, will the sponsor
19 continue to yield?

20 SENATOR PARKER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR CANZONERI-FITZPATRICK:
24 Thank you.

25 Reading from the bill, "ORES may

1 elect not to apply, in whole or in part, any
2 local law or ordinance that would otherwise be
3 applicable if it makes a finding that, as applied
4 to the proposed facility, it is unreasonably
5 burdensome in view of the CLCPA targets, and the
6 environmental benefits."

7 Now, my read of that is that it is a
8 somewhat different standard than we currently
9 have for deciding whether or not to refuse to
10 apply local law or ordinance. So my question to
11 you is, what does unreasonably burdensome mean to
12 you? And how will that be applied?

13 SENATOR PARKER: Madam President,
14 through you. The standard had to change and this
15 is an ORES standard. And it's the same standard
16 that they use now for renewable generation.

17 I mean, we have strengthened some of
18 the municipal participation and ability. They
19 don't have the veto power which you probably
20 would like them to have. But they do have, in
21 this legislation, more say and more opportunities
22 to adjudicate concerns than they've had prior.

23 SENATOR CANZONERI-FITZPATRICK:
24 Through you, Madam President, will the sponsor
25 continue to yield?

1 ACTING PRESIDENT PERSAUD: Will the
2 Senator yield?

3 SENATOR PARKER: Yes, ma'am.

4 ACTING PRESIDENT PERSAUD: The
5 Senator yields.

6 SENATOR CANZONERI-FITZPATRICK: So,
7 Senator Parker, I just do -- I do want to thank
8 you for your offer to take in my input on this.
9 As you know, I represent the community of
10 Long Beach that had a very difficult time and
11 actually spoke out quite a bit about the proposed
12 offshore wind and the transmission cables that
13 were proposed to go through its community.

14 And I know that the Governor
15 considered their input in vetoing a bill last
16 year, and it really had quite an impact that she
17 did consider the local community. So I don't
18 want that to ever be minimized.

19 So one of my questions now is the
20 RAPID Act I think is very cutely named, and I
21 assume it's supposed to make the process faster.
22 So how will the status of local laws and siting
23 process for renewable energy and transmissions --
24 how is this going to make the process faster?

25 SENATOR PARKER: Madam President,

1 through you. So I think -- I'm not sure that --
2 I'm not sure that the municipal participation is
3 what makes it faster.

4 What we have done to actually make
5 it faster is setting timelines that allow
6 projects to move quicker. Including the fact
7 that if the agency doesn't meet certain
8 timelines, that there's an automatic approval
9 process that will, again, speed up the time. And
10 so they don't have to wait for approval. If the
11 agency doesn't approve it by a certain number of
12 days, it gets approved.

13 So that's kind of the rapid part of
14 the RAPID Act. The municipal input I don't think
15 itself -- I think -- and no one sees that as part
16 of making it faster. But there is a set of
17 accountabilities that we believe municipalities
18 and localities should have, and we've
19 strengthened that in this language.

20 SENATOR CANZONERI-FITZPATRICK:
21 Through you, Madam President, will the sponsor
22 continue to yield.

23 ACTING PRESIDENT PERSAUD: Will the
24 Senator yield?

25 SENATOR PARKER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR CANZONERI-FITZPATRICK: So
4 Senator Parker, I believe that the standard of
5 being unreasonably burdensome previously
6 considered economic impacts, whereas now the
7 language says that it will be unreasonably
8 burdensome in considering the goals of the CLCPA.

9 So I'm trying to determine, how do
10 we balance this now?

11 SENATOR PARKER: Madam President,
12 through you. There's always been a process for
13 localities and municipalities to participate in
14 the siting of projects in their communities.
15 Right? That process hasn't changed per se. But
16 there is more a strengthening of the ability to
17 do that and more access points for localities and
18 municipalities to participate. Right?

19 The standard is based on the CLCPA,
20 and part of the CLCPA does take into account
21 economic factors. So I think that we went to a
22 broader standard, not as much of a narrow
23 standard. So I think that the -- if you're
24 concerned about economic impact, that is still
25 taken in -- that's still taken into account

1 within the context of the CLCPA and making sure
2 the CLCPA actually is doing what it should do.

3 SENATOR CANZONERI-FITZPATRICK:

4 Through you, Madam President, will the sponsor
5 continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 Senator yield?

8 SENATOR PARKER: Yes, ma'am.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR CANZONERI-FITZPATRICK: So,
12 Senator, considering the economic impact, is one
13 of those economic impacts the cost of the
14 ratepayer -- the increased cost to the ratepayer
15 and that's really -- is that the only economic
16 impact, or are there others?

17 SENATOR PARKER: Madam President,
18 through you. There are others.

19 I think that's part of it. I think,
20 you know, being cost conscious is part of the
21 analysis that both ORES is doing and I think all
22 of us are doing as legislators.

23 As we look at climate change and
24 what it's doing to our planet and doing to our
25 communities and doing to the health of our

1 residents, the question is not how much is it
2 going to cost us if we do this. The question is
3 what it's going to cost all of us not just in
4 dollars but in lives that are going to be lost if
5 we don't in fact address this.

6 And so those economic analyses are
7 multifaceted because it's not simply hard dollars
8 and cents that are being spent in the moment, but
9 it's looking at the cost of not having an
10 environmental policy that addresses the health
11 needs and the community needs of our residents.

12 SENATOR CANZONERI-FITZPATRICK:
13 Through you, Madam President, will the sponsor
14 continue to yield.

15 ACTING PRESIDENT PERSAUD: Will the
16 Senator yield?

17 SENATOR PARKER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR CANZONERI-FITZPATRICK: So,
21 Senator, are you aware of any local
22 municipalities that have been uncooperative in
23 bringing these projects online such that we feel
24 it's necessary to put into this bill the override
25 of local regulations and ordinances?

1 SENATOR PARKER: Madam President,
2 through you. You mean other than Long Beach?

3 (Laughter.)

4 SENATOR CANZONERI-FITZPATRICK:
5 Yes, Senator, other than Long Beach.

6 SENATOR PARKER: Yes, Senator, I am
7 aware of several communities in which that has
8 been an issue.

9 SENATOR CANZONERI-FITZPATRICK:
10 Through you, Madam President, will the sponsor
11 continue to yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 Senator yield?

14 SENATOR PARKER: Yes, I yield.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR CANZONERI-FITZPATRICK: So
18 I would take issue with the definition of
19 "uncooperative." I believe my community was very
20 proactive in making sure that their interests
21 were brought to light. But I don't believe they
22 were considered uncooperative.

23 But with that, going forward, one of
24 the changes we've seen from the Governor's
25 proposal is that offshore wind supply chains and

1 thermal energy systems will now be subject to
2 labor agreements. And I'm trying to determine,
3 what do we consider an offshore wind supply
4 chain?

5 SENATOR PARKER: Through you,
6 Madam President. When you talk about an offshore
7 wind supply chain, we're now talking about all of
8 the things that are necessary to run an offshore
9 wind project. Right? The materials of both
10 building and maintaining the system.

11 So that's, you know, all of the
12 things. Right? Bolts, nuts. You know, towers.
13 You know, cement. All of the things.

14 SENATOR CANZONERI-FITZPATRICK:
15 Through you, Madam President, will the sponsor
16 continue to yield.

17 ACTING PRESIDENT PERSAUD: Will the
18 Senator yield?

19 SENATOR PARKER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR CANZONERI-FITZPATRICK: So
23 continuing on that question, I know that there
24 was talk about having plants up here in the
25 Albany area that would produce the blades for the

1 wind turbines, and then we'd ship them down the
2 Hudson River.

3 So if, say, the community up in
4 Albany did not want a factory to go in, would the
5 community input be considered in determining
6 whether or not that plant to develop these
7 products would be allowed to go forward?

8 SENATOR PARKER: Senator, that's a
9 good question.

10 SENATOR CANZONERI-FITZPATRICK:
11 Thank you.

12 SENATOR PARKER: ORES is primarily
13 looking at generation facilities, not as much
14 around production facilities. And -- right?
15 So -- right.

16 And so we're looking both in
17 generation and transmission facilities and
18 infrastructure, not necessarily production of the
19 actual supply chain.

20 And so if, let's say, somebody was
21 going to build a factory that was building wind
22 turbine blades and they were going to put it in
23 Long Beach and the City of Long Beach didn't want
24 it, it would be within the same context of siting
25 that you have currently. And it would be under

1 that, not under ORES.

2 SENATOR CANZONERI-FITZPATRICK:

3 Will the sponsor continue to yield,

4 Madam President.

5 ACTING PRESIDENT PERSAUD: Will the

6 Senator yield?

7 SENATOR PARKER: Yes.

8 ACTING PRESIDENT PERSAUD: The

9 Senator yields.

10 SENATOR CANZONERI-FITZPATRICK:

11 Thank you.

12 Do the provisions of siting with
13 respect to local control apply to the building of
14 solar panels as well?

15 SENATOR PARKER: Yes.

16 SENATOR CANZONERI-FITZPATRICK:

17 Okay. Through you, Madam President, will the
18 sponsor continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the

20 Senator yield?

21 SENATOR PARKER: Yes.

22 ACTING PRESIDENT PERSAUD: The

23 Senator yields.

24 SENATOR CANZONERI-FITZPATRICK: Has
25 there been any cost analysis that would indicate

1 the increase or decrease in costs that labor
2 agreements will do to the cost of these projects?

3 (Pause.)

4 SENATOR PARKER: Madam President,
5 through you. So the answer is yes, there has
6 been an analysis.

7 SENATOR CANZONERI-FITZPATRICK:
8 Madam President, will the sponsor continue to
9 yield.

10 ACTING PRESIDENT PERSAUD: Will the
11 Senator yield?

12 SENATOR PARKER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR CANZONERI-FITZPATRICK: So
16 Senator Parker, have those analyses revealed that
17 the costs would increase or decrease?

18 SENATOR PARKER: So they will do --
19 they will -- well, it's more complicated than
20 just increase or decrease. Right?

21 So on one hand, yes, there will
22 be -- some projects will cost more; others may
23 not be significantly more.

24 However, when you're talking about
25 sourcing local jobs, the question I think you

1 should be asking, Senator, is do I want the
2 people in my community who are taking those jobs
3 to make more money or less money? I certainly
4 know that Senator Mattera, being a good union man
5 himself, wants his folks in the crafts to make
6 more. And so here the project labor agreement
7 was really about making sure that New Yorkers had
8 full-time jobs at a living wage with benefits.

9 SENATOR CANZONERI-FITZPATRICK:

10 Through you, Madam President, will the sponsor
11 continue to yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 Senator yield?

14 SENATOR PARKER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR CANZONERI-FITZPATRICK: So,
18 Senator Parker, you anticipated my next question.
19 Because I'm hopeful that these will create local
20 jobs and not jobs from countries that are
21 overseas that are now going to come here because
22 it's a specialty in having to make these blades
23 and the wind turbines and all those components.
24 I want local jobs for my community.

25 So that is my next question. Are

1 these jobs going to be local jobs?

2 SENATOR PARKER: Madam President,
3 through you. We are trying our very, very best
4 to make sure that they're local jobs. And
5 although our conversation has been kind of skewed
6 around offshore wind -- because we have a
7 particular history that we share, you know,
8 around offshore wind -- ORES will not just be
9 looking at offshore wind projects but looking at
10 hydro projects, looking at, you know, green
11 hydrogen projects. They will be looking at if
12 anybody submits an application for modular
13 nuclear. They will be looking at, you know,
14 solar projects, onshore wind projects,
15 geothermal. You know, heat recovery. They'll be
16 doing the gamut. And transmission, right. So we
17 haven't even talked about transmission yet. But
18 they'll be doing the gamut of those projects.

19 Part of the conversations that I
20 know that at least the committee's been having
21 and the conversation I've had with the PSC, ORES
22 and others, as much as possible we're trying to
23 build energy not just as a commodity but also as
24 an industry. It's already the sixth-largest
25 industry in the State of New York. We would love

1 for it to at least stay in that position or go
2 higher.

3 And so, you know, again, creating
4 full-time jobs at a living wage with benefits
5 across the State of New York is really the
6 opportunity that building a clean energy economy
7 has for us. And the more that we can have
8 projects built and then, because we have a steady
9 stream of projects, that then creates an emphasis
10 for these companies then to develop their
11 manufacturing here. Then you get mo' jobs and
12 mo' jobs and mo' jobs coming in that we then can
13 plug New Yorkers in and create a better economic
14 base for the entire state.

15 SENATOR CANZONERI-FITZPATRICK:

16 Through you, Madam President, will the sponsor
17 continue to yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 Senator yield?

20 SENATOR PARKER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR CANZONERI-FITZPATRICK:

24 Thank you, Senator Parker, for that explanation.

25 The existing Public Service Law

1 requires the commission to explain reasons for
2 overriding local law and regulation. And I'm
3 wondering, does the RAPID Act include those
4 provisions that requires that we have a reason
5 divulged for overriding local law?

6 SENATOR PARKER: Madam President,
7 through you. To connect to the last question,
8 part of also this RAPID Act has a "Buy American"
9 clause, right, that prioritizes projects and
10 resources that are built in the United States
11 first.

12 Second, the answer is yes, that
13 those protections are built into this as well.

14 SENATOR CANZONERI-FITZPATRICK:
15 Through you, Madam President, will the sponsor
16 continue to yield.

17 ACTING PRESIDENT PERSAUD: Will the
18 Senator yield?

19 SENATOR PARKER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR CANZONERI-FITZPATRICK: The
23 RAPID Act proposal also includes a provision for
24 a Farmland Protection Working Group, which I
25 think is great. I support ensuring that we

1 prioritize maintaining prime agricultural
2 farmland.

3 My question is, however, do you
4 think that we should have similar working groups
5 to protect other areas and land of concern such
6 as coastlines?

7 SENATOR PARKER: Madam President,
8 through you. First let me acknowledge Senator
9 Michelle Hinchey for her hard work on making sure
10 those provisions got in. As the chair of the
11 Agriculture Committee and a member of the Energy
12 and Telecom Committee, she has been working
13 tirelessly to educate the committee on the
14 importance and -- the importance of prime
15 agricultural soil and making sure that we balance
16 the dichotomy between producing energy and also
17 having good agricultural lands.

18 And so I think there are probably
19 other considerations that we need to have. I
20 think that many of these things are also already
21 taken up within the DEC process of siting.
22 Right? So everything -- although we're moving
23 this particular agency, it works hand in hand
24 with DEC, and a lot of the issues are taken up
25 there.

1 But I'm happy to have a conversation
2 with you to ensure that DEC is in fact taking
3 that into account, and that ORES is getting that
4 information, to make sure that places like
5 coastlines are being protected as we do this
6 work.

7 SENATOR CANZONERI-FITZPATRICK:
8 Madam President, on the bill.

9 ACTING PRESIDENT PERSAUD: Senator
10 Canzoneri-Fitzpatrick on the bill.

11 SENATOR CANZONERI-FITZPATRICK: I
12 want to thank Senator Parker for engaging in a
13 very respectful, cordial discussion. We've come
14 quite far since the last time we exchanged
15 questions on a bill.

16 I am -- as the Senator is, I'm from
17 Long Island. And our coastline is our jewel.
18 Long Beach, Lido Beach, Point Lookout,
19 Atlantic Beach -- it's the jewel of New York
20 State, in my opinion. And I've said throughout
21 this process that I want to do everything I can
22 to advocate for the best interests of my
23 district. I support efforts to develop a
24 cleaner, more robust energy mix in New York.
25 However, it should never come at the expense of

1 local control.

2 As Senator Mattera has cited, we
3 need to explore other options. Green hydrogen is
4 one of the things that we have to continue to
5 explore to make sure that we do everything we can
6 to be reasonably economic in pursuing our clean
7 energy goals.

8 This body recently passed
9 legislation to enhance public participation in
10 major projects, and I supported that bill. And
11 it passed unanimously. However, even if that
12 legislation were to become law, it could largely
13 be negated by advancing the RAPID Act as it is
14 written. Just like vast agricultural lands, the
15 jewel of Long Island, parts of Long Island,
16 upstate communities -- our coastlines need to be
17 presented. I cannot support a proposal that does
18 not take those decisions into consideration.

19 They will have significant impacts
20 on our communities, and we will take control out
21 of the local community and their elected
22 officials.

23 For those reasons among many, I will
24 be voting in the negative.

25 Thank you, Madam President.

1 ACTING PRESIDENT PERSAUD: Thank
2 you, Senator.

3 Senator Helming.

4 SENATOR MAY: Thank you,
5 Madam President. I have a question on Part P.

6 ACTING PRESIDENT PERSAUD: One
7 second, Senator.

8 SENATOR KRUEGER: Sorry, I'm more
9 than happy to answer on the HEAT Act.

10 ACTING PRESIDENT PERSAUD: The
11 Senator will yield.

12 SENATOR HELMING: Senator Krueger,
13 I was wondering if the HEAT Act -- I know it's
14 been removed from Part P, correct?

15 SENATOR KRUEGER: Yes.

16 SENATOR HELMING: Will it appear in
17 a future budget bill?

18 SENATOR KRUEGER: No, not this
19 year. But we've passed it on the house floor
20 already, and I'm hoping that the Assembly will
21 pass it and then the Governor will sign it.

22 SENATOR HELMING: Through you,
23 Madam President, if the Senator will continue to
24 yield to a few questions.

25 ACTING PRESIDENT PERSAUD: Senator,

1 do you yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR HELMING: So this is on
6 Part 0, going back to the RAPID Act.

7 SENATOR KRUEGER: Oh. Back to
8 Senator Parker.

9 SENATOR HELMING: It doesn't feel
10 like there should be any more questions left to
11 ask.

12 (Laughter.)

13 SENATOR PARKER: Through you,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: The
16 Senator will yield.

17 SENATOR HELMING: Thank you,
18 Senator Parker.

19 A couple of things. One is I have
20 heard from a number of municipal organizations
21 about their concern about the RAPID Act. Their
22 primary concern seems to be about how the
23 RAPID Act really limits municipal control,
24 municipal decision-making. It seems that ORES
25 really has the ability to override local

1 decision-making.

2 And I heard you say, in response to
3 an earlier question, that the RAPID Act actually
4 strengthens municipal power. Can you point to
5 that language in the bill so that I can share
6 that with these concerned municipal
7 organizations?

8 SENATOR PARKER: Through you,
9 Madam President. Senator Helming, thank you very
10 much for the question.

11 So it's kind of two separate things,
12 the first of which is that I'm going to kind of
13 go back to my political science professor hat,
14 which is that literally every agency can
15 override, you know, local control on various
16 matters. Right? The Department of
17 Transportation does it all the time every time
18 they build a road. Right? You know, economic
19 development agencies do it. Anytime you see an
20 eminent domain. Anytime you see, you know, a
21 major project built. Right? Oftentimes those
22 things -- they try to work in coordination, but
23 oftentimes -- again, the state always has that
24 ability.

25 So what we're taking about here

1 within the context of ORES is not like a unique
2 set of powers that ORES is given that no other
3 state agency has or that the state government
4 doesn't have in any other place. This is kind of
5 par for the course.

6 The second point let me make is that
7 the CLCPA is critical, because it's literally a
8 global climate emergency. And so here we're
9 trying to think globally and act locally within
10 the context of our ability here to address the
11 issue of climate change. Right?

12 And before anybody says it, no, I
13 don't think that everything that we do here
14 meeting the marks is going to change the global
15 problem. But we do think that we're going to
16 provide both some leadership and some answers and
17 be ahead of the curve when in fact we finally get
18 to the place of kind of having a global mindset
19 about the fact that we need to save our planet.

20 And so, you know, in that context it
21 is critical for us to in fact prioritize the work
22 of building a clean energy economy. ORES was
23 built to be the sharp end of the sword as relates
24 to that work that needs to be done, right,
25 around -- you know, in this moment. You know, we

1 can talk about banning things, and this is
2 something -- a conversation to have all of the
3 time. You know, even with my colleagues, like
4 they want to ban everything and we can't use gas,
5 we can't da-da-da-da-da. But the reality the
6 actual activity now is getting clean energy
7 resources in the ground up and running. Right?

8 And ORES is, again, the lead agency
9 in that work. And so what we're trying to do is
10 give them all the tools necessary in order to do
11 that job safely, efficiently and effectively.
12 Right?

13 And so, you know, sometimes there is
14 a dispute on the local level. And so what we
15 have done here is strengthened those provisions
16 in relation to what those provisions were when
17 the agency -- well, where the agency is currently
18 in the context of the Department of State.

19 Right? And so is it always going to, again, be
20 perfect? Is it going to be a place where
21 localities and municipalities have the ability to
22 veto a decision made by the state? I don't think
23 that's ever going to happen.

24 But we certainly have created more
25 accountability measures and more strength around

1 adjudicating the issues and concerns.

2 SENATOR HELMING: Thank you.

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

5 ACTING PRESIDENT PERSAUD: Does the
6 Senator yield?

7 SENATOR PARKER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 Senator yields.

10 SENATOR HELMING: So as you look
11 for that information on where in the bill there's
12 the language that shows that there's actually
13 been language inserted to strengthen municipal
14 power to be able to turn down these projects, I
15 would also be interested in seeing where in the
16 bill that local approval is required for battery
17 storage, something that I think was given in
18 response to a question that Senator Mattera
19 answered.

20 But I'm happy to -- instead of
21 spending the time on that now, if you wouldn't
22 mind sending me that information, I'd appreciate
23 it.

24 SENATOR PARKER: Madam President,
25 if I could do -- I'm sorry.

1 SENATOR HELMING: And my question
2 now is on trying to understand and get some
3 examples of major renewable energy facilities.
4 Are we talking large-scale solar and wind
5 projects?

6 SENATOR PARKER: Madam President,
7 through you. To answer the first part of your
8 question actually really simply, if you
9 actually -- so it's actually a two-part question.

10 One, technologies aren't necessarily
11 lined out in this legislation in terms of the
12 ability for ORES -- ORES has an authority broadly
13 around anything we define as renewable energy,
14 both transmission and generation.

15 Now, when you talk about the second
16 part of your question in the context of their
17 ability -- the ability for municipalities to be
18 involved in that process, it's Sections 141 and
19 143 talk -- speak to that. All right?

20 SENATOR HELMING: Madam President,
21 if the sponsor will continue to yield to a
22 question.

23 SENATOR PARKER: Sorry, Senator, if
24 I could.

25 And there's no default approval

1 without municipalities' input. Right? In other
2 words, it can't just happen if the municipality
3 is not involved in it. The municipality has to
4 at least give some input before there can be any
5 default approval.

6 And then you asked kind of a third
7 part on this other end, and I didn't -- I'm
8 sorry, I missed it.

9 SENATOR HELMING: It was on --
10 through you, Madam President, if the sponsor will
11 continue to yield -- on the definition of major
12 renewable energy facility.

13 You said it's not outlined when I
14 asked about does a large-scale solar or a
15 large-scale wind project constitute a major
16 renewable energy facility, according to the
17 definition.

18 SENATOR PARKER: Right. So the
19 definition is anything above 25 megawatts.

20 SENATOR HELMING: Does it also
21 include transmission lines?

22 SENATOR PARKER: Yes.

23 SENATOR HELMING: And battery
24 storage?

25 SENATOR PARKER: Well, so -- well,

1 they have a different standard. And they're
2 evaluated separately.

3 So the 25 megawatt -- through you,
4 Madam President, the 25 megawatt standard is a
5 generation standard. So transmission lines also
6 have a standard, and that's defined separately in
7 the legislation.

8 SENATOR HELMING: It's all --
9 through you, Madam President. It's all under the
10 same definition of major renewable energy
11 facility.

12 But moving on, I did want to also
13 ask a question about eminent domain. Does the
14 RAPID Act -- or under the RAPID Act, does the
15 state have the ability to take private property
16 for major electric transmission facilities?

17 SENATOR PARKER: Madam President,
18 through you. We did not change any ability of
19 ORES when we were moving it over from the
20 Department of State into the PSC.

21 SENATOR HELMING: Through you,
22 Madam President, if the sponsor will continue to
23 yield.

24 SENATOR PARKER: Yes.

25 ACTING PRESIDENT PERSAUD: Will the

1 Senator yield?

2 The Senator yields.

3 SENATOR HELMING: So Senator, are
4 you saying that under the RAPID Act, the language
5 that's before us, language has not been added to
6 expedite eminent domain, which is the taking of
7 private property from a private property owner?

8 SENATOR PARKER: Madam President,
9 there's nothing specific in the RAPID Act that
10 expedites the process of eminent domain.

11 SENATOR HELMING: Through you,
12 Madam President. The bill language does talk
13 about expedited eminent domain.

14 (Reading.) Basically, the RAPID Act
15 would exempt from the requirements of Article II
16 of eminent domain procedure -- the public
17 hearings, the notice, determination of findings,
18 et cetera -- a condemner who has, pursuant to
19 Article VIII of the Public Service Law, obtained
20 a siting permit with respect to a major electric
21 transmission facility.

22 The other portion of the eminent
23 domain section requires that in the event that
24 they pursue eminent domain, they're required to
25 provide a statement that a permit relating to

1 such property has been issued and is in force.

2 So my question now is, what right
3 does a private property owner have -- what can
4 they do to protect their private property,
5 property that they've spent a lot of money to
6 purchase, property that they've spent a lot of
7 money year after year paying property taxes on,
8 how can they prevent the state coming in under
9 the RAPID Act and stealing from them, taking from
10 them their private property, whether it's for a
11 large-scale solar project, wind, a transmission
12 line that under the definition could be up to
13 10 miles long? What right does a private
14 property owner have in this situation?

15 SENATOR PARKER: Madam President,
16 through you. Senator Helming, as I indicated,
17 the language you're reading is carryover
18 language. It's not new language. Nor does it
19 expedite that process.

20 What's expedited in this process is
21 the siting of facilities, but not necessarily,
22 you know, expediting of eminent domain.

23 That being said is, again, this is
24 not a unique ability to ORES. This is an ability
25 that many state agencies have. It's a power that

1 the state government has, you know, used and
2 exercised several times in many, many different
3 ways.

4 So -- and of course every single
5 citizen -- no one is being separated from their
6 right to file a private right of action or to
7 file an Article 78, you know, motion against the
8 state if they think that they're being treated
9 unfairly.

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

13 (Overtalk.)

14 SENATOR PARKER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR HELMING: One is that in
18 the bill language that we received less than
19 24 hours ago, there is language that indicates
20 that there have been new changes that have been
21 made.

22 And the second piece, if nothing's
23 been changed in terms of ORES power with respect
24 to eminent domain or local decision-making, how
25 exactly was that community participation portion

1 strengthened?

2 SENATOR PARKER: Madam President,
3 through you. How municipal participation was
4 improved is that there was included in the new
5 language a default approval process. In that
6 default approval process, it cannot go forward
7 without municipal input. And so that's the
8 strengthening of it.

9 SENATOR HELMING: Through you,
10 Madam President. On the bill.

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

13 SENATOR HELMING: That's input from
14 the municipality. That's not their approval.

15 The municipality, according to the
16 language that we have before us, can say that
17 they disagree, that the plan's not in
18 conjunction, doesn't meet the goals or the
19 intents of their comprehensive plan that has been
20 adopted by the community. It's input.

21 ORES can still override. ORES can
22 still come in and use expedited eminent domain to
23 strip away a private property owner's property.

24 Through you, Madam President, if the
25 sponsor will continue to yield to questions.

1 SENATOR PARKER: Madam President,
2 yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR HELMING: Relating to
6 conservation easements, does the RAPID Act allow
7 a conservation easement to be modified or just
8 completely wiped out for the construction of a
9 major electric transmission facility?

10 SENATOR PARKER: Madam President,
11 through you, the short answer is no.

12 The more expansive answer is that
13 there still has to be approval from DEC. I think
14 I mentioned that in one of my earlier responses
15 to one of our colleagues, that this process does
16 not exclude DEC review and analysis.

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR PARKER: Yes,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

1 SENATOR HELMING: Conservation
2 protected lands are extremely important
3 throughout New York State. Many of us have
4 worked many, many years to make sure that we have
5 these conserved lands to preserve environmentally
6 sensitive lands, to preserve green space, to
7 establish wildlife corridors, and so on and so
8 forth.

9 These easements have been developed
10 using state dollars in some instances, private
11 and public dollars, and strictly private.

12 So again, I would just -- I'm
13 looking for more clarification that the state
14 isn't -- through ORES, is not going to strip away
15 these conservation easements that have taken
16 decades, decades to acquire. Because the way I
17 read it, Senator Parker, is that ORES does have
18 the ability to extinguish, completely get rid of
19 or modify for the construction of a major
20 electric transmission facility which has received
21 a siting permit pursuant to Article VIII of the
22 Public Service Law.

23 Is that your interpretation?

24 SENATOR PARKER: Madam President,
25 through you. Let me just -- let me say this.

1 Having been here for 21 years, I am glad to see
2 my colleagues on the other side of the aisle
3 finally concerned about the environment. They
4 fight me tooth and nail as we try to develop
5 policies to protect this -- to protect this great
6 state. I would love to see their votes on things
7 like the CLCPA or the Environmental Bond Act and
8 see their ratings from organizations like the
9 New York League of Conservation Voters.

10 The reality is that there is no
11 dynamic in which a Democratic administration
12 would allow the DEC commissioner to approve
13 something that would wipe out a protected area.
14 It would not happen under a Democratic
15 administration -- point blank, period.

16 And so that concern is -- it is --
17 it's not even a real one. The agency's been
18 around already for two or three years and has not
19 done that, has not eminent-domained anybody's
20 property, has in fact respected almost a
21 hundred percent of the time the wishes of the
22 local community. So much so that you have the
23 Governor asking us to put in a provision in one
24 of our bills that we passed and then she vetoed
25 it because she was so concerned about the local

1 community. Right?

2 And so the reality is that the
3 pattern of practice of both this body, the
4 Department of Environmental Conservation and ORES
5 flies in the face of the concerns that I'm
6 hearing from my colleagues right now.

7 SENATOR HELMING: Madam President,
8 on the bill.

9 ACTING PRESIDENT PERSAUD:
10 Senator Helming on the bill.

11 SENATOR HELMING: Thank you.

12 I'm proud to stand here. In one of
13 my first years in this position, the Republican
14 Conference established the Environmental
15 Protection Fund. We funded it with a historic
16 amount of money. And I'm very thankful that the
17 Democrat Majority has continued with our
18 initiative. I'm very proud that we established
19 things like the lake protection, the sewerage,
20 emergency funding to put sewers in to protect our
21 lakes from harmful algal blooms and so much more.
22 The overall flood protection things that we've
23 put in place. Resources, funding, training,
24 education, to protect the environment.

25 I'm very proud of the conservation

1 programs that we've supported. The ag land
2 protection, the purchase of development rights --
3 and I could go on and on and on. But what I
4 really want to say is that I truly believe that
5 we can achieve balance. We could balance
6 protecting our environment with not putting an
7 undue hardship on our small businesses, on
8 ratepayers, on taxpayers.

9 And if we don't begin to make those
10 important changes, if we don't get real, we're
11 going to continue to lose more and more people
12 from this state. More business owners and job
13 opportunities are going to leave New York State
14 for states that have figured out how to balance
15 things.

16 Thank you, Madam President.

17 ACTING PRESIDENT PERSAUD: Thank
18 you, Senator.

19 Senator Murray.

20 SENATOR MURRAY: Thank you,
21 Madam President.

22 I'd like to ask a few questions on
23 Part B and Part C, whoever that may be, regarding
24 fare enforcement, toll enforcement.

25 ACTING PRESIDENT PERSAUD: Senator,

1 do you yield?

2 SENATOR KRUEGER: It is me. Hello.

3 SENATOR MURRAY: Hello.

4 ACTING PRESIDENT PERSAUD: The
5 Senator yields.

6 SENATOR MURRAY: Thank you.

7 Hello. Senator, there was language
8 in the original, in the Governor's bill
9 regarding -- I have to laugh when I see "fare
10 enforcement" and "toll enforcement." There's
11 been no enforcement. Actually, that's part of
12 the problem, is all the money we've lost.

13 But there was language in the
14 Governor's bill that would increase penalties for
15 fare beating and increase fines for toll evasion.

16 Is that language in this bill?

17 SENATOR KRUEGER: Not in this bill.

18 SENATOR MURRAY: Would the Senator
19 continue to yield for questions.

20 ACTING PRESIDENT MAYER: Senator
21 Krueger, do you yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR MURRAY: Thank you.

1 Is the language also that was in the
2 Governor's bill -- it gave the Transit
3 Adjudication Bureau jurisdiction over MTA fare
4 violations. It also allowed the bureau to
5 increase civil penalties and allowed them to
6 impose a penalty for those who failed to appear
7 for the adjudication proceedings.

8 Is any of that language in this
9 bill?

10 SENATOR KRUEGER: Not in this bill.
11 But we might be able to chat about that tomorrow.

12 SENATOR MURRAY: Okay, thank you.
13 Would the Senator continue to yield.

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR MURRAY: And as far as more
20 language, there was language in there that would
21 also amend the theft of services offense to
22 include using a toll highway, parkway, road,
23 bridge or tunnel or remaining in the tolled
24 Central Business District without payment of the
25 toll -- that would make that a Class A

1 misdemeanor. Is that language in this bill?

2 SENATOR KRUEGER: Tomorrow is going
3 to be a great day.

4 (Inaudible overtalk.)

5 SENATOR MURRAY: I'm going to go
6 with a no then, right? Not in this bill, okay.

7 SENATOR KRUEGER: No.

8 SENATOR MURRAY: Would the Senator
9 continue to yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR MURRAY: Only a few more.

16 There was also language that allowed
17 police to be authorized to seize and confiscate
18 unlawful license plate coverings and impose a
19 fine of no less than \$250. Is that language in
20 this bill?

21 SENATOR KRUEGER: No, sir. Not in
22 this bill.

23 SENATOR MURRAY: Okay. Would the
24 Senator continue to yield.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR MURRAY: The Governor also
6 included language that allowed the DMV to suspend
7 a vehicle registration for failing to comply with
8 a requirement to remove an unlawful plate
9 covering used to, again, avoid paying the toll.

10 Is that language included in this
11 bill?

12 SENATOR KRUEGER: I'm trying to
13 come up with a creative new answer, but it's not
14 in this bill.

15 SENATOR MURRAY: You only have one
16 to go. So not in this bill.

17 Would the Senator continue to yield.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: Of course.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR MURRAY: There was also
24 language that allowed public authorities with
25 bridges, tolls or highways under their

1 jurisdiction -- they would be authorized to enter
2 civil judgments for unpaid toll violations.

3 Is that language included in this
4 bill as well?

5 SENATOR KRUEGER: All together:
6 Not in this bill.

7 SENATOR MURRAY: Not in this bill,
8 okay. Thank you, Senator Krueger.

9 Madam President, on the bill.

10 ACTING PRESIDENT MAYER: Senator
11 Murray on the bill.

12 SENATOR MURRAY: There doesn't seem
13 to be much as far as enforcement. You know, the
14 definition of insanity, I think Einstein said,
15 was doing the same thing over and over and
16 expecting different results.

17 Well, year after year after year
18 we're losing hundreds of millions of dollars and
19 yet we're taking no steps, it seems, to go after
20 those who are stealing it.

21 And yes, I said stealing. This is
22 theft of services. These are the people that
23 knowingly, willingly jump over the turnstiles,
24 knowingly and willingly scrape the paint off of
25 their license plate. Or, as I heard one creative

1 way, gluing a leaf onto the license plate to
2 cover some of the numbers. Things like this to
3 knowingly and willingly steal these services,
4 where others are doing it the right way.

5 In fact, this was such a big issue
6 the MTA themselves put together a blue-ribbon
7 report to look into this, and one of the big
8 things that they recommended was more
9 enforcement, of which we don't seem to be seeing
10 any.

11 So how much money is that costing
12 us? Well, let's take a look. Over the last five
13 years -- well, let's start in 2018. In 2018 the
14 MTA lost roughly \$290 million to toll and fare
15 evasion. One year later was when one-party rule
16 took over in Albany. That number doubled. It
17 went up to over 500 -- \$525 million -- when
18 people started realizing, We can get away with
19 these things, we won't be punished, no
20 consequences.

21 So the next year, another
22 \$525 million we lost through toll and fare
23 evasion. The next year, 2021, was still over
24 500. And then it went up even more. In '22 it
25 reached 700 million. And last year, \$750 million

1 we have lost on an annual basis to toll and fare
2 evasion.

3 And what have we done over that time
4 period? Very little to nothing. Oh, wait, I'm
5 sorry, we did do something. That's right.
6 Congestion pricing. That's right. So as we
7 watch the hundreds of millions of dollars roll
8 away and go out the door, we turn to the
9 taxpayers again to reach into their pockets to
10 the tune of what's estimated to be a
11 billion dollars now.

12 Enough is enough. As we've heard
13 over and over again, people are leaving. Why?
14 This is one of the reasons. We're sick and tired
15 of seeing the mismanagement. We're sick and
16 tired of seeing people knowingly, willingly
17 breaking the law and we don't seem to care. We
18 don't want to punish them. We don't want to go
19 after them.

20 So what are the consequences? The
21 consequences are we reach back into the
22 taxpayers' pockets again. And now to the tune of
23 at least a billion dollars a year? No, thank
24 you. So to this bill I will say,
25 Madam President, no thank you.

1 I'll be voting no.

2 ACTING PRESIDENT MAYER: Thank you,
3 Senator Murray.

4 Senator Martins, why do you rise?

5 SENATOR MARTINS: Thank you,
6 Madam President. I have a couple of questions on
7 Part W, if the sponsor would yield.

8 ACTING PRESIDENT MAYER: Senator
9 Kavanagh?

10 SENATOR KAVANAGH: Yes,
11 Madam President.

12 ACTING PRESIDENT MAYER: Do you
13 yield to a question?

14 SENATOR KAVANAGH: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR MARTINS: Thank you,
18 Senator.

19 Part W has to deal with the
20 Battery Park City Authority. And as I understand
21 it, in this bill we're being asked to authorize
22 an increase in bonding capacity for the Battery
23 Park City Authority from \$1.5 billion to
24 \$2.5 billion.

25 And as I also understand it, we did

1 a similar and passed a similar provision last
2 year granting them the ability to borrow from
3 half a billion to one and a half billion. So
4 over the last two years, including the one we
5 have before us right now, we're being asked to
6 authorize \$2 billion in bonding authority.

7 And before we do that, I was hoping
8 you could explain to us why the State of New York
9 should authorize \$2 billion for an authority in
10 Southern Manhattan.

11 SENATOR KAVANAGH: Thank you.
12 Through you, Madam President. This is a bonding
13 authority that is a nonrenewable bonding
14 authority that is intended to permit the
15 Battery Park City Authority to have -- to
16 demonstrate the financial wherewithal to complete
17 one of the very large-scale resiliency projects
18 that are necessary to protect Lower Manhattan.

19 The City of New York and the
20 Battery Park City Authority are engaging in a
21 very thorough hardening and resiliency of the
22 coast of Manhattan, in Lower Manhattan, the
23 low-lying areas of Manhattan. It is basically a
24 "U" all the way around Lower Manhattan, from
25 East 23rd Street down the East Side, around the

1 Battery and back up the West Side, to
2 Battery Park City Authority.

3 Battery Park City Authority is a
4 state authority, but it's an unusual one in that
5 it controls a large amount of state land. It
6 leases the sites of many residential and
7 commercial buildings to various private -- to
8 residents and various businesses, and then takes
9 the ground rent from those buildings. It pays
10 the expenses of the authority, the expenses of
11 running that very large swath of Lower Manhattan.
12 It then pays a PILOT, payment in lieu of taxes,
13 to the City of New York. And it pays the surplus
14 of that revenue to the City of New York.

15 So the net effect of that is that
16 the City of New York gets quite a bit of revenue
17 out of the Battery Park City Authority.

18 This bonding will be paid out of the
19 that revenue, so there's no direct cost to the
20 State of New York for this authority. And again,
21 we are only granting statutory authority to this
22 entity because it's a state authority today. But
23 the actual borrowing will have to be approved by
24 both the Public Authorities Control Board and by
25 the City of New York, through the City

1 Comptroller, to ensure that the debt is
2 legitimately incurred.

3 SENATOR MARTINS: Thank you.

4 Madam President, if through you the
5 sponsor would continue to yield.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KAVANAGH: Yes,
9 Madam President.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR MARTINS: Are the taxpayers
13 of the State of New York beholden on this
14 obligation? In the event that this were to pass,
15 would the taxpayers of the state be responsible
16 for this debt, or would that debt lie somewhere
17 else?

18 SENATOR KAVANAGH: Through you,
19 Madam President. The taxpayers of the State of
20 New York, as taxpayers of the State of New York,
21 would not be responsible for this because it is
22 not a general obligation of the state government.
23 It is an obligation of this state entity, the
24 Battery Park City Authority. But if they were
25 for some reason to default, the state would not

1 be obligated to back these bonds. It is backed
2 by the assets of that authority.

3 And the City of New York itself
4 would not -- would also not be directly
5 responsible for this debt.

6 SENATOR MARTINS: Madam President,
7 through you, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR KAVANAGH: Yes,
12 Madam President.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR MARTINS: So just so we
16 understand, the assets of the authority do belong
17 to the residents of the State of New York. Those
18 are state-owned properties, correct?

19 SENATOR KAVANAGH: Through you,
20 Madam President. Strictly speaking, they are
21 owned by the Battery Park City Authority. It's
22 actually a very -- it's a very unusual
23 arrangement.

24 But there was originally a long-term
25 lease between the City of New York and the

1 Battery Park City Authority. The City
2 of New York at some point granted to the
3 Battery Park City Authority the rights of the
4 landowner, so effectively there's an odd
5 structure where more or less the Battery Park
6 City Authority is leasing -- has a master lease
7 on that land that goes till 2069 from the City of
8 New York, but has assumed the rights on both
9 sides of that lease.

10 So it's public property in the
11 conventional sense, but if we're talking about
12 technical questions about how bonds might attach
13 to it, I thought a technical answer might be
14 useful.

15 SENATOR MARTINS: Thank you.

16 Madam President, through you, if the
17 sponsor will continue to yield.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KAVANAGH: Yes,
21 Madam President.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR MARTINS: So if the lease
25 expires in 2069, do the bonds that we're

1 contemplating here now, \$2 billion, would they
2 also be coterminous with the termination of that
3 lien in 2069?

4 SENATOR KAVANAGH: Through you,
5 Madam President, let me correct myself before I
6 answer that question. I have a bit of a head
7 cold here.

8 We actually extended the duration of
9 the ground lease, of the master lease, in a
10 statute last year into the next century. So it
11 is currently something on the -- 90-some-odd
12 years is the current length of the master lease.

13 There are ground leases on the
14 various properties that are shorter that go into
15 more on the order of 20 to -- of 30 to 40 years
16 from now.

17 And with apologies, your question
18 again?

19 SENATOR MARTINS: Madam President,
20 through you. Is there revenue from the leases
21 that the authority receives sufficient to be able
22 to meet the obligations of \$2 billion in
23 indebtedness over the period of the contemplated
24 bond?

25 SENATOR KAVANAGH: Through you,

1 Madam President, yes. The Battery Park City pays
2 its debts and pays substantial surplus to the
3 city each year.

4 And, you know, our Finance staff has
5 reviewed this and is confident that the --
6 there's no particular concern about this
7 authority's capacity.

8 In any case, again, as the debt is
9 actually issued, there will be a review by the
10 Public Authorities Control Board and by the City
11 of New York, which ultimately wins or loses
12 depending on how the authority's finances go.

13 And again, also presumably bond
14 rating agencies and the sophisticated lenders
15 that buy bonds, buy \$2.5 billion of bonds for a
16 property, a project in Lower Manhattan, will also
17 presumably be assessing that question for
18 themselves.

19 SENATOR MARTINS: Madam President,
20 through you, if the sponsor would yield for one
21 more question.

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield, Senator Kavanagh?

24 SENATOR KAVANAGH: Yes,
25 Madam President.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR MARTINS: Just a last
4 question, Senator.

5 So on these bonds, the obligations
6 are specific to this authority. The authority
7 will use the revenues that it receives from its
8 leases and ground leases in order to meet the
9 obligations on those bonds.

10 If there is a default, as I
11 understand it, the underlying ground lease to the
12 authority didn't come from the State of New York
13 but was actually from the City of New York. And
14 so if that land is ever actually used as
15 collateral to repay these bonds, that would be an
16 obligation of the city and not the state. Is
17 that correct?

18 SENATOR KAVANAGH: Through you,
19 Madam President, more or less.

20 Just -- I would also note that the
21 authority does have a triple-A bond rating and
22 has -- you know, has executed lots of debt
23 transactions in the past and has, you know,
24 performed very well.

25 Again, this is a very odd entity.

1 But the Battery Park City Authority is also
2 structured such that the City of New York has a
3 unilateral capacity, if they chose to, to
4 dissolve it entirely, even though it's a state
5 agency. The City Comptroller and the Mayor could
6 dissolve it at their discretion and assume both
7 the assets of the entity and the debt of the
8 entity.

9 So -- but yes, effectively this is
10 an entity that is lending money and it has assets
11 and it is the entity itself that is backing the
12 assets, not the general revenues of the state or
13 of the city.

14 SENATOR MARTINS: Thank you,
15 Senator.

16 Madam President, I do have a few
17 questions with regard to Part B and Part C, if
18 the sponsor would yield for a few questions.

19 ACTING PRESIDENT MAYER: Part B and
20 Part C. Senator Krueger, do you yield for a
21 question?

22 (Pause.)

23 SENATOR KRUEGER: Hello.

24 ACTING PRESIDENT MAYER: Hello,
25 Senator.

1 SENATOR KRUEGER: How are you?

2 ACTING PRESIDENT MAYER: Do you
3 yield for a question?

4 SENATOR KRUEGER: I do.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR MARTINS: Thank you,
8 Senator Krueger.

9 I wanted to just revisit the issue
10 of fare evasion and toll evasion. I was
11 wondering if you could tell us if you're aware of
12 the amount specific with regard to fare evasion
13 that has been recognized by the MTA as being I
14 guess an aggregate of the cost of fare evasion to
15 the MTA over the last year.

16 SENATOR KRUEGER: Through you,
17 Madam President. I just want a clarification.

18 So there's nothing about toll
19 evasion in this bill. So is Senator Martins
20 asking me a general question about the world of
21 toll evasion?

22 SENATOR MARTINS: No, I'm asking a
23 question about -- well, let's stay with fare
24 evasion for now. That is, you know, turnstile
25 jumping or people avoiding paying a fare and what

1 the aggregate cost is of that to the MTA, if
2 you're aware.

3 SENATOR KRUEGER: Through you,
4 Madam President. I think my answer is the same
5 as I offered to Senator Murray earlier. Those
6 questions are very interesting, but they're not
7 relevant to this bill.

8 But I suspect we will have a
9 different bill tomorrow that will include many of
10 the topics that Senator Murray already raised.
11 And I will have to get an answer for you by then,
12 but I think I have till tomorrow.

13 SENATOR MARTINS: Madam President,
14 through you, if the Senator would continue to
15 yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR MARTINS: We're discussing,
22 as part of this bill, transportation. And given
23 my district and the large ridership in my
24 district to and from New York City, either to
25 their jobs, visit family members, partake in all

1 of the wonderful things that the city has to
2 offer -- sometimes hospitals and doctor visits --
3 you know, there are costs associated with that.

4 And I would hope that in the context
5 of transportation and a transportation bill that
6 also deals with mass transit, that we have the
7 opportunity to ask questions, since there is --
8 there are parts here that have to do with
9 enforcement of fares in the context of an overall
10 budget and the state's commitment to actually
11 making those payments.

12 There are layers to it, and I
13 certainly respect the fact that there are layers
14 to it. But I would hope that we would have some
15 answers in the context of this bill that we could
16 actually use as to costs associated with it.

17 And so I'm more than happy to talk
18 about it tomorrow or whenever this next bill
19 happens to come up. And if we don't have
20 answers, that's fine. But --

21 SENATOR KRUEGER: Well, actually
22 I've gotten some answers while you've been
23 speaking.

24 SENATOR MARTINS: I appreciate
25 that, Senator, thank you.

1 SENATOR KRUEGER: So I was glad you
2 kept going.

3 (Laughter.)

4 SENATOR KRUEGER: So the MTA's
5 dollar losses to fare and toll evasion for
6 2022 -- I believe that's the most recent data --
7 were \$690 million. That includes 315 million in
8 evasion losses on buses, 285 million on subways,
9 46 million on bridges and tunnels, and 44 million
10 on commuter rails.

11 Is that helpful?

12 SENATOR MARTINS: It is, very much
13 so.

14 Madam President, if the sponsor
15 would continue to yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 (Loud voice outside chamber.)

22 SENATOR MARTINS: So are you --

23 SENATOR KRUEGER: Sorry, that was
24 someone else. Just ignore that.

25 SENATOR MARTINS: We're all happy

1 to see they're here.

2 Senator, is there a -- are you
3 familiar with the recently enacted and approved
4 congestion -- not enacted, approved congestion
5 pricing plan that has been, I guess, voted on by
6 the MTA Board and is in the process of being
7 implemented in Lower Manhattan?

8 SENATOR KRUEGER: I'm sorry, I
9 heard the description of congestion pricing. But
10 what was the question?

11 SENATOR MARTINS: Are you familiar
12 with it?

13 SENATOR KRUEGER: Am I familiar
14 with it. I think I am, yes, Madam President.

15 SENATOR MARTINS: Thank you.

16 Through you, Madam President, if the
17 sponsor would continue to yield.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: I do.

21 But again, I'm not sure it's in this
22 budget bill. But I'm still happy to chat and try
23 to answer the questions.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR MARTINS: It's always a
2 pleasure to pick your brain, Senator, so thank
3 you.

4 You know, I believe that the
5 costs -- or the revenues associated with
6 congestion pricing are probably right around a
7 billion dollars. Would you agree with that?

8 SENATOR KRUEGER: That is the goal.
9 Again, it will be for capital purposes, not
10 operating.

11 And I believe if you're tying it
12 into the earlier question about toll evasion,
13 that's on losses on the operating side.

14 SENATOR MARTINS: Thank you.

15 Madam President, through you, if the
16 sponsor would continue to yield.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Yes, ma'am.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR MARTINS: Senator, are you
23 familiar with a State Comptroller audit that was
24 done of the MTA that audited the MTA's payment
25 for their capital plan and their contribution to

1 the capital budget?

2 SENATOR KRUEGER: I know the MTA
3 has done any number -- excuse me, I know the
4 State Comptroller's done any number of audits.
5 Can you cite which audit, when it came out?

6 SENATOR MARTINS: I think it came
7 out either -- I'm going to say probably 2022.

8 But -- Madam President, through
9 you -- it spoke to the deficit that the MTA has
10 in meetings its obligations on its capital
11 program and the fact that it was not paying its
12 proportionate share of the capital program in
13 lieu of operational deficits and therefore was
14 taking money from that program, using it to pay
15 for operations, and therefore declared a deficit
16 in the capital plan, necessitating an infusion of
17 cash.

18 Are you familiar with that study or
19 that audit?

20 SENATOR KRUEGER: I am not
21 personally. I am looking at my staff here; we
22 would happily look it up.

23 I'm assuming -- well, we all know
24 that they were always running short of money for
25 their capital plan.

1 (Loud bang.)

2 SENATOR KRUEGER: It's getting wild
3 in here tonight.

4 That they've been short of money for
5 their capital plan, and their capital needs keep
6 growing, especially as environmental damage keeps
7 adding to the costs.

8 But I don't remember anything
9 referencing taking from the operating -- sorry,
10 taking money from capital for operating in any
11 significant number in relationship to capital
12 spending.

13 SENATOR MARTINS: Madam President,
14 on the bill.

15 SENATOR KRUEGER: But we have to
16 get you that report.

17 SENATOR MARTINS: Thank you. And I
18 will provide you with a copy of it. I should
19 have it back in the office.

20 SENATOR KRUEGER: Okay, great.

21 SENATOR MARTINS: But,
22 Madam President, on the bill.

23 ACTING PRESIDENT MAYER: Senator
24 Martins on the bill.

25 SENATOR MARTINS: You know, just

1 some concerns when we're dealing with budgeting
2 on the construct that there's a deficit
3 somewhere. And we understand broadly, those of
4 us who deal with the MTA and have dealt with the
5 issue of congestion pricing and the costs
6 associated with it, the idea is always that we
7 are going to need about a billion dollars in
8 revenue in order for us to maintain our
9 commitment to the MTA capital program.

10 And we all understand how important
11 the MTA is. Subways, Long Island Rail Road,
12 Metro-North, the buses. We all, I think,
13 understand how important a vibrant and properly
14 operating transit system is to the well-being of
15 the state and to the downstate economy.

16 But when we reach a point where we
17 have approaching a billion dollars in fare
18 evasion and toll evasion, without consequence,
19 where we reach a point where there is a deficit
20 of about a billion dollars necessitating the
21 imposition of congestion pricing that is
22 specifically going to impact those communities
23 that are in the city or around the City of
24 New York and those people who go into the city
25 and rely on the ability to get into New York

1 City, and it disproportionately impacts
2 communities like those in my district -- for the
3 sake of making up the billion dollars that we
4 should be enforcing against fare evaluation and
5 toll evasion -- then it's hard to understand why
6 we aren't having these conversations on this
7 floor in the context of a budget.

8 Because it seems like we're willing
9 to close the eyes -- our eyes when it comes to
10 fare evasion. And let's understand, that's \$2.90
11 a ride. Hundreds of millions of dollars of
12 losses every year because we were going to allow
13 people to take advantage of that system.

14 And I think we all understand when
15 someone doesn't pay, someone else has to make
16 that up. It doesn't mean your costs go down, it
17 just means those people who are continuing to
18 make their obligatory payment to the system,
19 whether in terms of a fare or some other way, are
20 going to have to make up that difference, or we
21 here are going to have to actually take money out
22 of the State Budget and put it into the MTA in
23 order to make up that difference.

24 We on the island, on Long Island and
25 in the Hudson Valley, we actually pay a lot

1 more -- as you know, Madam President -- when it
2 comes to going to and from New York City, because
3 the fares have actually gone up significantly,
4 certainly over the last 10 or 20 years, where we
5 see that it now costs a lot for someone to go in.

6 And the alternative of taking a car
7 into the city and packing your family into the
8 car so you can go and enjoy everything that the
9 city has to offer, it is now becoming
10 prohibitively expensive for a family to go into
11 the city using mass transit, because the costs
12 continue to go up.

13 And so I ask, when we have proposals
14 to actually put some penalties and allow for
15 enforcement of those rules so that people do not
16 steal from the general public that pay their fair
17 share so that those obligations aren't picked up
18 by someone else, that we should prioritize that
19 as well.

20 Now, I've heard some people talk
21 about a fair fare, a fair fare. And I think it's
22 a concept that most people would actually agree
23 to, if we could actually agree on what a fair
24 fare is and if it's not just everyone deciding
25 for themselves whether or not they feel like

1 paying it. But we're not there yet.

2 Because I'm sure if you were to ask
3 people from my district or other districts on
4 Long Island or in New York City or in the
5 Hudson Valley who actually use either Metro-North
6 or Long Island Rail Road or other forms to get
7 into the city -- or even someone now who's going
8 to drive into the city and have to pay congestion
9 pricing, if you were to ask them whether or not
10 they could afford to pay that fare, they may
11 actually say no. And if we leave it up to
12 everyone to make the decision for themselves,
13 then frankly no one will pay the fare because the
14 fare isn't fair.

15 So let's understand the
16 responsibility that we have in this chamber to
17 hold the line and not allow for people to make
18 those decisions for themselves. Let's understand
19 that when you're coming into the city and you're
20 going to make that payment, or whether you're
21 riding the subway and you're going to make that
22 payment, and if somebody's hopping over the
23 turnstile or sneaking in through the emergency
24 door, and there's someone there who can stop
25 them, that there's an obligation to stop them and

1 hold them accountable.

2 That's all it is. It's law and
3 order. There are rules, and everyone should
4 abide by them. Because if people can decide for
5 themselves which rules they will or will not
6 follow, that's not a world I think we all want to
7 live in.

8 Madam President, I do have one more
9 question -- or a few more questions -- on Part O,
10 and I believe that's Senator Parker. If
11 Senator Parker would yield for a few questions.

12 ACTING PRESIDENT MAYER: Senator
13 Parker, do you yield?

14 SENATOR PARKER: Only for
15 Senator Martins, yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields for Senator Martins.

18 SENATOR MARTINS: Senator Parker
19 looking sharp today.

20 SENATOR PARKER: (Inaudible.)

21 SENATOR MARTINS: So, Senator, you
22 mentioned earlier that there is a requirement
23 under the RAPID Act and through ORES that
24 materials be bought in the United States. I
25 think you mentioned that. Is that correct?

1 SENATOR PARKER: Through you,
2 Madam President, yes.

3 SENATOR MARTINS: Is there a
4 requirement that those materials be sourced in
5 the State of New York?

6 SENATOR PARKER: Madam President,
7 there is not.

8 SENATOR MARTINS: Was there a
9 consideration to requiring that materials be
10 sourced in the State of New York similar to the
11 requirement that we have for MTA railcars and
12 subway cars that they be sourced in the state?
13 Was there any consideration to those materials
14 being provided here in New York by New York
15 labor?

16 SENATOR PARKER: Madam President,
17 through you. Yes, there was some consideration.
18 There was significant conversation. But just in
19 the reality of being able to get these things,
20 these materials, most of them are not produced in
21 New York State at this moment. And so it would
22 be counterproductive to the larger goal, to get
23 the projects actually up and running, to require
24 that.

25 SENATOR MARTINS: It would just --

1 Madam President, through you, if the sponsor
2 would continue to yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR PARKER: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR MARTINS: It would just
9 take longer for those companies that are going to
10 build this, since we in New York are leading the
11 country in terms of offshore wind production --
12 it would just take longer because they would site
13 here in New York, wouldn't you agree?

14 SENATOR PARKER: Madam President,
15 through you. We'd hope so, but -- it would take
16 longer, but we're also running up against some
17 very tight deadlines.

18 And so we expect that we will get
19 there, that we'll get to a place where the vast
20 majority of the source materials that we're using
21 around renewable energy, both generation and
22 transmission, will be produced here. But we just
23 thought that it was, in terms of, again, a RAPID
24 Act and the fact that we'd like to speed up the
25 process, wanted to give ourselves enough room to

1 make things happen in a way that both served the
2 needs and addressed the economics of our
3 communities and of our great state, but also
4 allowed us to get these projects in the ground.

5 SENATOR MARTINS: Thank you.

6 Madam President, through you, if the
7 sponsor would continue to yield.

8 ACTING PRESIDENT MAYER: Do you
9 continue to yield?

10 SENATOR PARKER: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR MARTINS: We heard and I
14 heard earlier some conversations about local
15 governments, state preemption, the ability of the
16 state to make decisions notwithstanding any
17 objections that the local community may have.

18 And frankly, we can agree to
19 disagree, but my primary I guess concern is, you
20 know, are there still going to be State
21 Environmental Quality Review Act reviews required
22 of these projects?

23 SENATOR PARKER: Madam President,
24 through you. Yes, there still would be a review.
25 It's not the same review that is currently being

1 done, but it will be a similar-type review done,
2 correct.

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

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR PARKER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR MARTINS: So under SEQRA,
12 there are lead agencies -- and normally the lead
13 agency is a municipality that is impacted by
14 that. And there can be a joint lead agency
15 review for those who are impacted by a particular
16 project. Sometimes they're municipalities,
17 sometimes they're state agencies. But there is
18 an effort to include everyone in that State
19 Environment Quality Review review.

20 Is that -- would that continue to
21 exist with regard to projects under the RAPID Act
22 or under ORES siting?

23 (Pause.)

24 SENATOR PARKER: Madam President,
25 through you. So yes, that similar type of review

1 is done. And, you know, municipal consent,
2 again, is a big part of that.

3 But just as you say this -- I know
4 many of my colleagues don't know, but when you
5 talk about SEQR, you're talking about literally
6 the slowest process. Like we literally went away
7 from SEQR to create Article X and went from
8 Article X to do ORES exactly because those other
9 processes were like glacial in comparison to what
10 we're trying to get done here.

11 But I do -- I do understand your
12 point. And yes, those kind of reviews, both
13 environmentally and the input from communities
14 and bringing people to the table, are similar.
15 Not exactly the same.

16 SENATOR MARTINS: Thank you,
17 Madam President. Thank you, Senator Parker.

18 On the bill.

19 ACTING PRESIDENT MAYER: Senator
20 Martins on the bill.

21 SENATOR MARTINS: You know, SEQRA,
22 Madam President, exists for a reason. It is the
23 State Environmental Quality Review Act.
24 Environmental quality.

25 The idea that we would advance

1 projects because the process that we put in
2 place -- I can guarantee you it wasn't the local
3 governments that put that process in place. It
4 certainly wasn't the private sector that put that
5 process in place. It was this chamber and the
6 other chamber up the hall and the people on the
7 second floor that put SEQRA in place.

8 And we put it in place for a reason,
9 because we understand that the impacts to our
10 local communities have to be taken into
11 consideration when something is built -- when
12 anything is built. They do SEQR reviews for
13 simple multifamily residential buildings, which I
14 know we'll deal with probably tomorrow.

15 But SEQR review is important.
16 Things like impact on the environment. We should
17 all embrace that. Impact on the local community
18 and the health of the local community. Things
19 like sound, magnetic resonance and the impacts
20 that that may have. Being able to measure where
21 these projects are going to go and whether or not
22 it will change the nature of the project or the
23 community through which it's running are all
24 considerations that we have.

25 And I do understand that there are

1 people who would say that the greater good, the
2 greater good -- sometimes measured as state over
3 local government -- is the direction we should
4 take. Or other people will say that the ends
5 justify the means. But that's always a dangerous
6 road, Madam President. Because the ends
7 justifying the means can be easily, easily used
8 to justify the unjustifiable, to actually allow
9 for things that shouldn't happen.

10 In our communities we've made a
11 huge, tremendous commitment to offshore wind, the
12 state has. And, frankly, rightfully so. It's a
13 step in the right direction. I don't think
14 you're going to get much argument. It's going to
15 create renewable energy.

16 The concern is that that renewable
17 energy is out there off of Long Island, off the
18 South Shore, off the East End, and eventually
19 it's got to make its way back onto shore. And
20 we've got to figure out how that's going to
21 happen. Because if it's going through
22 communities indiscriminately and we're going to
23 prioritize the greater good over those
24 communities, then we're losing sight of what the
25 State Environmental Quality Review Act was

1 supposed to do. We're willing to sacrifice
2 entire communities for the benefit of some goal.

3 Now, I happen to think that we may
4 be able to do both, that we should be able to do
5 both. And maybe it will take a little longer for
6 us to get there. But we shouldn't be rushing to
7 do something if it means we're going to destroy
8 the environment and we're going to destroy the
9 communities through which these projects are
10 going to run.

11 We should not be in a rush to hand
12 off local control to some unnamed, unelected
13 bureaucrats and allow them to make decisions that
14 are going to impact our communities, our
15 residents, our families -- not for a few months,
16 not for a few weeks, but for years and for
17 decades, and change the very character of our
18 communities. That's what we're being asked to
19 do.

20 So for anyone in this room, in this
21 chamber, who happens to consider themselves to be
22 an environmentalist, think twice about what we're
23 being asked to do. Yes, we can move the needle
24 when it comes to our carbon footprint, but it
25 shouldn't come at the expense of our communities'

1 safety, our families' safety, and our obligation
2 to our own residents.

3 Somebody mentioned earlier we should
4 think globally. No. No. We should think
5 locally. Our responsibility is here to our
6 communities, to our districts, and to this state.
7 And only after that should we think about anyone
8 else.

9 Madam President, thank you.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Martins.

12 Senator Rhoads, why do you rise?

13 SENATOR RHOADS: Thank you,
14 Madam President. I rise to ask a few questions.
15 However, I know Senator Krueger will have a long
16 evening, we'll have more questions. The longer
17 that I've sat here, the more questions I have
18 that are probably more appropriately addressed to
19 Senator Parker. So I would ask if Senator Parker
20 would yield to a few questions.

21 ACTING PRESIDENT MAYER:
22 Senator Parker, do you yield?

23 SENATOR PARKER: Yes,
24 Madam President.

25 I feel like I'm on the Dating Game,

1 trying to see if I get picked.

2 (Laughter.)

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR RHOADS: You're always --
6 you're always number one in our book,
7 Senator Parker.

8 SENATOR PARKER: Thank you very
9 much.

10 (Laughter.)

11 SENATOR RHOADS: I want to thank
12 Senator Martins, by the way, for his questions.

13 Just to put in context, would you
14 agree with the statement that New York's
15 footprint, our carbon footprint, equates to about
16 4/10ths of 1 percent of the entire world's carbon
17 footprint output?

18 SENATOR PARKER: Madam President,
19 through you. Yes.

20 SENATOR RHOADS: And, you know, I
21 think we can -- would the sponsor continue to
22 yield for questions.

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR PARKER: Yes, ma'am.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR RHOADS: And I think we all
4 can agree that doing something to reduce that
5 carbon footprint is certainly a laudable goal.
6 It's something that we all want to see happen.
7 Development of renewable energies is something
8 that we all want to see happen. It's good for
9 our future. It's good for our kids.

10 And I think some of the questions
11 have to do with what we're sacrificing in order
12 to get there and the speed that we're moving to
13 get there and what we may be leaving behind.

14 Senator, when we're talking about
15 our energy policy, would you agree that our goal
16 would be to make sure that energy is safe, energy
17 is reliable and energy is affordable?

18 SENATOR PARKER: Madam President,
19 through you. But also clean. Right? So clean,
20 safe, reliable, affordable.

21 SENATOR RHOADS: Understood.
22 Would Senator Parker yield to
23 another question.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR PARKER: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR RHOADS: Of the four, which
5 to you is most important?

6 SENATOR PARKER: Madam President,
7 through you. I think, just like a lot of things
8 that we deal with in the context of this budget
9 season, that what we're talking about are
10 competing priorities. And I think that we have
11 to learn here to walk and chew gum at the same
12 time. Right?

13 And so over the next couple of days
14 as we vote on the State Budget, we are making
15 some gun versus butter decisions. But we find
16 some balance in trying to make sure that we have
17 enough for education and for housing and for
18 healthcare and for transportation, for public
19 protection, for energy, for agriculture.

20 And I think here it's a balance. I
21 don't rank these issues as necessarily, you know,
22 being in priority order, but they all have to get
23 done to some degree. And project by project,
24 you're going to have different ones that score
25 higher. Right? So some projects you work on are

1 going to score higher because they're economical.
2 Some are going to score higher because they're
3 cleaner. Some are going to score higher on the
4 reliability. But we need to do all those things
5 simultaneously.

6 SENATOR RHOADS: Thank you,
7 Senator.

8 Will Senator Parker continue to
9 yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR PARKER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR RHOADS: So I certainly
16 understand -- I certainly understand your answer,
17 Senator.

18 The issue we have, though, is when
19 we're talking about that language that says
20 unreasonably burdensome to environmental benefits
21 and to the progress of the CLCPA, it seems as
22 though we're putting -- we're willing to
23 sacrifice, for example, SEQRA review to speed up
24 the process, to expedite the process. But it
25 also seems as though we're also willing to

1 sacrifice a little bit on the safety end as well.

2 And so sort of back to
3 Senator Mattera's questions, where are we in
4 terms of promoting safety, enhancing safety in
5 this process?

6 SENATOR PARKER: Madam President,
7 through you. First, as we talk about SEQRA --
8 and again, many people here are probably too
9 young to remember SEQRA, but it was an antiquated
10 process that we used. And frankly the
11 fundamental notions of having a review that takes
12 in environmental concerns is actually a --
13 something that's actually been enhanced in things
14 like the ORES process. Right?

15 And so if you go back to what SEQRA
16 asks for and what we're asking for ORES, we're
17 actually in the ORES process, that that process
18 that ORES is using, and under the RAPID Act,
19 we're actually asking for things that are at
20 least comparable and in some cases more, because
21 we actually know more about what we should be
22 looking for than we did when we created SEQRA a
23 hundred years ago. Right?

24 And so it's not a -- it's a false
25 dichotomy to say SEQRA or ORES. And I get

1 there's a feeling that we are trying to depict
2 this as we're going to do it fast but sloppy.
3 And that's not what's happening here. What's
4 happening here is us creating some very specific
5 timetables that keeps everybody on track such
6 that projects can be done in a way that is safe,
7 cost-effective, reliable, clean and resilient.

8 And so we're not giving up anything
9 in this process. The RAPID Act does really three
10 things that -- if you want to get at like really,
11 really base, right, the first thing that it does
12 is that it literally just physically moves the
13 agency into a place that's more appropriate, from
14 the Secretary of State's office into the PSC.

15 The second thing it does, it gives
16 ORES the ability to site transmission projects
17 which go hand-in-glove with generation. And
18 again, that helps speed up the process of
19 actually getting clean energy resources online
20 quicker.

21 The third thing is that it creates a
22 set of timetables, including a default approval
23 process, right, that includes municipal and local
24 input in that process.

25 And so when we do that, we're not

1 really giving up anything. This is really
2 putting us on track to deal with all of those
3 criteria simultaneously in a way that we think is
4 effective for the people of the State of
5 New York.

6 SENATOR RHOADS: Thank you,
7 Senator.

8 Will Senator Parker continue to
9 yield?

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR PARKER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR RHOADS: Thank you,
16 Senator.

17 Do you believe, though -- and this
18 was discussed a little bit earlier. Some of the
19 concerns that I have is the state's ability,
20 though, to supersede local control. And we had a
21 discussion and we kind of received sort of two
22 different answers.

23 You know, one is that the state and
24 the Department of Environmental Conservation
25 wouldn't approve a process over -- wouldn't

1 approve a process over the objections of local
2 government, as was evidenced by the Long Beach
3 project last year which we referenced. However,
4 the comments that you had made were that the
5 state does have that power if it wishes to
6 exercise it.

7 Where do you see that balance being?

8 SENATOR PARKER: Madam President,
9 through you. Senator, that's a really, really
10 good question. And I'm not sure if I've thought
11 about it as two different answers as much as
12 one -- the same answer.

13 And so the one thing I was trying to
14 do is first contextualize the power that ORES has
15 already. So first, we should understand that
16 it's not a different power than the state
17 generally has and that many agencies have in this
18 very moment that we're not discussing. Right?
19 And that happen every single day within the
20 context of the operation of state government.

21 And I have not heard hues and cries
22 about the Department of Transportation or the
23 Parks Department being able to alienate or
24 reclaim land to do whatever they're doing.
25 Right? So that was the first thing. It's just

1 kind of contexting it.

2 And then the answer is yes, but this
3 is not a new power. When we created ORES, the
4 things that you're concerned about existed. They
5 existed in ORES from jump. We're not adding that
6 or creating that in this current context. All
7 we're doing is moving it over.

8 And in fact what you're getting is
9 actually more participation from the state
10 level -- sorry, you're getting more participation
11 from municipalities because now they have a --
12 there's an obligation for ORES within the context
13 of the approval process to engage. There can't
14 be a default approval without engagement by the
15 municipalities and localities. Right?

16 And then I was making a point to go
17 back to the context, which is that if you look at
18 the pattern and practice of the State of
19 New York, that there has not been an abuse of
20 that.

21 So to the degree that I want to
22 answer your question directly, it really has to
23 do with the ability to elect the right people and
24 put them in place. Right? Because any governor,
25 you can put them in place and they, you know, can

1 use this power whatever way they want to use it.

2 Right?

3 And so it depends on -- and by the
4 way, you know, I heard one of my colleagues talk
5 about the notion of having bureaucrats -- like
6 bureaucrats run everything in this state. I'm
7 not sure if we actually knew that. But SEQRA is
8 run by a set of bureaucrats. Right? Like the
9 reality is that we have a professional government
10 that actually administers policy in the State of
11 New York. Right? And whether that's the SEQRA
12 policy or the Article X policy that came after
13 SEQRA because SEQRA was so horrible, or the ORES
14 policy, all of them are administered in the
15 same -- in the same kind of manner.

16 And so anything we create is going
17 to be done in that particular form because that's
18 the way our government works.

19 So I don't think that -- you know, I
20 don't think that we're creating anything new.
21 This is really just, you know, a moving -- a kind
22 of a right placement and creating a process
23 that's speeds it up. But it speeds it up not at
24 the expense of the quality work that we have
25 always done in this state around our conservation

1 of water and land and air.

2 Let me just make this one last
3 point. As we talk about the CLCPA and why the
4 CLCPA is important -- and I'm the one who made
5 the statement about thinking globally and acting
6 locally. You act locally because the global
7 impact actually starts locally. So that when we
8 are putting less particulate matter in the air,
9 when we're using less -- creating less carbon and
10 less methane in the air, then it means the water
11 that we're drinking is cleaner. The places in
12 which the people in our community fish and the
13 food that they get is cleaner. That the air that
14 we're breathing is cleaner. Which means people
15 are having less health impacts from the air, the
16 water, and the food that they're drinking, which
17 means our health bills are lower.

18 And so we save money and we're able
19 to use those resources to do more good in other
20 places in which we need it, like maybe building
21 housing or putting that money toward education.

22 So when we talk about the economics
23 of energy policy within the context of the CLCPA,
24 it has a very, very profound local impact. And I
25 haven't even begun to opine on the number of

1 full-time jobs at a living wage with benefits
2 that are going to be created from the ports that
3 have to be built and staffed to do offshore wind.
4 Or the number of electrical jobs to install
5 solar. Or, you know, all the things that need to
6 be done within building a clean energy economy.

7 So I think that I look at the CLCPA
8 and I think it's a net win for the state. We
9 are, yes, investing literally billions of dollars
10 into it, but there's going to be trillions of
11 dollars that come back to us both within the
12 context of the economic impacts, both primary,
13 secondary and tertiary, as well as the health
14 benefits that we're going to enjoy and just the
15 standard of living that people in the State of
16 New York are going to enjoy because they have
17 clean air, water and land.

18 Thank you, Madam President.

19 ACTING PRESIDENT MAYER: Thank you,
20 Senator.

21 I'd just remind you that we have
22 approximately three minutes left in this debate.

23 SENATOR RHOADS: Oh, my goodness.
24 Okay. Let me -- let me -- let me hop on the
25 bill, then. Actually, you know what, let me ask

1 one more -- I'll hop on the bill. Never mind.

2 Thank you, Senator Parker, I
3 appreciate it.

4 You know, the concern is that we --

5 ACTING PRESIDENT MAYER: Senator
6 Rhoads, you're on the bill?

7 SENATOR RHOADS: Thank you very
8 much.

9 ACTING PRESIDENT MAYER: Senator
10 Rhoads on the bill.

11 SENATOR RHOADS: I appreciate it,
12 Madam President.

13 The concern is that we are willing
14 to take shortcuts and what we are willing to take
15 shortcuts for. And I think the goals of CLCPA
16 are laudable, but it seems as though we are
17 willing to sacrifice local control, which has
18 long been recognized in this state, under
19 Article VIII and Article IX of our Constitution
20 and our ability to exercise home rule -- that
21 we're willing to shortcut that process and allow
22 the state to come in and actually make decisions
23 with respect to what's happening in our local
24 communities in the interest of advancing the
25 CLCPA.

1 We're also -- and I didn't get to
2 ask this question -- we're also willing to
3 sacrifice safety with respect to a number of the
4 provisions that we have in Part M, in Part PP, in
5 Part QQ with respect -- and Part GG, specifically
6 with respect to the lithium-ion batteries.

7 Lithium-ion batteries have been
8 responsible, in the last five years, for
9 25,000 fires in the United States. Just in 2023,
10 there were 200 -- in the City of New York alone,
11 not across the state, in the City of New York,
12 267 lithium-ion battery fires resulting in 150
13 injuries and 18 deaths. There were four in 2021,
14 six in 2022 -- just in the City of New York.

15 As we put more of these e-bikes,
16 these lithium-ion batteries -- and when we're
17 talking about storage for residential energy
18 storage systems, when we're talking about
19 fast-charging, we're doing a fast-charging
20 infrastructure study, when we're talking about
21 Build-Ready storage, we are -- we are outpacing
22 the pace of technology. And we're outpacing the
23 pace of safety.

24 In 2021, for example, there was a
25 fire in Houston with a Tesla vehicle that took

1 eight firefighters seven hours and 28,000 gallons
2 of water to put out.

3 While Senator Parker earlier in our
4 conversation was talking about the fact that we
5 are very concerned about safety, as we're
6 advancing the ball on technology, as we're moving
7 forward requiring that this battery storage get
8 larger and larger and larger in order to
9 accommodate the goals of the CLCPA, we're not
10 doing enough to protect safety.

11 And with respect to Part GG, for
12 example, which intentionally omits the Executive
13 proposal to prohibit anyone from distributing,
14 assembling, reconditioning, selling or offering
15 to sell any lithium-ion battery or secondhand
16 battery that hasn't been certified by an
17 accredited testing laboratory, the one thing that
18 was in the Governor's budget that actually would
19 have afforded some level of protection and
20 addressed it, that's being pulled out of the
21 budget.

22 I think we need -- I think we need
23 to -- not to borrow the phrase from our battery
24 debates with respect to electric school buses,
25 but we do need to pump the brakes a little bit

1 and be more concerned about safety and the impact
2 that us moving with this breakneck speed is going
3 to have with respect to the safety of all New
4 Yorkers, as demonstrated by the problems that
5 we're having with small lithium-ion batteries,
6 and how much larger those problems will be as we
7 move forward with the CLCPA in not allowing the
8 technology to catch up so that we can provide
9 safe, affordable and reliable energy.

10 Thank you, Madam President.

11 ACTING PRESIDENT PERSAUD: Are
12 there any other Senators wishing to be heard?

13 Seeing and hearing none, debate is
14 closed.

15 The Secretary will ring the bell.

16 Senator Gianaris.

17 SENATOR GIANARIS: Madam President,
18 we've agreed to restore this to the
19 noncontroversial calendar.

20 ACTING PRESIDENT PERSAUD: The bill
21 is restored to the noncontroversial calendar.

22 There's a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Krueger
25 moves to discharge, from the Committee on

1 Finance, Assembly Bill Number 8808C and
2 substitute it for the identical Senate
3 Bill 8308C, Third Reading Calendar 842.

4 ACTING PRESIDENT PERSAUD: The
5 substitution is so ordered.

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT PERSAUD: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PERSAUD: Senator
14 Gonzalez to explain her vote.

15 SENATOR GONZALEZ: Thank you,
16 Madam President.

17 I rise before you today to speak on
18 the work that we have done to ensure that
19 New York is a leader in artificial intelligence
20 and to build a New York that embraces the
21 potential of AI while protecting New Yorkers from
22 its many risks.

23 I want to first speak on TEDE
24 Part MM, the Artificial Intelligence Deceptive
25 Practices Act. This bill is the most robust

1 deep-fakes bill in the entire country, and it
2 embodies our commitment to protecting the privacy
3 and dignity of all New Yorkers, preserving the
4 integrity of our democracy, and holding those who
5 seek to undermine it accountable.

6 Misinformation is not a new enemy,
7 but we've already seen the damage fake news can
8 wreak on our democracy. The rapid advancement
9 and broad accessibility of powerful AI
10 technologies makes this threat even more
11 palpable. Deep-fake videos, audio or images have
12 the potential to target individuals, swing
13 elections, and suppress voter participation.

14 For instance, earlier this year a
15 deep-fake audio recording of President Biden
16 urged voters not to participate in
17 New Hampshire's primary election.

18 In this election year, which is
19 critical for New York, we must send a strong
20 message about how hard we're willing to fight to
21 protect our democracy, and we must do so while
22 protecting people's First Amendment rights.

23 I also want to speak on TEDE
24 Part TT, the Empire AI Consortium. While this
25 version of the bill does not include everything

1 we wanted, I am proud of the portions of our plan
2 that have been adopted.

3 The construction of the research
4 institution included a project labor agreement,
5 and its operation will maximize energy efficiency
6 and minimize negative environmental impacts.

7 The institute will promote
8 responsible research and development to advance
9 public-interest use of artificial intelligence,
10 steering advancements of this technology in the
11 right direction.

12 With these two bills, we've set a
13 high bar, not just for our state, but for the
14 entire country. However, our work is far from
15 over. To build a state where New Yorkers can
16 fully benefit from emerging technologies, we need
17 to be proactive, passing additional legislation
18 that regulates public and private usage sector
19 generative AI, protecting our most fundamental
20 rights to privacy and investing in workforce
21 development and training.

22 I look forward to working with my
23 colleagues in this chamber to realize this vision
24 for a better and immersive New York.

25 So thank you all, and I am proud to

1 vote aye on this bill.

2 ACTING PRESIDENT PERSAUD: Senator
3 Gonzalez to be recorded in the affirmative.

4 Senator Ramos to explain her vote.

5 SENATOR RAMOS: Thank you,
6 Madam President.

7 Again I rise to talk about how this
8 budget impacts New York's children. The TEDE
9 bill carries significant language as it relates
10 to our climate emergency and our efforts to build
11 a union climate economy. Our children are
12 inheriting a climate that is more extreme and
13 dangerous than any previous generation has had to
14 deal with. The climate crisis magnifies
15 inequality, poverty and displacement in a way
16 that is felt most seriously by our children.

17 In fact, check this out. According
18 to a report issued by the International NGO
19 Save the Children, 90 percent of diseases
20 resulting from the climate crisis are likely to
21 affect children under the age of five. By 2050,
22 a further 24 million children are projected to be
23 undernourished as a result of the climate crisis.

24 Almost 160 million children in the
25 world are exposed to increasingly severe and

1 prolonged droughts. The education of around
2 38 million children is disrupted each year by the
3 climate crisis. The climate crisis is forcing
4 families to migrate. By 2050 there could be
5 143 million more migrants due to the climate
6 crisis.

7 I'm already seeing all of this in my
8 district. We had families displaced by
9 Hurricane Ida. We're at severe risk for asthma.
10 And we've continued to welcome hundreds of
11 migrant children who have been displaced by
12 climate emergencies in their countries often
13 caused by multinational corporations that pollute
14 their environment and ours with no consequence.

15 I'm proud that this bill reflects
16 the needs of workers in the replacement language
17 for the Waterfront Commission, the RAPID Act, and
18 PLA requirements for the Empire AI Consortium
19 construction. We are taking care of workers as
20 we step into the future, but there's so much more
21 to do to upgrade our infrastructure and make use
22 of our waterfront to protect us.

23 And surely we're going to keep
24 pushing for the HEAT Act and the Superfund Act.
25 New York needs to give parents an opportunity to

1 build a better life for their children, making
2 sure our climate transition has prevailing wages,
3 Buy American standards, and labor peace
4 agreements that build a middle class now and
5 safeguard our planet for our children's future.

6 For a union climate economy, I vote
7 aye.

8 ACTING PRESIDENT PERSAUD: Senator
9 Ramos to be recorded in the affirmative.

10 Senator Harckham to explain his
11 vote.

12 SENATOR HARCKHAM: Thank you very
13 much, Madam President.

14 I will be voting yes on this
15 section. I just want to clarify for the record a
16 few things that have been said here today.

17 The technology and energy storage
18 devices at the utility-scale level is vastly
19 different than e-bikes. And we need to be really
20 clear about that. We can't conflate the two.

21 NYSERDA just came out with a safety
22 study that I encourage everybody to look at. And
23 if we want to talk about safety, let's look in
24 our communities at the carbon economy. The gas
25 station fires every day all over New York State.

1 The natural gas pipeline explosions all over the
2 country. The fuel depot fires all over this
3 country. The tragedy just a couple of months
4 ago: A container truck blew up and liquidated a
5 section of I-95, the busiest section of Route 95
6 on the East Coast.

7 So I think we really need to keep
8 things in perspective. And that, you know, let's
9 really have a debate based on the facts as
10 opposed to fear.

11 I'll be voting aye, Madam President.

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

14 Senator Scarcella-Spanton to explain
15 her vote.

16 SENATOR SCARCELLA-SPANTON: Thank
17 you, Madam President.

18 And I also will be voting aye on
19 this portion of the budget.

20 I'd like to speak on some measures
21 in the final State Budget that I'm proud to have
22 helped secure, along with my colleagues.

23 Firstly, I'm proud of the provision
24 in the budget that empowers victims of artificial
25 intelligence deceptive practices like deep fakes

1 to seek compensation for damages. It also
2 ensures that offenders distributing deep fakes
3 containing child pornography or interfering with
4 elections can be prosecuted.

5 As a woman and a mother to a young
6 girl, I felt it was imperative that New York take
7 action to combat these maliciously altered
8 photographs that target a lot of women
9 especially, and to acknowledge the real-world
10 consequences of unchecked technological advances.

11 Next I want to express my gratitude
12 for a measure that was included in the State
13 Budget to update the Waterfront Commission's
14 terminology, to remove the 1950s language that
15 was particularly discriminatory in nature to
16 those of Italian descent. It's a big deal that
17 we made these upgrades and changed the language
18 to reflect the times of 2024, and I'm hoping that
19 this will help our ports to thrive and hire local
20 Staten Islanders especially.

21 With that, I proudly vote aye.

22 Thank you.

23 ACTING PRESIDENT PERSAUD: Senator
24 Scarcella-Spanton to be recorded in the
25 affirmative.

1 Senator Ryan to explain his vote.

2 SENATOR RYAN: Thank you,
3 Madam President.

4 Becoming a leader in emerging
5 industry can have an enormous impact on a state's
6 economy and that's what we often endeavor to do
7 in New York State. We try to invest in
8 industries of the future. AI, as we know, it's
9 going to play a major role in our future. Its
10 impact on our society is growing all the time.

11 Empire AI is an opportunity for
12 New York to get ahead of the curve in AI
13 development and to become a leader in research.
14 I'm happy this program will be housed at the
15 University at Buffalo, and it will be called the
16 AI Research Institute at the University at
17 Buffalo.

18 It will allow the state to leverage
19 the collective knowledge of our university
20 systems and our private universities. It will
21 help us to attract the next generation of tech
22 researchers and tech leaders. The University at
23 Buffalo has been doing AI before they called it
24 AI, and they have several researchers there who
25 are leaders in this field.

1 But the project will have a good 360
2 economic development. It won't be just for, of
3 course, the University at Buffalo; universities
4 from all over the state will participate in it.
5 And we put strong labor standards in that bill,
6 meaning that the project when it's built will all
7 be built pursuant to a project labor agreement.

8 So we look forward to AI having a
9 great history in New York State. And we're going
10 to achieve that by also making sure we have a
11 robust reporting standard so we know what's
12 happening in this program.

13 So we're happy to support this
14 initiative. I'm excited for what it will do to
15 my hometown university, University at Buffalo,
16 and I vote aye.

17 ACTING PRESIDENT PERSAUD: Senator
18 Ryan to be recorded in the affirmative.

19 Senator May to explain her vote.

20 SENATOR MAY: Thank you,
21 Madam President.

22 I rise to explain my vote in favor
23 of this bill. I am grateful for the work that so
24 many have done to promote green energy, both at
25 the industry scale with transmission and storage,

1 but also at the residential level, some
2 residential storage, and decarbonizing our
3 transportation sector.

4 But in the spirit of the debate that
5 we heard before, I would like to speak about a
6 part that is not in this bill, and that is the
7 Climate Superfund. Senator Krueger's bill sadly
8 did not make it into this legislation. And I
9 hope it will become enacted soon, because it
10 makes the polluters bear the cost of the very
11 real damage that has been done and will be done
12 to our state because of the carbon economy.

13 The State of Vermont has already
14 enacted Senator Krueger's bill, and I don't see
15 why we shouldn't too.

16 So I vote aye, but with the hope
17 that we will do better in the future.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: Senator
20 May to be recorded in the affirmative.

21 Senator Sanders to explain his vote.

22 SENATOR SANDERS: Thank you,
23 Madam President.

24 There are so many good things about
25 this bill that I could speak of. I could speak

1 of our attempts to get into and have some
2 understanding of AI and to stop the deep fakes.
3 I could speak of many different things.

4 But I want to speak as the
5 representative of New York's Lower 9th Ward. I
6 represent the Lower 9th Ward of New York City.
7 Now, most of you know that the Lower 9th Ward of
8 course was the area in New Orleans that was
9 ruined in Hurricane Katrina. And I represent the
10 part of the city that's going to have it first.
11 Whatever's going to happen, we're going to get it
12 first. And therefore, we have to be ready.

13 We have to encourage all of you to
14 put aside whatever problems that you have and
15 focus on the issue of climate change, because it
16 is real. We have seen the difference in the
17 ground versus just five years ago.

18 So we understand we've been given a
19 forewarning by Superstorm Sandy, which we have
20 not yet recovered from. And we're encouraging
21 all of you to get serious with these things,
22 because these things are very serious and will be
23 serious with you.

24 With that in mind, of course I'm
25 going back into the waters. Many of you know

1 that I -- on a yearly basis, I go into the waters
2 and make a speech trying to encourage people to
3 take climate change seriously. Now, last year
4 you know that there were certain problems that I
5 encountered in the water. We did not get the
6 permission of the water. Perhaps we should have
7 done that first. It was kind of a disaster.

8 We will do it different this year.
9 We're going to go in there, and I'm encouraging
10 all of you to come and join me. There is room in
11 the Atlantic for all of us. And that way --
12 well, I'll be kind there.

13 So under those conditions I'm going
14 to vote yes on this because I know that climate
15 change is real. I represent the Lower 9th Ward
16 of New York City, also known as the Talented 10th
17 District of New York State government. And I'm
18 encouraging all of us to participate. I figure,
19 you know, let's battle over the problems, let's
20 really work it out to see what we need to do.
21 But at the end of the day, let's vote to save
22 this great state of ours.

23 I'm voting yes. I'll see you all in
24 the water come Saturday.

25 ACTING PRESIDENT PERSAUD: Senator

1 Sanders to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 842, those Senators voting in the
5 negative are Senators Ashby, Borrello,
6 Canzoneri-Fitzpatrick, Griffo, Helming, Lanza,
7 Martins, Mattera, Murray, Oberacker, O'Mara,
8 Ortt, Rhoads, Stec, Tedisco, Weber and Weik.

9 Ayes, 41. Nays, 17.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 Senator Serrano.

13 SENATOR SERRANO: Madam President,
14 can we please take up Calendar 841.

15 ACTING PRESIDENT PERSAUD: The
16 Secretary will ring the bell.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 841, Assembly Bill 8805C, Budget Bill, an act to
20 amend the Penal Law.

21 (Pause.)

22 ACTING PRESIDENT PERSAUD: Senator
23 Lanza, why do you rise?

24 SENATOR LANZA: I'm not sure,
25 Madam President.

1 (Laughter.)

2 SENATOR LANZA: Madam President, I
3 believe there's an amendment at the desk. Now, I
4 also believe that that amendment has three parts.
5 So I am going to attempt to see whether three
6 members of this august body can convince you of
7 its germaneness.

8 So I ask that you recognize
9 Senators Borrello, Oberacker, and Stec.

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator Lanza.

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

15 SENATOR LANZA: I tried.

16 Accordingly, Madam President, I
17 appeal the ruling of the chair and again I ask
18 that you recognize, in this order,
19 Senators Borrello, Oberacker, and Stec to be
20 heard on that appeal.

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

24 SENATOR BORRELLO: Thank you,
25 Madam President.

1 I rise to rule -- to appeal the
2 ruling of the chair because this amendment is
3 indeed germane to the part at hand, because the
4 part at hand deals with criminal penalties and
5 this amendment deals with increasing criminal
6 penalties.

7 There is no doubt that the willful
8 watering down of criminal responsibility here in
9 New York State has had tragic and violent
10 results. The so-called criminal justice reforms
11 have emboldened criminals across the state.
12 Violence is up. It is no more apparent than the
13 violence that we see against law enforcement
14 officials.

15 We stand here knowing that four
16 police officers in the last month in New York
17 State have given their lives in the line of duty.
18 This has to end. New York State needs to draw a
19 line in the sand and say we will no longer
20 tolerate violence like this. Someone who will
21 commit a crime like murder willfully against a
22 member of law enforcement or a first responder
23 would not think twice to kill any of us, any
24 New Yorker. These are people who are beyond
25 reproach -- beyond rehabilitation, in fact.

1 That's why my amendment calls for
2 reinstating the death penalty for those that
3 would willfully take the lives of a law
4 enforcement official or first responder. This
5 should happen in New York State. We do indeed
6 need to reinstate the death penalty for those
7 folks that would do this, take out a law
8 enforcement official. This is not theory, this
9 is reality here in New York State.

10 Now, you might say we have life in
11 prison for those. Unfortunately, that's no
12 longer the case. We have a radical Parole Board
13 filled with folks who believe it's okay to
14 release these violent criminals back onto our
15 streets. The Parole Board that we have now has
16 released countless numbers of rapists, murderers,
17 cop killers back onto our streets.

18 In my own district, a heinous
19 subhuman animal that should still be in prison is
20 on the streets. He raped and murdered a woman
21 walking on a path on Mother's Day, walking her
22 dog. The Parole Board saw fit to release this
23 animal back onto our streets. And he's already
24 recommitted more crime. He's back in prison.

25 It's time to say that we need a true

1 deterrent for those that would willfully kill
2 law enforcement officials and first responders.
3 That's why I think all of us should unite and
4 join to support this amendment to restore the
5 death penalty for those that would willfully
6 murder a member of law enforcement.

7 So I ask that you reconsider your
8 decision, Madam President.

9 Thank you.

10 ACTING PRESIDENT PERSAUD: Senator
11 Oberacker.

12 SENATOR OBERACKER: Thank you,
13 Madam President.

14 I'm the second to rise to appeal the
15 ruling of the chair. The proposed amendment is
16 germane to the bill at hand because my bill
17 contains crucial public protection provisions.
18 Laken's Law is proposed with a heavy heart,
19 because this is a law we never wanted or should
20 we need.

21 The federal government's border
22 policies and New York's soft-on-crime agenda have
23 emboldened criminals to come to our country.
24 Nearly 200,000 illegal immigrants have come to
25 New York. Policies here and in the city have

1 continued to enable illegal immigrants to be free
2 to commit crimes throughout our state, and those
3 criminals float through virtually no consequences
4 and absolutely no way to keep track of them.

5 If they commit a crime in another
6 state or even have a criminal record from their
7 country of origin, there is no way for our
8 law enforcement and courts to adjust accordingly.

9 Our bill requires local and state
10 law enforcement to notify ICE or arrest those
11 convicted and foster collaborations between
12 agencies aiding in the identification and
13 potential deportation of individuals who pose a
14 threat to public safety and national security.

15 Madam President, imagine a New York
16 where we give our law enforcement the tools
17 needed to protect our communities and cooperate
18 with federal immigration authorities.

19 You know, there are those in this
20 Legislature that seem to be fighting harder to
21 protect New York's sanctuary status rather than
22 protect the well-being of New York citizens.

23 But Madam President, we can change
24 this. We must restore basic protocols of
25 collaboration that were in place for decades. We

1 can change this by notifying ICE of these
2 criminals in order to uphold the integrity of the
3 legal immigration process by deterring illegal
4 activities and reinforcing adherence to
5 immigration laws. The continued refusal to pass
6 Laken's Law is dangerous, Madam President, and
7 deadly.

8 For those reasons, I strongly urge
9 you to reconsider your ruling.

10 ACTING PRESIDENT PERSAUD: Senator
11 Stec.

12 SENATOR STEC: Thank you,
13 Madam President.

14 Batting cleanup here, I rise to
15 appeal your ruling. The proposed amendment is
16 germane to the bill at hand because both the bill
17 at hand and the proposed amendment relate to
18 public safety.

19 Giving only 90 days' notice for the
20 closure of a correctional facility is an
21 unconscionable hardship on the professional,
22 correctional and civilian employees that we
23 charge to serve in them and keep us safe. These
24 employees will need to be relocated to different
25 institutions, sometimes much farther away from

1 their original facility. That's a severe impact
2 on the family.

3 And if employees aren't lucky enough
4 to be relocated within the DOCCS system, many of
5 them will need vocational retraining in order to
6 find a different job if they want to stay in the
7 community. It's illogical and incomprehensible
8 that entire facilities will be closed with just
9 90 days' notice.

10 Further, we run the risk of not
11 having the space for higher-security inmates that
12 need to be transferred to at least an equally
13 secure prison. We do not have any guidelines as
14 to how closing a correctional facility will be
15 determined, except that it will be by the whim of
16 the Governor. We cannot assume that a prison
17 closure will occur for anything other than an
18 arbitrary, capricious, flimsy reasoning which
19 will primarily reflect and affect our upstate and
20 largely this side of the aisle's districts.

21 So for these reasons I strongly urge
22 you to reconsider your ruling.

23 ACTING PRESIDENT PERSAUD: Thank
24 you, all three Senators.

25 I want to remind the house that the

1 vote is on the procedures of the house and the
2 ruling of the chair.

3 Those in favor of overruling the
4 chair signify by saying aye.

5 (Response of "Aye.")

6 SENATOR GRIFFO: Request a show of
7 hands.

8 ACTING PRESIDENT PERSAUD: A show
9 of hands has been requested and so ordered.

10 Announce the results.

11 THE SECRETARY: Ayes, 18.

12 ACTING PRESIDENT PERSAUD: The
13 ruling of the chair stands, and the bill-in-chief
14 is before the house.

15 Read the last section.

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

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Senator
22 Stec.

23 SENATOR STEC: Thank you,
24 Madam President.

25 I'll be having some questions

1 regarding prison closures in Part D. But in
2 advance of that, I have some more generic
3 questions on the bill. And I was hoping that
4 maybe Senator Krueger would -- or whoever is
5 appropriate might answer them, if they would
6 yield. Senator Salazar might be able to handle
7 these.

8 ACTING PRESIDENT PERSAUD: Senator
9 Salazar?

10 Senator Stec, can you hold a minute,
11 please?

12 SENATOR STEC: I sure can,
13 Madam President. No problem.

14 ACTING PRESIDENT PERSAUD: Thank
15 you.

16 (Pause.)

17 SENATOR KRUEGER: There was a rumor
18 I had extra time.

19 SENATOR STEC: Madam President, I
20 apologize. If Senator Krueger would be willing
21 to yield for preliminary questions.

22 ACTING PRESIDENT PERSAUD: Senator
23 Krueger, will you yield?

24 SENATOR KRUEGER: Absolutely.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR STEC: Through you,
3 Madam President. Thank you, Senator Krueger.
4 I'm sorry for that mixup. I'll own that.

5 I do want to ask about prisons, and
6 so I appreciate Senator Salazar's in the wings
7 and you were trying to take a quick break. But
8 being that I'm the leadoff batter, I wanted to
9 just ask a few questions, if I may.

10 Does this bill, the Public
11 Protection and General Government bill, public
12 protection, make any meaningful reforms to the
13 state's cashless bail program? It's been in and
14 out of the news, and we've tweaked it a couple of
15 times in the budget. Are there any improvements
16 offered in this year's budget regarding the
17 fallout and the issues behind cashless bail?

18 SENATOR KRUEGER: No, not in this
19 bill.

20 SENATOR STEC: Madam President, if
21 the sponsor will continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 Senator yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR STEC: Thank you,
3 Senator Krueger. I appreciate your answer "not
4 in this bill." And so I'm mindful that we also
5 have not seen six of the remaining bills. And I
6 also understand that a lot of the more difficult
7 things may be all crammed into one final bill at
8 the end, which is frustrating certainly to my
9 conference.

10 But to the best of your knowledge,
11 is it going to be -- will it be addressed at all
12 in any of the remaining bills that we haven't
13 seen?

14 SENATOR KRUEGER: As far as I know,
15 no.

16 SENATOR STEC: Thank you for your
17 answer.

18 Madam President, will the sponsor
19 continue to yield, please.

20 ACTING PRESIDENT PERSAUD: Senator,
21 do you yield?

22 SENATOR KRUEGER: Yes, I do.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR STEC: All right. So my

1 second question had to do with if we were adding
2 any more qualifying crimes to make them
3 bail-eligible, but I'll take it from your
4 previous answer that that was no.

5 Do we end New York's status as the
6 only state in the Union that does not allow
7 judges to consider the dangerousness of the
8 offender when making bail decisions? New York is
9 the only state that does not allow that. Do we
10 address that in the public protection bill?

11 SENATOR KRUEGER: I believe we're
12 making no changes in the rules vis-a-vis bail.

13 SENATOR STEC: Thank you.

14 Madam President, a couple more
15 questions for Senator Krueger, please.

16 ACTING PRESIDENT PERSAUD: Does the
17 Senator yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 Senator yields.

21 SENATOR STEC: Thank you,
22 Madam President. Thank you, Senator Krueger.

23 Do we repeal or make any changes to
24 the HALT Act or the Less is More Act or the Raise
25 the Age, these three other large, sweeping

1 changes done in the last few years in criminal
2 justice that have been criticized by many members
3 of the public and law enforcement? Do we --
4 similar to bail, these other areas, HALT, Less is
5 More, Raise the Age -- do we make any changes in
6 the public protection bill or any future bills in
7 the budget?

8 SENATOR KRUEGER: No. Although I'm
9 not sure I agree that these are controversial
10 bills that the public is crying out for change.
11 And I think Raise the Age was certainly more than
12 one year ago.

13 SENATOR STEC: Thank you.

14 Madam President, if the sponsor
15 would continue to yield.

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR STEC: Thank you. One more
20 question for you, Senator Krueger.

21 Is there anything in the public
22 protection budget bill that makes the jobs of our
23 police officers, our cops, our corrections
24 officers, less dangerous? Is there anything in
25 here that we've improved the safety and chances

1 of success for our people in uniform, our first
2 responders and law enforcement, or add more cops?

3 SENATOR KRUEGER: Not in this bill.

4 SENATOR STEC: If the sponsor would
5 continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR STEC: Can we expect that
12 that would be addressed in any of the bills we're
13 likely to see tomorrow?

14 SENATOR KRUEGER: I believe we'll
15 be happy to see additional funding support for
16 state operations and local police forces
17 tomorrow.

18 SENATOR STEC: Thank you,
19 Senator Krueger. And again, I apologize for
20 interrupting dinner.

21 Madam President, the remaining
22 questions I have are regarding more specific
23 questions on our prison closures, and I believe
24 that was going to be Senator Salazar.

25 Again, I thank you, Senator Krueger,

1 for your indulgence.

2 SENATOR KRUEGER: Not a problem.

3 Thank you.

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

6 SENATOR SALAZAR: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR STEC: Through you,
10 Madam President. Thank you, Senator Salazar.

11 On the prison closures, historically
12 it's been my understanding that in the past when
13 a prison was closed, there was funding, it was
14 required to -- that an economic impact for the
15 community was going to be funded. And then for
16 some reason, and I don't know how long ago --
17 perhaps before yours and my tenure here -- that
18 funding went away.

19 Is there any funding in this budget
20 or to your -- in this bill, the public protection
21 bill, or to your knowledge in future budget bills
22 that we'll see tomorrow that will provide for
23 economic impact to these communities that will be
24 losing their prisons?

25 SENATOR SALAZAR: Through you,

1 Madam President, there is not funding designated
2 for that specific purpose.

3 I will note that the anticipated
4 fiscal impact of this proposal would be a
5 substantial cost savings to the state. We're
6 looking at an overall annual savings that the
7 Executive estimates of about \$77 million in the
8 coming fiscal year and \$128 million annually in
9 subsequent years.

10 SENATOR STEC: Thank you.

11 Madam President, will the sponsor
12 continue to yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR SALAZAR: Absolutely.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR STEC: All right, thank
19 you.

20 Now, my understanding of the history
21 of this is that the Executive had the authority
22 in years past, with six months' notice, to close a
23 prison on their own. And then some time ago that
24 got increased to 12 months. So right now, if we
25 did nothing, the Governor could decide to close

1 any number of facilities with a year's notice.

2 But this Governor -- and we've seen
3 this in recent years -- has asked for 90 days,
4 which according to the people at DOCCS that I've
5 talked to, 90 days just logistically is not --
6 not really feasible. They say a number larger
7 than 90 and maybe up to 180 would be better.

8 But the bill language talks about
9 how many prisons? Is it correct that the bill
10 language would give the Governor up to five
11 prisons or just five?

12 SENATOR SALAZAR: Through you,
13 Madam President, up to five is the language. So
14 it does not require that the Executive close a
15 total of five prisons, but would allow for the
16 Executive to close up to five with appropriate
17 90 days' notice.

18 SENATOR STEC: Thank you,
19 Madam President. Will the sponsor yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 Senator yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR STEC: Thanks, Senator.

1 So up to five. So it could be four,
2 it could be one, it could be zero. Does it
3 require that they be all announced at once, or
4 could she announce two and then a month or two
5 later announce another one? And is there any
6 criteria in the bill that says this is how we're
7 going to decide which prisons we're going to
8 close?

9 SENATOR SALAZAR: Through you,
10 Madam President. As long as the Executive
11 provides at least 90 days' notice -- and of
12 course it is up to five facilities -- there is
13 not a requirement that the Executive announce all
14 of the facilities at the same time.

15 But if she is going to close one
16 facility or two or three or four or five, she
17 would need to give at least 90 days' notice.

18 To Senator Stec's second question
19 regarding criteria in determining which
20 facilities, the Executive has not indicated to us
21 at all which facilities the Executive would
22 consider for closure.

23 SENATOR STEC: Thank you. If the
24 sponsor would continue to yield.

25 ACTING PRESIDENT PERSAUD: Will the

1 Senator yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR STEC: Are you aware of the
6 existence or development of any list to this
7 point? Number one.

8 And number two, is it your
9 understanding or have there been any
10 conversations that you or any other member of the
11 Legislature is going to have input into that
12 list, or is this entirely up to the Executive?

13 SENATOR SALAZAR: Through you,
14 Madam President. This is at the discretion of
15 the Executive, and neither the Executive nor
16 DOCCS have informed me of the prisons that they
17 would consider closing or intend to close.

18 SENATOR STEC: I'm sorry, I didn't
19 hear that last part.

20 SENATOR SALAZAR: Sorry. The
21 Executive has not informed me of facilities,
22 specific facilities that they intend to close.
23 So I have not been provided a list or a tentative
24 list.

25 SENATOR STEC: Thank you.

1 Madam President, a couple more
2 questions, if the sponsor would yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR SALAZAR: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR STEC: Thanks,
9 Senator Salazar.

10 In the past, big criticism arose
11 from the history that the state has as a steward
12 of these facilities. Once they're closed, they
13 sit there, nothing comes of them, they start to
14 rot, they start to become a blight on the host
15 community. In fact, we've got a constitutional
16 amendment that I sponsored that we've passed in
17 here every year regarding one of those,
18 Camp Gabriel in Franklin County, that the
19 Assembly hasn't managed to pass yet. And it
20 needs one because it's in the Adirondack Park.

21 But again, this is a major issue for
22 many closed facilities. And so in response to
23 that, the Executive a couple of years ago did
24 create a redevelopment task force, and they came
25 out with a report. I criticized the report at a

1 budget hearing because the report literally says
2 nothing. It does not provide any plan in general
3 or, more importantly, specifically for any of the
4 closed prisons.

5 So my question is, in the public
6 protection bill where we're going to go ahead and
7 reauthorize this kind of authority to the
8 Governor, given that in recent years when we've
9 closed prisons they've been closed and allowed to
10 rot in place, is there any redevelopment plan in
11 this bill or likely in a future bill that would
12 require that the Governor have, you know, some
13 sort of specific plan for these facilities that
14 our taxpayers own, that we have a stewardship
15 responsibility for?

16 SENATOR SALAZAR: Through you,
17 Madam President, yes.

18 So in existing law, in Article IV,
19 Section 79-B of the Correction Law, there is a
20 requirement for -- if the Executive is going to
21 close a correctional facility, for there to be an
22 adaptive reuse plan.

23 Under this proposal, in which the
24 Executive would be required to give 90 days'
25 notice of closure, the DOCCS commissioner would

1 also be required to report to the Temporary
2 President of the Senate and to the Speaker of the
3 Assembly on staff relocation efforts within
4 60 days of the closure. So there is existing law
5 that requires a reuse plan to be put forward and
6 to be submitted.

7 SENATOR STEC: Thank you.

8 Madam President, will the sponsor
9 yield?

10 ACTING PRESIDENT PERSAUD: Will the
11 Senator yield?

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR STEC: I'm not aware of --
16 and I'm curious if you have ever seen one of
17 these reuse plans for any of the facilities that
18 we've closed. Because I can take you to a lot of
19 former prisons around the North Country for sure
20 that are closed that I don't think anyone has
21 ever seen a closure plan.

22 So it's existing law, and yet no
23 one's following the law. And in the meantime,
24 again, these prisons are a blight. They look
25 like postapocalyptic structures the way that

1 they're sitting there in the Adirondacks. I
2 mean, we always talk about how much we care about
3 the environment and we protect, you know, these
4 resources very much in the viewsheds and whatnot.
5 And you drive around, and the state is the worst
6 landlord, landowner in the Adirondacks.

7 Have you seen any of these closure
8 plans for any of the previous prisons that have
9 been closed?

10 SENATOR SALAZAR: Through you,
11 Madam President. I believe the question is have
12 I reviewed plans for facilities that were
13 previously closed. I'll note that in existing
14 law DOCCS is not -- nor the Executive is required
15 to submit those plans to me or to the
16 Legislature.

17 What existing law requires is that
18 the commissioner consult with the commissioner of
19 Economic Development, other relevant authorities,
20 in order to present a reuse plan. And then that
21 plan is actually provided to local governments,
22 localities where the facility would be located.

23 But existing law does not require
24 that the Legislature review those plans. So I
25 haven't received them.

1 SENATOR STEC: Thank you.

2 Madam President, on the bill.

3 ACTING PRESIDENT PERSAUD: Senator
4 Stec on the bill.

5 SENATOR STEC: Thank you. Thank
6 you, Senator Salazar.

7 And again, thank you,
8 Senator Krueger, for allowing me to interrupt
9 your break on short notice like that.

10 The closure of prisons, I understand
11 everyone's looking at heads in beds. We can all
12 debate the wisdom as to what we've done with our
13 criminal justice system to get where we are with
14 our inmate head count. Are we heading in the
15 right direction, wrong direction? I guess the
16 voters will let us all know.

17 But I don't think that there's
18 debate that we've failed in two areas recently,
19 and they are relevant to the decision to close
20 prisons.

21 In recent years, for a variety of
22 reasons -- legislation that we've passed here --
23 violence in the prisons has gone up. It has
24 tripled. Inmate-on-inmate violence and
25 inmate-on-staff violence has tripled in the last

1 few years. Further concentrating the bad apples,
2 when we have staffing shortages and staffing
3 challenges, is only going to make these prisons
4 more dangerous unless we do something about that.

5 We have not done anything about that
6 as a Senate or as a Legislature, and the Governor
7 hasn't held any feet to the fire in the budget
8 negotiations to do it in this budget. So we've
9 changed nothing other than we are going to
10 further concentrate the bad apples into a
11 situation where the violence is only likely to
12 continue to increase.

13 And then, as I mentioned in debate,
14 the other issue is that we are doing a huge
15 disservice to the taxpayers that own all these
16 facilities, and specifically to the taxpayers
17 that live in the communities that host these
18 facilities. And when we close them and we ignore
19 them and we put a chain on the gate and a lock on
20 the door and walk away and allow Mother Nature to
21 wreak havoc on them so that they only
22 deteriorate, they only lose value, then it
23 becomes folly to even talk about reusing them
24 because they're beyond repair.

25 In the meantime, these host

1 communities now have something owned by the State
2 of New York that looks like a ghetto. And we
3 don't need them in our communities anywhere in
4 the state.

5 So we shouldn't be closing these
6 prisons until we figure out a plan to make sure
7 that they're safe, and we shouldn't close these
8 prisons until we have a plan for what to do with
9 that facility before we turn it over to the rats
10 and the weather and the wind and the rain.

11 For that and many other reasons in
12 this bill, I'll be voting against the public
13 protection bill. Thank you.

14 ACTING PRESIDENT PERSAUD: Thank
15 you, Senator.

16 Senator Rhoads.

17 SENATOR RHOADS: Thank you,
18 Madam President.

19 Will the sponsor of choice yield to
20 a few questions? I'm not sure who it is. This
21 is with respect to Part A and Part C.

22 ACTING PRESIDENT PERSAUD: Senator
23 Mayer, do you yield?

24 SENATOR MAYER: Are you talking
25 about Part A, Senator?

1 SENATOR STEC: Yes.

2 SENATOR MAYER: Is that assault on
3 a retail worker?

4 SENATOR RHOADS: That would be yes.
5 Retail worker assaults, and then I'll be asking a
6 few questions on Part C with respect to hate
7 crimes.

8 SENATOR MAYER: Part C is what?
9 I'm Part A, I've been instructed.

10 SENATOR RHOADS: Okay, thank you.
11 Will Senator Mayer yield to a few questions?

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields, yes.

14 SENATOR MAYER: Yes, I yield.

15 SENATOR RHOADS: Thank you,
16 Senator Mayer.

17 Part A deals with a new crime of
18 assault on a retail worker. Can you describe
19 what that is?

20 SENATOR MAYER: Yes, of course.

21 This provision creates a new crime,
22 assault on retail workers -- let me get the exact
23 language -- with the intent to prevent a retail
24 worker from performing an act within the scope of
25 such worker's employment, where the person causes

1 physical injury to the retail worker and the
2 person knew or reasonably should have known that
3 the individual was a retail worker.

4 This creates a Class E felony
5 punishable by four years in prison.

6 SENATOR RHOADS: And are Class E
7 felonies bail-eligible?

8 I'm sorry, will the sponsor yield?

9 ACTING PRESIDENT PERSAUD: Are you
10 asking Senator -- does the Senator yield?

11 SENATOR MAYER: Yes, I yield.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR RHOADS: Are Class E --
15 Class E felonies are not bail-eligible, correct,
16 in most circumstances?

17 SENATOR MAYER: Through you,
18 Madam President. On the first offense, this
19 offense is not bailable. But under the
20 harm-on-harm provisions that we enacted in
21 modifying the bail reform, on the second offense
22 this certainly is one of those offenses that a
23 court could impose bail or other conditions.

24 SENATOR RHOADS: Thank you,
25 Senator.

1 Will Senator Mayer continue to
2 yield?

3 ACTING PRESIDENT PERSAUD: Will the
4 Senator yield?

5 SENATOR MAYER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR RHOADS: Thank you,
9 Senator.

10 So in other words, in order to be
11 held on bail, a defendant would have to assault
12 two retail workers, correct?

13 SENATOR MAYER: Not correct. On
14 the first offense, if the person got charged with
15 this new crime, assault on a retail worker, and
16 then while either out with a desk appearance
17 ticket or not yet having a determination on that
18 and then is charged with a second crime that
19 involves harm to property, for example -- not
20 assault, a misdemeanor involving harm to
21 property -- with a second charge the offenses
22 would be bail-eligible.

23 And let me point out that the point
24 of this is to create a crime that reflects the
25 situation that we have where currently there is

1 not a description of a crime that actually fits
2 what's occurring.

3 So we are creating a crime with
4 serious consequences to address a problem that
5 all of us know exists in our communities, and we
6 need to give both prosecutors and police
7 additional tools to deal with it.

8 SENATOR RHOADS: Will the Senator
9 continue to yield?

10 ACTING PRESIDENT PERSAUD: Does the
11 Senator yield?

12 SENATOR MAYER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR RHOADS: Why should an
16 individual accused of this crime not be eligible
17 for bail or be given a second opportunity to go
18 out and commit further crimes without being able
19 to be held on bail?

20 SENATOR MAYER: Well, through you,
21 Madam President, we did not -- as was answered
22 previously, we did not amend the bail law in
23 this.

24 What we did was create a new crime
25 to deal with a situation that gives a much

1 harsher penalty, and appropriately so, for
2 assaulting a retail employee. Currently that
3 crime cannot be charged really with the
4 seriousness that is needed.

5 The current crimes that could be
6 applied, like aggravated harassment in the second
7 degree, which is a Class A misdemeanor, that
8 doesn't meet the moment of what this crime is.

9 So we are enhancing the penalties
10 and making it possible that on a second offense
11 of any kind of nature that involves harm to
12 person or property, bail can be set.

13 But bail is not the only consequence
14 that one should look at. The possibility of
15 being in jail for four years upon a conviction of
16 this new Class E felony is a serious deterrent,
17 we believe.

18 SENATOR RHOADS: Thank you,
19 Senator.

20 I guess my question is, from 2018 --
21 will the sponsor continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 Senator yield?

24 SENATOR MAYER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR RHOADS: I've got to get
3 used to that.

4 Thank you, Senator. From 2018 to
5 2020 you had overall assaults in retail
6 establishments that were up 42 percent --
7 63 percent in grocery stores, 75 percent in
8 convenience stores. In the last year there's
9 been a 22 percent increase in the City of
10 New York in retail theft incidents, including
11 63,000 complaints that were made, most going
12 unresolved.

13 Why is it, though, that on the
14 initial arrest, for the initial commission of the
15 crime of assault of a retail worker, why is bail
16 not an option? Because that was a conscious
17 decision in writing this bill. We all understand
18 the need for the legislation. But the question
19 is, why does a judge not have the opportunity to
20 be able to set bail, or a prosecutor able to seek
21 bail, considering that they assaulted a retail
22 worker?

23 SENATOR MAYER: Well, I'm not going
24 to revisit, Senator Rhoads, the distinctions made
25 in the original bail law between certain crimes

1 and others.

2 The fact that is relevant here is
3 that with this new crime we are actually giving
4 both prosecutors and police additional tools, and
5 we are giving a judge the additional tool of
6 being able to set bail or other conditions that
7 may be appropriate when a person goes out and,
8 for example, tries to break into a car.

9 So we made certain distinctions in
10 the original bail law, and we made multiple
11 changes thereafter, which you seem to be not
12 acknowledging, that give this harm-on-harm
13 provision the ability for a judge to set bail.

14 And the other thing I would note for
15 you is you cited your statistics -- I don't know
16 where they come from. I have other statistics.
17 There's no question this is a serious problem.
18 That's why we're addressing it. That's why
19 Senator Scarcella-Spanton and others had a bill
20 as well to increase penalties.

21 So we are dealing with something in
22 the number of overall shoplifting and petit
23 larceny complaints. This is a small percentage
24 of those overall complaints, which is something
25 that I do want to talk about. But there's no

1 question it exists, and we are trying to deal
2 with it seriously.

3 And we are not amending the bail
4 law, we are giving a tool to our police officers
5 and prosecutors so they can actually prosecute
6 this. Right now there's very little they can do.

7 SENATOR RHOADS: Thank you,
8 Senator.

9 Will the -- will Senator Mayer
10 continue to yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR MAYER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR RHOADS: Thank you,
17 Senator Mayer.

18 Please understand, I'm not critical
19 of the establishment of a crime of assault of a
20 retail worker. I think that's a positive
21 development. However, I'm having difficulty
22 understanding why it is that it requires a second
23 crime to be committed for a judge to have the
24 discretion to be able to hold an individual on
25 bail.

1 (Pause.)

2 SENATOR MAYER: Sorry.

3 SENATOR RHOADS: So what was the --
4 obviously you're creating a new crime. What was
5 the rationale behind not giving a judge the
6 opportunity to set bail on the initial crime?
7 Why must a second crime be committed in order for
8 a judge to have the opportunity to be able to set
9 bail?

10 SENATOR MAYER: Senator, if a
11 person forcibly steals property and in the course
12 of the commission of that crime they cause
13 physical injury to a person who's not a
14 participant in the crime, or displays a pistol or
15 what appears to be a pistol, that would be a
16 Class E felony -- which they could be charged
17 with now, and then bail could be set.

18 So just to answer your question, the
19 fact is there are crimes which can be charged.
20 We are trying to address a different kind of
21 context of a crime, which is the one that you are
22 sort of broadly describing as all of these
23 events. They're very different. The one that we
24 are trying to get is not when there's
25 automatically a serious injury or also a robbery

1 occurring. We are trying to get when someone
2 goes into the store and injures the retail
3 employee, knowing it's a retail employee, and for
4 example may not engage in robbery. We are giving
5 an enhanced penalty to that crime.

6 SENATOR RHOADS: Thank you,
7 Senator.

8 Will the Senator continue to yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: Will the
11 Senator yield?

12 The Senator yields.

13 SENATOR RHOADS: Thank you,
14 Senator Mayer.

15 If I can ask, though, why is it only
16 prospective? In other words, if you have someone
17 who commits the crime of assault on a retail
18 worker and has committed two dozen other crimes
19 before committing that crime, why is a judge not
20 able to consider that in establishing bail?

21 SENATOR MAYER: Senator, in the
22 case you described, I believe a judge certainly
23 could set bail. Because the second offense is a
24 harm on harm or harm to a person or property.

25 SENATOR RHOADS: No, no, it's --

1 and I appreciate that answer.

2 SENATOR MAYER: Did I misunderstand
3 your question?

4 SENATOR RHOADS: I'm just trying to
5 clarify my question, if that's okay.

6 ACTING PRESIDENT PERSAUD: Senator,
7 do you continue to yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR RHOADS: So when I'm saying
12 that it's prospective -- in other words, the way
13 the legislation is written, a first offense is
14 committed, a judge is not permitted to establish
15 bail. If, while they are awaiting trial, there
16 is the commission of a second offense to
17 property, then a judge can consider bail at that
18 time. That's my understanding.

19 But on that first offense, if the
20 person who committed that first offense and is
21 now before a judge to determine whether there is
22 to be bail awaiting trial, and under these
23 circumstances the judge would not be able to set
24 it -- if that individual had committed a dozen,
25 two dozen, three dozen crimes previously, under

1 this law you still have to wait for them to
2 commit another crime before a judge would have
3 the opportunity to set bail. Am I correct in
4 that understanding?

5 (Pause.)

6 SENATOR MAYER: In answer to your
7 question, you're asking a hypothetical factual
8 circumstance, I believe, where a person has
9 previously been convicted of other offenses and
10 then engages in this conduct and is charged with
11 it?

12 SENATOR RHOADS: Right.

13 SENATOR MAYER: In that case --
14 (pause).

15 I'm sorry, staff is clarifying that
16 if convicted of prior offenses, they could be
17 considered a persistent felony offender under the
18 statute and be eligible for bail on the -- this
19 charge.

20 SENATOR RHOADS: Oh, so under --
21 will the sponsor continue to yield.

22 ACTING PRESIDENT PERSAUD: Will the
23 Senator yield?

24 SENATOR MAYER: Go ahead, I'm
25 sorry.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR RHOADS: So am I correct,
4 then, in my understanding that if this individual
5 has been convicted of a prior felony, a judge
6 would be able to set bail on the initial crime of
7 creating a -- of assault on a retail worker?

8 (Pause.)

9 SENATOR MAYER: If this person had
10 been convicted of prior felonies and then got
11 charged with this crime, for purposes of bail
12 alone, this crime is not bail-eligible.

13 If the subsequent crimes occur as I
14 described previously, on the subsequent
15 accusations or charges, then bail could be set.

16 SENATOR RHOADS: Will the Senator
17 continue to yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 Senator yield?

20 SENATOR MAYER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR RHOADS: Thank you. I
24 don't mean to belabor the point.

25 So am I then correct in my

1 understanding that individuals who had committed
2 prior felonies who now commit assault on a retail
3 worker, the --

4 SENATOR MAYER: -- are charged with
5 commission of assault on a -- we are talking
6 about a charge --

7 SENATOR RHOADS: Correct.

8 SENATOR MAYER: -- with respect to
9 bail.

10 But you -- just -- respectfully,
11 you're assuming this is a conviction. Bail, we
12 are talking about charges. A person is presumed
13 to be innocent.

14 SENATOR RHOADS: Is it still the
15 case, Senator, that a judge, when an accused
16 comes before them on the charge of assault of a
17 retail worker, a judge is still unable to
18 consider that individual's prior criminal acts,
19 prior criminal convictions, and the likelihood
20 that that individual will continue to be a danger
21 to the community in determining whether or not
22 bail may be set?

23 SENATOR MAYER: Respectfully, the
24 answer is, as we've said before, dangerousness is
25 not the standard under the bail law. That has

1 not been modified.

2 This bill is an effort to give
3 really the criminal justice system the
4 opportunity and the right to prosecute people who
5 engage in this conduct. It's -- does not modify
6 the bail law.

7 SENATOR RHOADS: Thank you. Thank
8 you, Senator. I appreciate it. And thanks for
9 indulging my questions.

10 SENATOR MAYER: You're welcome.

11 SENATOR RHOADS: I would like to
12 move on to Part C.

13 ACTING PRESIDENT PERSAUD: Senator,
14 do you yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR RHOADS: Thank you,
19 Senator Hoylman-Sigal.

20 With respect to Part C, it is my
21 understanding that we are adding new crimes that
22 can be considered as hate crimes, but there were
23 a number of crimes that were proposed to be added
24 as hate crimes that were excluded.

25 Do you have a list of those crimes

1 that were excluded?

2 SENATOR HOYLMAN-SIGAL: Through
3 you, Madam President, yes.

4 SENATOR RHOADS: And will the
5 sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR RHOADS: What was that
12 list?

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Madam President, obviously hate crimes is an
15 issue that we all take very seriously. The
16 crimes that were selected from the specified
17 offense list are ones that we considered,
18 debated in our conference, but obviously with the
19 other house too. This was an iterative process,
20 along with the Executive.

21 There were a total of 31 charges
22 that the Executive proposed, and our list before
23 us today in the budget proposal is 23 out of
24 those 31. Did you want me to name those? I
25 mean, it's a very long list, but --

1 SENATOR RHOADS: No, no, I was
2 asking specifically about the eight that were
3 excluded.

4 SENATOR HOYLMAN-SIGAL: The what?

5 SENATOR RHOADS: I was asking
6 specifically about the eight that were excluded.

7 SENATOR HOYLMAN-SIGAL: Oh, yes.

8 And those include criminal
9 possession of a weapon in the third and fourth
10 degree. Arson in the fifth degree. Jostling.
11 Making graffiti. Endangering the welfare of a
12 child. Labor trafficking. Aggravated labor
13 trafficking.

14 SENATOR RHOADS: Thank you,
15 Senator.

16 Will Senator Hoylman-Sigal continue
17 to yield?

18 ACTING PRESIDENT PERSAUD: Senator,
19 do you yield?

20 SENATOR HOYLMAN-SIGAL: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR RHOADS: And am I correct
24 in my understanding that labor trafficking would
25 be transporting someone across state lines for

1 the purposes of -- transporting someone across
2 state lines for the purpose of their forced labor
3 under threat of, for example, deportation or some
4 other ...

5 SENATOR HOYLMAN-SIGAL: Generally
6 speaking, yes.

7 SENATOR RHOADS: Why would --

8 ACTING PRESIDENT PERSAUD: Are you
9 asking --

10 SENATOR RHOADS: Would the sponsor
11 continue to yield.

12 ACTING PRESIDENT PERSAUD: -- the
13 Senator to yield?

14 The Senator yields?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR RHOADS: Why would that not
19 be considered to be a hate crime?

20 SENATOR HOYLMAN-SIGAL: This is
21 an -- it's an ongoing discussion that we've been
22 having, again, with our partners, the Executive
23 and the Assembly. And we, suffice to say,
24 carefully considered that.

25 I'll say that we're open to having

1 further discussions outside of the budget on this
2 charge and others. But at the end of the day,
3 again, an iterative process, and it was not
4 included in the final negotiations.

5 SENATOR RHOADS: Thank you,
6 Senator.

7 Will the sponsor continue to yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 Senator yield?

10 SENATOR HOYLMAN-SIGAL: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR RHOADS: Senator
14 Hoylman-Sigal, how about with respect to
15 endangering the welfare of a child? Why would
16 that not be considered a hate crime under the
17 right circumstances?

18 SENATOR HOYLMAN-SIGAL: Once again,
19 I appreciate the question. And I'll say that,
20 once again, it was the subject of negotiations
21 among the Executive, our partners in the other
22 house, and our own colleagues. So it was not
23 included.

24 SENATOR RHOADS: Thank you,
25 Senator.

1 Will the Senator continue to yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 Senator yield?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 Senator yields.

7 SENATOR RHOADS: In my district
8 several months ago -- and actually it happened on
9 more than one occasion by one particular
10 individual, who was actually caught by the
11 police, who had spray-painted swastikas on the
12 side of a school building. And I noticed that
13 making graffiti is one of the crimes that is now
14 excluded as being charged as a hate crime.

15 Would someone be able to spray-paint
16 antisemitic or anti-gay or anti-whatever graffiti
17 on a building against a particular group -- am I
18 correct to understand that that would no longer
19 be able to be considered as a hate crime?

20 SENATOR HOYLMAN-SIGAL: Through
21 you, Madam President. Well, it was never -- we
22 haven't removed it from hate crime eligibility.
23 We just didn't include it in this list.

24 Currently that action could be
25 charged as criminal mischief in the fourth

1 degree, which could be charged as a hate crime.
2 And if the DAs wanted to target the individuals
3 who spray-paint hateful graffiti, they could do
4 it under that charge.

5 SENATOR RHOADS: Thank you,
6 Senator.

7 Will the sponsor continue to yield.

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR HOYLMAN-SIGAL: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR RHOADS: Was there a
14 particular reason why graffiti was excluded?

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Madam President. I would say that this is
17 obviously a very sensitive issue. Once again, an
18 iterative process among the three negotiating
19 teams.

20 That's why -- and it's a sensitive
21 one too, considering the age of the individual,
22 their background, their intentions, which is
23 sometimes hard to glean.

24 That's why we've included a
25 provision in this bill that will allow for the

1 collection of more data from our courts, which
2 will hopefully enhance our understanding of the
3 hate crimes that are charged.

4 SENATOR RHOADS: Thank you.

5 Will the sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Will the
7 Senator yield?

8 SENATOR HOYLMAN-SIGAL: I do.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR RHOADS: Thank you,
12 Senator Hoylman-Sigal.

13 Antisemitism, acts of antisemitism,
14 certainly in the wake of October 7th have
15 dramatically increased. There was a 90 percent
16 increase from October 7th to the end of the year.
17 There's another 40 percent increase just since
18 January in acts of antisemitism specifically here
19 in the State of New York.

20 Are there any -- is there any other
21 legislation that's been introduced as part of
22 this budget package, as part of our public
23 protection package, that would actually address
24 the rise of antisemitism?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Madam President. There are a number of
2 bills outside of the budget discussions to
3 address what you accurately cite is a very
4 disturbing increase in antisemitism,
5 Islamophobia, racial bias. I think the statistic
6 is 400 percent since October 7th.

7 I hope we will see some of those
8 bills come to the floor for a full vote of the
9 Senate. They are not included in our budget
10 package.

11 SENATOR RHOADS: And will the
12 sponsor continue to yield.

13 ACTING PRESIDENT PERSAUD: Will the
14 Senator yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR RHOADS: Is there anything
19 that's specifically being done in this budget or
20 otherwise with respect to, for example, education
21 and tolerance programs at SUNY and CUNY schools?
22 I believe my colleague Senator
23 Canzoneri-Fitzpatrick has a bill designed to
24 address that. I myself have legislation that
25 would withdraw funding from SUNY and CUNY schools

1 if they permit organizations that advocate for
2 terrorist organizations such as Hamas or
3 Hezbollah, as defined by federal statute.

4 Were any of those pieces of
5 legislation considered as part of this anti-hate
6 legislation that's included within the budget?

7 SENATOR HOYLMAN-SIGAL: Through
8 you, Madam President, they are not in this
9 specific bill that we are debating today.

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

12 ACTING PRESIDENT PERSAUD: Does the
13 Senator yield?

14 SENATOR HOYLMAN-SIGAL: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR RHOADS: Do we know if any
18 of those bills will be considered during the
19 remainder of session?

20 SENATOR HOYLMAN-SIGAL: Through
21 you, Madam President, we don't know at this point
22 what might be included in bills moving forward.
23 But certainly we can revisit that as we discuss
24 and debate those future bills on the floor.

25 SENATOR RHOADS: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 Senator yield?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 Senator yields.

7 SENATOR RHOADS: Thank you, Senator
8 Hoylman-Sigal.

9 Our American Jewish population and
10 other populations across New York State are
11 feeling threatened and unsafe as they go about
12 their daily lives and are being disrupted by
13 threats of violence and actual violence both on
14 and off our college campuses.

15 Is there anything in this budget
16 that is designed to protect our citizens against
17 religiously fueled crimes?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Madam President. Well, I would say
20 increasing the number of hate-crime charges by 23
21 is an important step in that direction.

22 SENATOR RHOADS: Thank you,
23 Senator.

24 SENATOR HOYLMAN-SIGAL: Thank you,
25 sir.

1 SENATOR RHOADS: Thank you,
2 Madam President.

3 ACTING PRESIDENT PERSAUD: Thank
4 you, Senator.

5 Senator Helming.

6 SENATOR HELMING: Thank you,
7 Madam President. Will the sponsor yield for
8 questions on Part E.

9 SENATOR KRUEGER: Hello. We'll
10 give it a whirl. How are you tonight?

11 SENATOR HELMING: Thank you,
12 Senator Krueger.

13 If the sponsor will yield,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR HELMING: Senator Krueger,
21 I have a brief summary of Part E. And my
22 understanding, after reading the summary, is that
23 it will basically transfer or halt the transfer
24 of \$1.5 million to the Emergency Services
25 Revolving Loan Fund for the next two years.

1 So my first question is that -- is
2 it a total of 1.5, or is it 1.5 each year for a
3 total of 3 million?

4 SENATOR KRUEGER: It's 1.5 each
5 year for two years. So 3 million total.

6 SENATOR HELMING: Thank you.

7 Madam President, if the sponsor will
8 continue to yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 Senator yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR HELMING: And
15 Senator Krueger, can you explain what the intent
16 or the purpose of the Emergency Services
17 Resolving Loan Fund is?

18 SENATOR KRUEGER: Yes. It was
19 established under 97-pp of the State Finance Law
20 to make loans to cities, villages, fire
21 districts, counties, towns and not-for-profit
22 fire/ambulance corporations, at an annual fixed
23 rate of 2.5 percent. Principal and interest
24 payments made by recipients are deposited in the
25 revolving loan fund and loaned once again to new

1 applicants.

2 SENATOR HELMING: Thank you.

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

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR HELMING: I appreciate that
9 response, word for word from the website.

10 SENATOR KRUEGER: Yes. I didn't
11 make it up. It was right there.

12 SENATOR HELMING: We know that many
13 of our fire departments and our EMS service
14 providers and others are struggling. We've
15 talked about it on this floor, we've created the
16 Rural Ambulance Task Force, which I don't believe
17 has provided the recommendations they were
18 supposed to.

19 But they're struggling. They're
20 struggling trying to find volunteers, workers,
21 keeping up with state mandates on training, on
22 equipment mandates. They're struggling trying to
23 replace outdated equipment, personal protection
24 equipment. And our 911 centers, I hear from
25 them -- and you probably do too -- all the time

1 about how they need to upgrade their lifesaving
2 equipment.

3 So as you just stated, this fund was
4 created to help with loans for these groups and
5 organizations. And if you continue reading on
6 the website, it says that sufficient funds are
7 not always available because the fund is made up
8 of the principal and interest payments made by
9 the borrowers.

10 So my question is, why are we -- why
11 are we intervening in the transfer of \$3 million?
12 We did it the last two years. Now we're at
13 \$6 million.

14 SENATOR KRUEGER: Through you,
15 Madam President, we've actually done it since
16 2011. But I am just learning that we actually
17 have \$25 million in that fund. So it never runs
18 out. It hasn't been running out. And this
19 reduction of 1.5 each year for the next two years
20 will have no impact on people who are applying
21 for these funds.

22 SENATOR HELMING: Thank you.

23 If the Senator would continue to
24 yield for questions.

25 ACTING PRESIDENT PERSAUD: Will the

1 Senator yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR HELMING: I do have
6 concerns about that funding not being utilized by
7 our firefighters. I'm wondering if the fire
8 departments know about it.

9 I'm also wondering why, if that fund
10 is flush with funding and we're diverting funds
11 away from it, why we continue to collect that
12 \$1.20 fee on cellphone bills.

13 SENATOR KRUEGER: That \$1.20 that
14 we collect is used for a variety of ways. And so
15 it's used to make sure that 911 system is funded
16 appropriately. It's used for State Police. It's
17 used for statewide interoperable communications
18 for first responders.

19 So it's not that there's surplus
20 per se in total. There happens to be a surplus
21 in that loan fund. But that money is still being
22 used for, I think you and I would agree, all good
23 things.

24 SENATOR HELMING: Through you,
25 Madam President, if the sponsor will continue to

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 Senator yield?

4 SENATOR KRUEGER: Yes, I do.

5 ACTING PRESIDENT PERSAUD: The
6 Senator yields.

7 SENATOR HELMING: Senator Krueger,
8 you just read the long list of where that \$1.20
9 goes to. But it's my understanding that 1.5 per
10 year is to be directed specifically to the
11 Emergency Services Revolving Loan Fund. And I'm
12 really dismayed to hear that there's still a
13 large pot of money that's not being allocated.
14 And perhaps what we should be looking at is
15 lifting the thresholds, the limits that are
16 placed on our EMS service providers, our
17 volunteer firefighters.

18 Like, for instance, firefighting
19 apparatus, they're limiting to applying for
20 \$375,000. New engines cost a million dollars and
21 up. Ambulances, they're limited to applying for
22 this program for 225,000. PPE, limited to
23 200,000. For the renovation or the rehab or the
24 repair of our fire departments -- a lot of them
25 are old and aging and falling apart -- they're

1 limited to a max of 500,000.

2 So why aren't we talking about -- or
3 was there discussion about raising these
4 thresholds?

5 SENATOR KRUEGER: So I want to
6 thank Senator Helming for raising that issue and
7 pointing out that it is the Department of
8 Emergency Services that actually sets those
9 formulas. And I think it's probably very worthy
10 of discussion about whether those are adequate
11 formulas or not.

12 I believe we're also putting
13 \$25 million into -- last year we put in
14 \$25 million for volunteer fire departments to
15 help them.

16 But I think your point that perhaps
17 the formula that's used by emergency services to
18 determine what the dollar costs for new equipment
19 is should be reevaluated.

20 SENATOR HELMING: Thank you.

21 Madam President, on the bill.

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

24 SENATOR HELMING: Madam President,
25 I feel very strongly that we should not be

1 diverting these surcharge fees from local
2 emergency operations such as local emergency call
3 centers, our volunteer fire departments and
4 ambulance service providers, from crisis
5 intervention services, 911 centers and other
6 emergency safety operations.

7 Public safety should always be our
8 top priority, and this diversion of these
9 resources harms public safety, and we should be
10 looking to increase the amount that is used for
11 local emergency operations.

12 I'm thrilled to hear that
13 Senator Krueger has agreed that we'll take
14 another look at this and see if we could raise
15 the thresholds.

16 Thank you, Madam President.

17 ACTING PRESIDENT PERSAUD: Thank
18 you, Senator.

19 Senator Borrello.

20 SENATOR BORRELLO: Thank you,
21 Madam President. I'm looking for some answers to
22 part G, which is combating unlicensed sale of
23 cannabis.

24 ACTING PRESIDENT PERSAUD: Does the
25 Senator yield?

1 SENATOR KRUEGER: Of course.

2 ACTING PRESIDENT PERSAUD: The
3 Senator yields.

4 SENATOR BORRELLO: Thank you.
5 Through you, Madam President.

6 So Senator Krueger, you and I have
7 had this discussion many times about the just
8 rampant sale of illegal weed all across our
9 state, probably no more concentrated anywhere
10 than in New York City, where I think you told me
11 there's roughly 3,000 illegal operations in the
12 five boroughs.

13 So with that being said, I see that
14 we're trying to crack down. But is there
15 anywhere in any of these new -- I guess new tools
16 that would allow for police officers to come in,
17 arrest and put in prison someone who's illegally
18 selling cannabis?

19 SENATOR KRUEGER: Through you,
20 Madam President. There's nothing new here for
21 that. There are certain existing criminal laws
22 for certain activities that could land someone in
23 prison. But there's nothing in this that adds to
24 that.

25 SENATOR BORRELLO: Madam President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR BORRELLO: Yeah, I'm aware
8 that if you have a tractor-trailer-load of pot
9 you can probably go to prison, maybe, for a
10 little while. But we're talking about someone
11 who has opened up a shop on a street in public.
12 Some of these shops open early to catch kids on
13 their way to school, which I think is totally
14 abhorrent.

15 Why are we not giving our police the
16 key tool to walk in and shut the place down and
17 arrest that person for selling drugs illegally?

18 SENATOR KRUEGER: So if you're
19 selling to children or if you're selling large
20 weights, so to speak, there are criminal
21 penalties already that the police can use to do
22 exactly that.

23 But we feel that the number-one
24 priority is not to recriminalize cannabis, but
25 rather get the illegal shops closed, make it

1 clear that you will be penalized if you continue
2 to do this business. To radically increase the
3 penalties and fines. But I don't think most
4 people think -- and they didn't think it before
5 we passed legalization either -- that people
6 selling marijuana should go to jail.

7 SENATOR BORRELLO: Madam President,
8 will the sponsor continue to yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR BORRELLO: So someone who's
15 selling marijuana illegally should not go to
16 jail.

17 If someone is selling alcohol
18 illegally, will they go to jail?

19 SENATOR KRUEGER: So if you're
20 selling to children or you're selling I guess
21 large quantities, I think you possibly can go to
22 jail.

23 I guess I would make the same point.
24 I don't think the public is looking to throw
25 people into jail if they're selling alcohol

1 illegally or cannabis illegally.

2 SENATOR BORRELLO: Madam President,
3 will the sponsor continue to yield?

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR BORRELLO: If someone is
10 selling cigarettes illegally, will they go to
11 jail?

12 SENATOR KRUEGER: So apparently
13 it's the same basic rules, yes.

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

16 ACTING PRESIDENT PERSAUD: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR BORRELLO: If someone is
22 selling stolen merchandise, will they go to jail?

23 SENATOR KRUEGER: (No audible
24 response.)

25 SENATOR BORRELLO: Madam President,

1 will the sponsor continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR KRUEGER: Sure.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR BORRELLO: So why should
8 pot be any different?

9 SENATOR KRUEGER: I don't think pot
10 is different. We've just agreed that if you're
11 selling to children or you're selling above a
12 certain amount, you do go to jail.

13 I am quite sure that you don't go to
14 jail for every possible storyline in selling
15 alcohol without a license or tobacco without a
16 license. Or we certainly know you don't go to
17 jail for any kind of theft of anything. It
18 really varies on the situation and the
19 seriousness of it.

20 Again, we've had marijuana forever.
21 And we were putting a lot of people into the
22 criminal justice system, disproportionately young
23 people 18 to 25, very disproportionately young
24 people of color, even though everybody has been
25 using marijuana for I'm going to say easily a

1 hundred years.

2 So the question was never did
3 anybody think we should be putting people in jail
4 for it. It was always a question of should we
5 make sure it's safe, should we make sure they're
6 not selling to children, should we hopefully make
7 sure that they're not members of drug cartels or
8 other criminal drug, you know, groups, and should
9 we be able to test the product to make sure it is
10 safe, it is what it is.

11 And yes, it would be lovely to
12 collect taxes on it, as we do on tobacco and
13 alcohol and most other products that get sold.

14 SENATOR BORRELLO: Madam President,
15 on the bill.

16 ACTING PRESIDENT PERSAUD: Senator
17 Borrello on the bill.

18 SENATOR BORRELLO: Thank you,
19 Senator Krueger. You and I have this discussion
20 a lot.

21 But the reality is that, you know,
22 there is a lot of unknowns out there with this
23 illegal sale of marijuana that's going on across
24 our state, thousands upon thousands of right out
25 in the open retail operations on the street.

1 I was in New York City recently, and
2 I was amazed. There's probably not a block, a
3 city block anywhere in Manhattan that doesn't
4 have an illegal pot shop on it. It's absolutely
5 outrageous.

6 So the idea of us just saying we're
7 going to have a few more fines, maybe padlock a
8 few more doors is going to solve the problem,
9 it's not.

10 You also mentioned about safe -- I
11 agree. We're hearing more and more stories that
12 with this absolute saturation of the sale of
13 illegal weed out in the open, we've had some
14 situations now even, in my district, where you've
15 got fentanyl-laced marijuana that's being sold.
16 Because when you have to compete so much with
17 someone living on every corner selling illegal
18 weed out in the open, you've got to do a little
19 extra to your product to try to distinguish it
20 from the thousands of others that are selling it
21 illegally.

22 Until we start putting people in
23 prison, we're not going to solve this problem,
24 that's for sure.

25 I would like to move on to Part U,

1 if I can. This is a little less exciting, but
2 still important: The sunset of state matching
3 funds for countywide shared services.

4 ACTING PRESIDENT PERSAUD: Does the
5 Senator yield?

6 SENATOR KRUEGER: I will.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR KRUEGER: Although I'm
10 still a little obsessed with we want to put
11 everybody in jail for marijuana.

12 SENATOR BORRELLO: Everybody? Not
13 everybody.

14 SENATOR KRUEGER: No, we really
15 don't. We really don't want to put them in jail
16 for marijuana.

17 But I'll continue to the next topic.

18 SENATOR BORRELLO: Thank you. This
19 is a little more mundane.

20 So you're very aware of the shared
21 service programs that were put in place by the
22 previous governor. In my county, when I was
23 county executive and county legislator, we
24 expended a lot of time, money and resources to
25 try to comply with those shared services. And

1 there were incentives there.

2 This bill right now is going to
3 essentially sunset that. But usually when you
4 sunset something, you know, the people that are
5 currently in the process would have an
6 opportunity to complete that process.

7 So we have counties right now,
8 including some in my district, that are in the
9 middle of the shared services program with the
10 hopes that after they are expending the time,
11 money and resources, they should be able to drawn
12 down that funding.

13 Will those counties that are
14 currently in the process be able to complete that
15 process and draw down those funds?

16 SENATOR KRUEGER: Thank you. I'm
17 learning from the staff.

18 If you've already started your
19 process, we're not cutting you off.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR BORRELLO: This is
3 important, so I just want to make sure. So if
4 they're in the process -- not just cutting them
5 off, but completing the process and still being
6 able to draw down that grant funding that goes
7 along with the process? That's the specific
8 question.

9 SENATOR KRUEGER: As long as you
10 started the process before January 24, which is a
11 few months ago, you're good.

12 SENATOR BORRELLO: Good.

13 Madam President, on the bill for a
14 second.

15 ACTING PRESIDENT PERSAUD: Senator
16 Palumbo {sic} on the bill for a second.

17 SENATOR BORRELLO: That's the other
18 Italian guy. I'm Borrello. I'm sorry.

19 (Laughter.)

20 ACTING PRESIDENT PERSAUD: Sorry,
21 Senator Borrello.

22 SENATOR BORRELLO: Thank you.
23 That's great news. Not what I was expecting to
24 hear, so -- but good news. Thank you very much.

25 I'm going to move on to Part BB,

1 which is the returning tax-foreclosed surplus
2 property -- surplus to property owners.

3 SENATOR KRUEGER: Madam President,
4 just double-checking whether somebody else was on
5 deck for that one. And I don't think so. So I'm
6 happy to give it a try. Please.

7 ACTING PRESIDENT PERSAUD: Okay,
8 the Senator will yield.

9 SENATOR BORRELLO: Okay, thank you.
10 So I understand that the impetus on
11 this is that if someone loses their property to a
12 tax foreclosure, that if anything above and
13 beyond the taxes owed is collected, that would
14 have to go back to the property owner. The
15 previous property owner, I should say, because
16 the property was foreclosed upon.

17 So does this include multifamily
18 units and commercial properties?

19 SENATOR KRUEGER: Only residential
20 properties. But can it be multifamily? So we're
21 double-checking on the multifamily.

22 This is specifically out of a court
23 case where we were ordered to change the law to
24 address this it this way. Because yes,
25 governments were collecting the taxes owed

1 through tax liens and for foreclosure, but they
2 were collecting the total value of the sale when
3 in fact the homeowner or I guess multifamily
4 landlord might only have owed a relatively small
5 amount compared to what the sale value was.

6 SENATOR BORRELLO: Madam President,
7 will the sponsor continue to yield?

8 ACTING PRESIDENT PERSAUD: Will the
9 Senator yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR BORRELLO: So just so we're
14 clear, so it would apply to a multifamily
15 dwelling like an apartment building. But it
16 would not apply to a commercial property like,
17 you know, whatever, a grocery store.

18 SENATOR KRUEGER: Yes. We're still
19 double-checking that it applies to multifamily
20 dwellings. They're busy looking I think at the
21 court case and the language.

22 SENATOR BORRELLO: Okay. So it is
23 based on whatever that court case was, you're
24 mirroring that?

25 SENATOR KRUEGER: Yes. So primary

1 residence. So it's a great question. If you own
2 a multifamily building --

3 SENATOR BORRELLO: You don't live
4 there?

5 SENATOR KRUEGER: Depending on the
6 ownership structure. So if you -- forget
7 renters, right. But if you are a co-op or a
8 condo owner and you fail to pay your taxes, the
9 government can put a lien against your property.
10 And I think the storyline would be specific to
11 that apartment.

12 If the entire building goes in a tax
13 lien -- and I know that happens, then I'm just --
14 we're still not a hundred percent sure whether it
15 would be the same rules that applied.

16 SENATOR BORRELLO: Madam President,
17 if the sponsor will continue to yield.

18 SENATOR KRUEGER: Do you know -- is
19 this a test question for me?

20 SENATOR BORRELLO: No, this is not
21 a test question.

22 SENATOR KRUEGER: Because I'll
23 believe you if you know.

24 ACTING PRESIDENT PERSAUD: Does the
25 Senator yield?

1 SENATOR KRUEGER: Yes, of course.

2 ACTING PRESIDENT PERSAUD: The
3 Senator yields.

4 SENATOR BORRELLO: No, there's just
5 a genuine concern out there as to whether or not
6 this applies. That's why it would be good to get
7 a clarification. If not now, at some point, if
8 we can get a clarification on that, that would be
9 helpful. But I'll move on the next question on
10 that topic.

11 So again, spent 10 years in county
12 government, including county executive. The vast
13 majority of the properties that we foreclosed on
14 sell for far below what -- the taxes that are
15 owed. Like probably 90 percent of them. In most
16 cases, a dollar for a piece of property.

17 So county governments, you know,
18 essentially, instead of having to burden other
19 taxpayers, they can kind of right the ship with
20 that surplus.

21 So what are we going to do for
22 county governments for all those other properties
23 that sell well below the taxes owed?

24 SENATOR KRUEGER: I'm so sorry, I
25 was getting a more complete answer on your

1 earlier question.

2 SENATOR BORRELLO: That's okay, we
3 can go back to that one if you'd like.

4 SENATOR KRUEGER: So let me just
5 read the decision. (Pause.)

6 Okay. So it's for any property,
7 they have to return the surplus. The homeowner's
8 notice requirements were added in, are for
9 primary residences. And it's only residential
10 properties. So it would also be multifamily,
11 because it's residential, not commercial.

12 SENATOR BORRELLO: Not commercial,
13 okay.

14 SENATOR KRUEGER: Correct.

15 And now, I'm sorry, because -- can I
16 ask him to please repeat the last question?
17 Because I was multitasking and it didn't work.

18 SENATOR BORRELLO: No worries.
19 Yeah, so just to repeat my last question. In a
20 tax foreclosure auction at a county, the vast
21 majority of the properties are sold for well
22 below the taxes that were owed, like I said. In
23 fact, if you looked at the list at least in
24 Chautauqua County, where I'm from, the vast
25 majority of transactions are a dollar. So, you

1 know, the hope is that whoever gets this
2 property, they'll return it to the tax rolls at
3 some point.

4 So that being said, we're now saying
5 to the counties that use those surplus dollars to
6 help offset the losses that they can no longer
7 have those surplus dollars. Are we going to do
8 anything to help offset the losses of the vast
9 majority of the sales that take place in these
10 tax auctions?

11 SENATOR KRUEGER: So I don't think
12 there's any history of the state getting itself
13 involved in tax lien policy at that level.

14 Because basically you're suggesting
15 if you have a community where there are unpaid
16 taxes by a variety of people and some of them get
17 sold and there's profit left -- and that's what
18 really this is about, and the courts have said
19 you have to give that back to the people who
20 didn't owe that much in taxes.

21 But you're pointing out that there's
22 another problem, and to some degree it's a
23 separate problem, that you sold this, you put
24 X amount of money into even going through the
25 process of the lien and you're still not getting

1 back what they owe you. So the question is, is
2 it fair that you get to keep -- oh, I'll pick on
3 Paul here.

4 (Laughter.)

5 SENATOR KRUEGER: So Paul and I
6 both didn't pay our taxes. You sell my house,
7 and you still haven't gotten your full taxes back
8 because my house wasn't worth what I owed you in
9 taxes.

10 SENATOR BORRELLO: Right.

11 SENATOR KRUEGER: That's the
12 problem you're talking about now.

13 But Paul over here owes you taxes,
14 he lost his house. And the value that you sold
15 the house was greater than what he owed you.
16 Should Paul have to give up the money he actually
17 is entitled to because a lot of Lizzes out there,
18 the houses didn't get you back your taxes? I
19 don't think that's fair. I think the court was
20 right, personally, to make that determination.

21 So then you're asking a follow-up
22 question: Should the state do something to help
23 communities who find themselves with a lot of
24 buildings and tax liens where they don't get
25 their full taxes paid, whether or not there's a

1 court case and a lien and a foreclosure. Right?

2 SENATOR BORRELLO: Yes.

3 SENATOR KRUEGER: And that's a
4 whole other discussion, I think, worthy of state
5 discussion. But I don't know any precedent where
6 the state's come forward and said, You have too
7 many people who can't pay their property taxes,
8 and the answer is we'll give you the money when
9 you sell it at a loss.

10 I mean, there's been plenty of
11 discussions about the issue of are property taxes
12 too high, is our tax system correct, is it right
13 to have these caps, is it right to have so many
14 properties that are exempt from property tax,
15 therefore increasing the taxes on the other
16 people whose properties are on the tax rolls?

17 I think those are all excellent
18 questions, but I'm not sure any of those
19 questions can be answered by saying we're not
20 going to change this. And frankly, we have to
21 change this, because the court said we did.

22 SENATOR BORRELLO: Madam President,
23 will the sponsor continue to yield?

24 ACTING PRESIDENT PERSAUD: Senator
25 Krueger, do you yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 Senator yields.

4 SENATOR KRUEGER: Yes.

5 SENATOR BORRELLO: Well, with all
6 due respect, the court didn't decide specifically
7 for New York State, I don't think. It's -- you
8 know, we had a situation where a natural gas ban
9 in California should have said to us we can't ban
10 natural gas in New York State. But until
11 somebody sues or we have a process by which this
12 happens and we have to bring a lawsuit, we're not
13 going to make that change.

14 So I think I would respectfully
15 disagree that we have to do it at this particular
16 moment in time, because we weren't sued
17 specifically on this topic.

18 That being said, I understand the
19 example that you used that, you know, Paul's
20 house is foreclosed. But you know, I'm not going
21 to bring up Paul. Somebody's house is foreclosed
22 on.

23 (Overtalk.)

24 SENATOR BORRELLO: I feel like it's
25 bad mojo for Paul, by the way, so --

1 (Laughter.)

2 SENATOR KRUEGER: He's a very
3 responsible person.

4 SENATOR BORRELLO: I'm sure he is.

5 SENATOR KRUEGER: Okay.

6 SENATOR BORRELLO: So if someone
7 was getting -- this is not something that happens
8 overnight. It's a two-year -- I'm sorry, am I
9 supposed to say if the sponsor -- will the
10 sponsor continue to yield?

11 ACTING PRESIDENT PERSAUD: Senator,
12 do you yield?

13 SENATOR KRUEGER: Absolutely.

14 SENATOR BORRELLO: Yes, we are
15 having this interesting conversation.

16 So if someone has their house
17 foreclosed on, this doesn't happen overnight.
18 This is not a surprise. This is a two to three
19 year process. In that time, that person can
20 choose to sell their house in order to meet their
21 tax obligations.

22 So I think the idea that we were
23 obligated to give that person the surplus back
24 when they have waited and waited and waited and
25 could have very well sold that property -- and by

1 the way, if the property sells under duress for
2 more than the money owed, that means it would
3 have been very easy for that person to sell the
4 house for possibly even more than that in order
5 to meet that tax obligation.

6 So I reject that this should not be
7 an obligation to return that money, because this
8 could have been done. This could have been
9 prevented. At this point it's on the back of
10 local government to handle that process.

11 So why wouldn't we, then, if we're
12 insisting that the surplus has to go back,
13 when this is a system right now that in many
14 cases is a break-even process over the course of
15 all the sales -- why wouldn't the state feel the
16 obligation to fill that gap? Because now it's
17 going to fall on other property owners.

18 SENATOR KRUEGER: So again, it's
19 bigger than this discussion tonight.

20 And I guess I would partly answer
21 you, I'm not sure how many people would really
22 not sell if they thought they could get the money
23 to pay back their taxes and still have something
24 left for themselves. You may be right, there's
25 some people who just ignore it and hope it will

1 go away.

2 Maybe that they actually -- there's
3 confusion over who actually is the true owner.
4 At least in my part of the world we have property
5 fights that go on for years and years and years
6 as to who's the actual owner, and meanwhile
7 nobody's paying the taxes.

8 But apparently we are working on
9 some alternative helpful solutions in another
10 bill. Another budget bill. So perhaps we can
11 continue this conversation with good answers for
12 you tomorrow.

13 But I'm happy to take more
14 questions.

15 SENATOR BORRELLO: That's good.
16 That's good.

17 Madam President, will the sponsor
18 continue to yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR KRUEGER: Yes. Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR BORRELLO: I'm very happy
25 to hear that, because this is certainly a concern

1 for local governments.

2 But that -- so just one last
3 question on this. So in addition to the tax
4 obligation, there is another part of it that says
5 that they can also recover reasonable costs in
6 the sale of that.

7 Now, reasonable costs I think is a
8 bit vague, because there are costs involved in
9 maintaining that property. Oftentimes the local
10 governments are maintaining that property over
11 the course of years. You know, there are the
12 costs of hiring these auction companies and
13 listing the properties and on and on and on.

14 So what is a reasonable cost above
15 and beyond the actual dollars that have to be
16 paid back?

17 (Pause.)

18 SENATOR KRUEGER: Apparently some
19 things are mentioned specifically, and then there
20 are sort of just broader, up-to-interpretation
21 room.

22 SENATOR BORRELLO: Do you have a
23 list?

24 SENATOR KRUEGER: Okay. (Reading.)
25 From Section 4, Subdivision 1 of Section 1102 of

1 the Real Property Tax Law, as amended by Chapter
2 532 of the Laws of '94, can be charges and legal
3 charges, meaning the cost of service of notice
4 required, the cost of publication of notice, the
5 amount of any interest and penalties imposed by
6 law.

7 So of course besides the taxes they
8 owe, you could have been applying penalties for
9 their failure to pay their taxes.

10 (Reading.) The cost of recording
11 and filing legal documents. The cost of
12 appraising a parcel for the purpose of
13 determining the existence and the amount of any
14 surplus pursuant to Section 1196 of this article.
15 And the reasonable and necessary cost of any
16 search of public records and other legal services
17 incurred by the tax district in connection with
18 the proceeding, including but not limited to
19 administrative and auction and reasonable
20 attorney fees and/or costs associated with the
21 foreclosure. And it goes on.

22 I can Xerox this and give you the
23 paper afterwards, okay, because it goes on for
24 quite a bit.

25 SENATOR BORRELLO: Okay. Thank

1 you, Madam President.

2 Can I move on to another -- Part FF,
3 which is the determination of the value of stolen
4 goods.

5 SENATOR KRUEGER: Another
6 topic that --

7 SENATOR BORRELLO: Is that you too?

8 SENATOR KRUEGER: I guess it's me,
9 sure.

10 ACTING PRESIDENT PERSAUD: Will the
11 Senator continue to yield?

12 SENATOR KRUEGER: Excuse me, it's
13 Senator Mayer.

14 SENATOR BORRELLO: Oh, all right.

15 SENATOR KRUEGER: Thank you,
16 Senator Mayer.

17 SENATOR MAYER: Back to me again.

18 ACTING PRESIDENT PERSAUD: Senator
19 Mayer, do you yield?

20 SENATOR MAYER: Yes, I do.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR BORRELLO: So I was
24 interested when I read this part about -- we know
25 that there's a problem with -- you know, with

1 stolen goods. You know, people shoplifting and
2 in some cases smash-and-grabs, all those things,
3 some of which get violent.

4 So the determination here is now to
5 set a value. So you have here, under this
6 section, Part FF, grand larceny in the third
7 degree, of a value -- of the aggregate value of
8 \$3,000 or more would be grand larceny in the
9 third degree. Is that a bail-eligible offense?

10 SENATOR MAYER: No, it's not --
11 through you, Madam President, no, it's not
12 bail-eligible.

13 But if you don't mind --

14 SENATOR BORRELLO: Sure.

15 SENATOR MAYER: -- let me back up,
16 because this was an idea that I had after talking
17 to the police department and the DA's office in
18 my county, that the problem that people
19 identified, which is that someone tried to steal
20 \$800 one day and the next day went back and stole
21 \$300, and they got charged with two petit
22 larcenies, which is a pain in the neck for the
23 police department, the courts, and everyone else.

24 The idea, at their request, and
25 looking at prior case law which allows

1 aggregation, was to go back and specifically
2 authorize DAs to charge aggregated amounts for
3 value, thereby to up the crime and respond to
4 people's legitimate concerns about sort of what I
5 call repeaters.

6 SENATOR BORRELLO: Madam President,
7 will the sponsor continue to yield?

8 ACTING PRESIDENT PERSAUD: Does the
9 Senator yield?

10 SENATOR MAYER: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR BORRELLO: Yeah, I
14 appreciate that, that -- the aggregate here. But
15 I guess my concern is at what point does it
16 become bail-eligible?

17 Because grand larceny in the second
18 degree is up to \$50,000 in aggregate. Is that
19 bail-eligible?

20 SENATOR MAYER: Through you,
21 Madam President, no. That is not bail-eligible
22 on the first offense. To repeat what -- our
23 prior conversation, because bail was largely to
24 be for what is called violent felonies when we
25 started it, and with modifications made over

1 time, on the second charge after this aggregated
2 charge, another charge involving harm to person
3 or property, like breaking into a car or
4 something that would normally be a very modest
5 charge, bail can be set and other conditions can
6 be set.

7 And also I just would caution you,
8 Senator, that every crime we create is not about
9 bail. We are doing something that is not usually
10 done by Democrats; we are creating two new crimes
11 or enhancing criminal penalties in order to deal
12 with the situation that we see.

13 I would suggest that that's
14 something that your side of the aisle would say:
15 Thank you for doing that, that is what our people
16 are complaining about, we're glad you're giving
17 police and DAs another tool in their toolbox.
18 And that's what they've said to me.

19 SENATOR BORRELLO: Madam President,
20 will the sponsor continue to yield?

21 ACTING PRESIDENT PERSAUD: Will the
22 Senator yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

1 SENATOR BORRELLO: I don't know if
2 "thank you" is the correct word.

3 So if we go to grand larceny, the
4 first degree, what dollar amount in total
5 aggregate does that have to be in order for it to
6 be first-degree grand larceny?

7 SENATOR MAYER: Through you,
8 Madam President, a million dollars.

9 SENATOR BORRELLO: A million
10 dollars, okay.

11 Madam President, on the bill.

12 ACTING PRESIDENT PERSAUD: Senator
13 Borrello on the bill.

14 SENATOR BORRELLO: I realize that
15 this is inching in the right direction. I'll
16 give you that. But in order for this to be a
17 bail-eligible crime, they have to be caught with
18 a million dollars in stolen goods. A million
19 dollars. That is like a tractor-trailer-load of
20 Louis Vuitton bags before we could hold that
21 person on bail.

22 So I'm not going to thank you for
23 this, with all due respect. This is a problem
24 because people feel emboldened. They have been
25 told that for whatever reason, this is okay, that

1 you can go out and steal property.

2 So we're going to take an aggregate,
3 which is a good idea. It's the levels of which
4 is just unconscionable, that someone has to have
5 stolen a million dollars worth of product before
6 we can hold that person. I think most people
7 would consider that to be a little bit
8 ridiculous.

9 So it's a minor step in the right
10 direction. I don't think it's going to do
11 anything to stop this rampant crisis of retail
12 theft. So pouring a cup of water on the inferno
13 isn't going to put out the fire.

14 So, Madam President, I'll be no on
15 this bill as well. Thank you.

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator.

18 Senator Ashby.

19 SENATOR ASHBY: Thank you,
20 Madam President.

21 I have a few questions regarding
22 Part M. Would the appropriate Senator yield?

23 SENATOR KRUEGER: Yes, I will.

24 ACTING PRESIDENT PERSAUD: Will the
25 Senator yield?

1 The Senator yields.

2 SENATOR ASHBY: Thank you,
3 Senator Krueger.

4 Regarding prenatal leave, would
5 stillbirths qualify as taking prenatal leave? A
6 mother who -- an expectant mother who had a
7 stillbirth, would that qualify her for prenatal
8 leave?

9 SENATOR KRUEGER: So you're
10 pregnant and you're going for prenatal care.
11 That would be covered. You eventually go into
12 labor, or a doctor says we need to end this
13 because the fetus is dead, or you deliver and the
14 infant isn't alive. You're covered by the
15 insurance coverage for giving birth whether or
16 not the birth is successfully a live baby or a
17 deceased baby.

18 So yes, prenatal-care visits prior
19 to the loss of the child would be covered.

20 SENATOR ASHBY: Would the sponsor
21 yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 Senator yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR ASHBY: I'm not talking
3 about the care, I'm talking about the leave.

4 SENATOR KRUEGER: One second.
5 (Pause.)

6 SENATOR KRUEGER: Okay, sorry. To
7 clarify, because I'm reading carefully now. For
8 healthcare services received by an employee
9 during their pregnancy or related to such
10 pregnancy -- again, including physical exams,
11 medical procedures, monitoring, et cetera -- but
12 that it could also be used for paid leave after
13 the birth and unfortunately stillbirth of a
14 child.

15 SENATOR ASHBY: Will the sponsor
16 yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR ASHBY: It's my
21 understanding that that's 20 hours, is that
22 correct?

23 SENATOR KRUEGER: The total during
24 a year is 20 hours.

25 So if you used up -- let's say you

1 were having a pregnancy, it was going along fine
2 and you used up 16 of those 20 hours having
3 prenatal care, then technically you'd only have
4 four hours left.

5 But you could also use your full
6 sick leave in addition, as you can now. And then
7 if in fact you had a stillbirth, if you had a --
8 excuse me. If you had a child, you happily could
9 bring it home and it was healthy, you would have
10 paid family leave -- unfortunately, paid family
11 leave does not cover stillbirths, extended time
12 off after a stillbirth. And this would
13 conceivably not offer that much for you.

14 SENATOR ASHBY: Will the sponsor
15 yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: Will the
18 sponsor yield?

19 The sponsor yields.

20 SENATOR ASHBY: Do you think that
21 20 hours is an appropriate length of time for
22 someone to recover from a stillbirth?

23 SENATOR KRUEGER: We actually
24 proposed 40 hours, and it was cut down to
25 20 hours.

1 It's still the first -- I think at
2 the 20 hours it will still be the first state in
3 the country that does this. But no, I would have
4 preferred 40 hours.

5 SENATOR ASHBY: Thank you,
6 Senator Krueger.

7 On the bill, Madam President.

8 ACTING PRESIDENT PERSAUD: Senator
9 Ashby on the bill.

10 SENATOR ASHBY: I appreciate the
11 dialogue from Senator Krueger, and the effort to
12 increase the leave to 40 hours. I know that
13 myself and Senator Kennedy carry a bill that
14 would provide paid family leave for this. And
15 unfortunately it hasn't -- has not yet been
16 signed into law.

17 I do think that this is a missed
18 opportunity to extend a real -- a real
19 advancement here. With this being the first in
20 the nation and not covering stillbirths, it's a
21 missed opportunity. And I hope that my
22 colleagues see this and see it worthy as being
23 amended in the future, as I do.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Thank

1 you.

2 Senator Palumbo.

3 SENATOR PALUMBO: Thank you,
4 Madam President. I wonder if someone -- the
5 sponsor would yield, whether it's Senator Krueger
6 or whomever, regarding Part F.

7 SENATOR KRUEGER: I believe that's
8 Senator Hoylman-Sigal.

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

11 SENATOR HOYLMAN-SIGAL: I do.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR PALUMBO: Thank you,
15 Chairman. Good evening. I'll have just a few
16 quick questions regarding the judicial protection
17 in Part F.

18 Generally it seems to add some new
19 crimes and some new offenses with respect to
20 judges. Could you just maybe give me a real
21 brief overview of what this section is doing and
22 why it was needed?

23 SENATOR HOYLMAN-SIGAL: Certainly.
24 Through you, Madam President.

25 We've seen throughout really the

1 nation an attack on our judiciary. There are
2 some very disturbing examples near to home. In
3 2020 in New Jersey, a federal judge was targeted
4 by an attorney who appeared at the front door of
5 her home disguised as a Federal Express driver
6 and then shot and killed her 20-year-old son and
7 critically wounded her husband.

8 It was later determined that that
9 same individual had targeted other judicial
10 officers, including a Supreme Court justice who
11 is a New York resident, Justice Sotomayor.

12 So recently these types of threats
13 against members of the judiciary have
14 skyrocketed, and several of those attacks across
15 the nation have resulted in death. Two state
16 court judges, one in Maryland and one in
17 Wisconsin, were both gunned down in their homes.

18 So the Governor has proposed a
19 number of new charges, as you mentioned,
20 including two new ones, aggravated assault on a
21 judge, which would be a Class B felony, and
22 aggravated harassment of a judge, which would be
23 a Class E felony -- which would apply not only to
24 judges but also retired judges and their
25 immediate family members, the spouse, former

1 spouse, parent, child, sibling or any other
2 person who regularly resides or has resided in
3 the household of such person.

4 In addition, there is a number of
5 new statutory language around the protection of
6 personal information of both current and former
7 judges and their family members.

8 SENATOR PALUMBO: Terrific. Thank
9 you, Senator.

10 Would you continue to yield, please.

11 ACTING PRESIDENT PERSAUD: Senator,
12 do you yield?

13 SENATOR HOYLMAN-SIGAL: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR PALUMBO: Senator -- and I
17 do agree with the genesis and importance of this
18 legislation, and it's very much appreciated, I'm
19 sure, clearly because of the nature of their
20 employment and the cases that they're handling.
21 They're at risk in these situations.

22 So in that regard I just have one
23 follow-up that has been brought to my attention
24 at length, and I wanted to bring to your
25 attention as well so possibly this could be

1 addressed.

2 So the CCIA, when that was
3 implemented, they allowed exceptions for certain
4 individuals and certain judges to continue to
5 carry their weapon. And it was -- the only
6 exclusions were Supreme Court judges. The
7 wrinkle is -- as you're well aware, of course --
8 that Supreme Court judges are both criminal and
9 civil in the five boroughs, but outside of the
10 five boroughs we have county court judges, who
11 are really supreme criminal, and we have a number
12 of other family court judges and magistrates who
13 are dealing with very, very significant and
14 serious issues.

15 So I just wanted to bring to your
16 attention and just ask if there is any intention
17 of correcting this. That -- so for example, you
18 have judges in -- where I live, in
19 Suffolk County, who handle negligence cases who
20 have carry permits, who are well trained, who are
21 able to protect themselves and carry their weapon
22 into the courthouse. But you have judges who are
23 handling murder and rape cases, county court
24 judges, who were exempted from that law.

25 And I've also had very significant

1 concerns from other members of the
2 Magistrates Association and so forth, because
3 obviously in Family Court you're dealing with a
4 lot of angry people and you have judges who are
5 making adverse decisions against someone with
6 respect to their children, custody, financial
7 matters, and so forth.

8 So I just wanted to bring that to
9 your attention. And I do -- I think this is an
10 excellent piece of legislation that we're
11 proposing here. But I'm wondering if you could
12 maybe comment on that and see if that's something
13 that you would look into in the future.

14 SENATOR HOYLMAN-SIGAL: Certainly
15 the idea of arming judges is outside of the scope
16 of this bill. But, you know, I'll just leave it
17 at that. I'm sure there's differing opinions on
18 how effective that might be. But we have four
19 more weeks of the legislative session to consider
20 those types of proposals.

21 SENATOR PALUMBO: Thank you very
22 much. I appreciate you fielding my questions.

23 And just on the bill real quick, in
24 that section.

25 ACTING PRESIDENT PERSAUD: Senator

1 Palumbo on the bill.

2 SENATOR PALUMBO: Just with respect
3 to that section, that these judges are already
4 armed. So when we suggest arming judges, we're
5 not giving guns to everyone. These are
6 individuals who already have met the criteria and
7 are licensed individuals. And unfortunately
8 they're allowed to carry everywhere but the
9 courthouse, or in many places, but the courthouse
10 and leaving to and from their place of business
11 is usually a -- could be a very significant and
12 dangerous situation as we see since we're putting
13 forth this legislation to rectify those issues.

14 I now have a few questions,
15 Madam President, regarding Section FF, if I may.
16 Just for some clarification as well.

17 ACTING PRESIDENT PERSAUD: Senator,
18 do you yield?

19 SENATOR PALUMBO: Yes, thank you,
20 Senator Mayer.

21 SENATOR MAYER: Yes, happy to
22 yield.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR PALUMBO: Thank you very

1 much.

2 And in that regard, Senator Mayer,
3 just because we're really getting close to time
4 here, this is the aggregate value of stolen goods
5 section where if there are multiple thefts that
6 we can aggregate the amount to increase the
7 penalties or increase the level of a grand
8 larceny crime, is that accurate?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: Would
11 the sponsor continue to yield.

12 SENATOR MAYER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR PALUMBO: Thank you.

16 And just for clarity, I just want to
17 just talk about the bail aspect. Grand larceny
18 in the first degree is the only grand larceny
19 that's bail-eligible, is that correct?

20 (Inaudible.)

21 SENATOR MAYER: -- grand larceny in
22 the first degree is not bail-eligible, is that
23 incorrect?

24 SENATOR PALUMBO: If the sponsor
25 would continue to yield, I --

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR PALUMBO: I believe -- I
4 thought grand larceny, it's a B, it's a
5 nonviolent. But I believe we made an execution
6 exception just last year for grand larceny in the
7 first degree. I'm sure -- let me put it this
8 way. Second, third and fourth degree are not
9 bail-eligible, correct?

10 SENATOR MAYER: That's correct.

11 SENATOR PALUMBO: Okay, thank you.
12 Would you continue to yield, please,
13 Senator Mayer?

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR MAYER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR PALUMBO: Okay, thank you.

20 So really my point is that if the
21 only -- in order to get to grand larceny in the
22 first degree, if it is in fact bail-eligible --
23 and I wasn't sure of the answer. I thought you
24 might know it quickly and clearly. But it's a
25 million dollars in the aggregate.

1 And is there any sort of a time
2 frame -- I know there was a proposal in the
3 one-house that it be within 90 days. Is there
4 any sort of a time frame as far as aggregating
5 the amounts in this proposed legislation before
6 us?

7 SENATOR MAYER: Through you,
8 Madam President. No, there is not a time
9 limitation on the aggregating of the charges,
10 aggregating of the values.

11 SENATOR PALUMBO: Terrific. Thank
12 you.

13 Will the sponsor continue to yield.

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield?

16 SENATOR MAYER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR PALUMBO: And so -- just so
20 I'm clear, is it just with respect to consecutive
21 crimes that are still open? So say if someone
22 was convicted of grand larceny four years ago, we
23 obviously couldn't use that amount with respect
24 to a new larceny charge; correct?

25 SENATOR MAYER: Through you,

1 Madam President, that's correct. This is to
2 allow, in current cases, the aggregation of value
3 to charge and pursue a higher charge.

4 SENATOR PALUMBO: Thank you.

5 Madam President, would the sponsor
6 yield for just one more question.

7 ACTING PRESIDENT PERSAUD: will the
8 Senator yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR PALUMBO: So is there any
13 language in either this section or others --
14 because I know that you've been handling this
15 topic for most of the day. Is there any language
16 that would allow an enhanced penalty -- not with
17 an assault, because I know we addressed that, but
18 for others acting in concert with others
19 regarding a larceny?

20 So I mean we keep talking about
21 these flash-mob larcenies where you have a group
22 of people that just overwhelm the store,
23 overwhelm the staff. There are -- at times
24 they're holding down employees, and that's the
25 assault aspect that we are addressing, and I

1 appreciate that.

2 But is there anything with respect
3 to multiple people acting in concert? And I know
4 I've mentioned this before, because we have that
5 sort of aided by another theory of law already in
6 the penal law with respect to robbery. When
7 there's more than one person, there's an
8 additional threat of physical violence, that
9 aggregates the same conduct from, say, robbery
10 third or robbery second.

11 So is there anything like that
12 that's been considered in this budget?

13 SENATOR MAYER: Through you,
14 Madam President. There is the creation of the
15 new crime of fostering the sale of stolen goods,
16 which can be -- involve multiple individuals.

17 SENATOR PALUMBO: Okay, thank you.
18 And in that regard, would you yield
19 for just one more comment?

20 ACTING PRESIDENT PERSAUD: Does the
21 Senator yield?

22 SENATOR MAYER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR PALUMBO: And is that a --

1 that's only with respect to the sale of stolen
2 goods? Or is that with respect to the actual
3 stealing of the goods?

4 SENATOR MAYER: Through you,
5 Madam President, that is dealing with the sale,
6 but it is intended to reach what I think you are
7 describing, which is sort of the group effort to
8 steal and then sell on other platforms -- for
9 example, on the internet -- the objects that have
10 been stolen, and therefore enhance the penalties
11 there.

12 SENATOR PALUMBO: Thank you,
13 Senator.

14 On the bill, please,
15 Madam President. Thank you, Senator Mayer.

16 ACTING PRESIDENT PERSAUD: Senator
17 Palumbo on the bill.

18 SENATOR PALUMBO: Thank you.

19 Madam President, I do appreciate the
20 fact that that we are addressing some of these
21 concerns in this public protection bill. As
22 you've heard from some of my colleagues, it
23 doesn't go far enough. I will be voting for this
24 because I think we're starting to move the ball
25 in a direction to right the ship, but we're a

1 long way off.

2 You know what happened down near my
3 district on Long Island. You have a lot of --
4 this is the fifth iteration of bail reform,
5 number five. We've revised and changed and added
6 crimes. You can still dismember a human corpse
7 in Suffolk County, and you can't set bail.

8 So again, this doesn't provide the
9 discretion for judges that I'd like to see. We
10 do have some real significant issues that need to
11 be addressed. This moves the ball somewhat in
12 that direction, so I appreciate our efforts.

13 But as Senator Hoylman-Sigal said,
14 we do have a couple of months left, so I really
15 hope that we address these issues and clean up
16 the balance of the real public protection
17 concerns that are plaguing New Yorkers at this
18 time.

19 Thank you.

20 ACTING PRESIDENT PERSAUD: Thank
21 you, Senator.

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

24 Seeing and hearing none, debate is
25 closed.

1 Senator Gianaris.

2 SENATOR GIANARIS: Madam President,
3 we will be restoring this to the noncontroversial
4 calendar, please.

5 ACTING PRESIDENT PERSAUD: The bill
6 will be restored to the noncontroversial
7 calendar.

8 Read the last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Senator
15 Mayer to explain her vote.

16 SENATOR MAYER: Thank you,
17 Madam President.

18 And thank you to my colleagues for
19 engaging in a very thoughtful conversation about
20 these important enhancements to addressing retail
21 theft that are included in this bill.

22 And I want to congratulate my
23 colleagues and the leadership and Governor Hochul
24 for coming up with a very practical way to give
25 additional tools to our police and prosecutors,

1 and to give some comfort to our constituents and
2 our small businesses that we are very committed
3 to addressing this issue in a thoughtful and
4 responsible way.

5 I would just comment to my
6 colleagues, in doing so, our effort is not to
7 ensure that every person charged with a crime is
8 placed in jail pending the determination of their
9 guilt or innocence, but rather to ensure that we
10 have real deterrence for these crimes of property
11 that are plaguing many of our communities.

12 And I think we've done that in
13 exactly the right kind of balance here. Our goal
14 is not to put people in jail while their
15 convictions are determined unless there is some
16 risk of flight. But our job is to come up with
17 ways to address something that our communities
18 feel is real and we know is real, our small
19 businesses are suffering with, and our police and
20 prosecutors need additional tools.

21 So I'm very pleased and proud of all
22 of our colleagues for addressing this in such a
23 thoughtful, responsible way, without hyperbole
24 and without anger, but in a way that addresses
25 the problems we truly face. That's the best of

1 government, and I proudly vote aye.

2 ACTING PRESIDENT PERSAUD: Senator
3 Mayer to be recorded in the affirmative.

4 Senator Ramos to explain her vote.

5 SENATOR RAMOS: You know, this time
6 of year we're often reminded that budgets are
7 moral documents or value statements. And it's
8 been said so many times to describe disappointing
9 budgets that it's become quite trite. And I want
10 to keep the conversation about this budget today
11 and tomorrow with a lens really focused on our
12 children, because we know that giving them
13 enriched and nurturing environments pays
14 dividends for years to come.

15 Catching learning and developmental
16 disabilities early, closing the baby word gap,
17 shows serious returns in health, income and
18 public safety outcomes in the future. It's
19 fiscally responsible to center children in our
20 policymaking. It's in the interests of
21 everyone's safety to nurture children from the
22 beginning.

23 And there are two parts, very
24 quickly, in this bill that I want to highlight,
25 the first one being a first-in-the-nation paid

1 prenatal leave. It's an excellent tool to ensure
2 that we take equitable pregnancy and health
3 outcomes seriously and don't ask pregnant people
4 to choose between their paycheck and the health
5 of their growing family.

6 I know there's going to be more
7 discussions about stillbirth coverage happening
8 with regard to reform of temporary disability
9 insurance. But I think more than that, we're
10 living at a time when people have lost a lot of
11 trust in government and our institutions.

12 Retail crime has been in the news a
13 lot lately, and our Governor has been very
14 creative in coming up with new ways to increase
15 punishment on something that's already a crime
16 and continues to happen. But it does little to
17 assure retail workers they'll have the tools and
18 knowledge to handle moments of crisis.

19 I'm pleased that this bill includes
20 support for small businesses to invest in
21 security measures for their brick-and-mortar
22 stores, but I would like for us to go further.
23 Workers should have the proper preemptive
24 training to know how to keep themselves safe,
25 deescalate tense situations, and escape attacks

1 when necessary.

2 The reality is those engaged in the
3 wrongdoing are often parents and caregivers
4 themselves --

5 ACTING PRESIDENT PERSAUD: How do
6 you vote, Senator?

7 SENATOR RAMOS: -- who see little
8 to no opportunity or are denied the ability to
9 work and provide for themselves because of their
10 immigration status.

11 ACTING PRESIDENT PERSAUD: How do
12 you vote?

13 SENATOR RAMOS: I vote aye, and I
14 hope to continue this conversation after budget.

15 ACTING PRESIDENT PERSAUD: Thank
16 you.

17 Senator Ramos to be recorded in the
18 affirmative.

19 Senator Weik to explain her vote.

20 SENATOR WEIK: Thank you,
21 Madam President.

22 When we look at Part II, pensions
23 for First Grade police officers, which impacts
24 the New York City Police Department, I'm glad to
25 see this provision included because it provides

1 an incentive for experienced NYPD officers to
2 remain beyond the minimum number of years
3 required for their service retirement.

4 There are so many benefits to having
5 experienced knowledgeable police officers
6 continuing to provide their service beyond
7 20 years. It will enhance public safety by
8 retaining veteran officers who have dealt with
9 thousands of criminal and public safety
10 situations over their careers and know the
11 intricacies of preventing and solving crimes
12 while maintaining positive police-community
13 relationships.

14 Additionally, new police officers
15 will learn skills and benefit from the experience
16 of these veteran officers so they can become
17 better police officers themselves and more in
18 tune with the community they police.

19 And although I always support law
20 enforcement, overall this bill just does not do
21 nearly enough to protect our communities, nor
22 does it do nearly enough to protect law
23 enforcement.

24 For the continued failure to protect
25 New Yorkers, I'll be voting in the negative.

1 ACTING PRESIDENT PERSAUD: Senator
2 Weik to be recorded in the negative.

3 Senator Helming to explain her vote.

4 SENATOR HELMING: Thank you,
5 Madam President.

6 The measures necessary to make
7 New Yorkers feel safer, to actually be safer in
8 their homes and at work, are missing from this
9 public protection bill. This bill does not go
10 far enough to strengthen bail laws, something
11 that the majority of New Yorkers are demanding.

12 This bill drops eight crimes from
13 the Governor's original list of hate crimes.
14 Frankly, I am shocked and I am disgusted that the
15 Majority dropped endangering the welfare of a
16 child.

17 The bill proposes closing five more
18 state prisons, putting state workers, our
19 corrections officers, at greater risk.

20 It diverts \$3 million collected from
21 cellphone users from a fund designed to support
22 our 911 centers, our first responders and our
23 volunteer firefighters.

24 And it forces even more unfunded
25 mandates on our small local businesses and our

1 local governments.

2 We can do better in this chamber,
3 and we need to start doing better. And until we
4 do, I vote no.

5 ACTING PRESIDENT PERSAUD: Senator
6 Helming to be recorded in the negative.

7 Senator Scarcella-Spanton to explain
8 her vote.

9 SENATOR SCARCELLA-SPANTON: Thank
10 you, Madam President.

11 I will be voting in the affirmative
12 today.

13 I'd like to speak on some of the
14 measures in this final State Budget that I'm
15 proud to have helped secure and that I believe
16 will help us ensure a safer New York.

17 First and foremost, amidst a
18 concerning rise in retail theft, the impact on
19 small businesses has become untenable. The
20 aspects of the budget derived from my initiative
21 to enhance penalties will prioritize the safety
22 of all retail workers. It may not be perfect in
23 everybody's eyes, but I think it's a really big
24 win.

25 And also, creating this as a new

1 crime really places a value on those workers'
2 lives, and I'm proud to see that it made it into
3 the budget today.

4 Similar to these stories is my
5 friend Harris, who owns 3Bs Deli on
6 Staten Island. And he was the victim of an
7 attempted robbery in my district and also the
8 victim of assault. This will make him feel more
9 secure, and I'm happy to see that it's made its
10 way in.

11 Second, providing fair compensation
12 to our First Grade NYPD officers with 25 or
13 30 years is important to retaining the best and
14 the brightest officers in the county for years to
15 come. Elevating their salaries to match those of
16 Third Grade detectives or sergeants acknowledges
17 their invaluable contributions to public safety.
18 And I also thank my colleague Senator Addabbo for
19 pushing that.

20 Also our hate crime laws are
21 outdated, and offenders often cannot be
22 appropriately charged due to these statutes,
23 leaving vulnerable populations targeted.
24 Implementing this proposal is crucial to protect
25 communities targeted for their ethnicity,

1 religion or sexual orientation in New York.

2 Last, and probably more on a light
3 note, I'm really proud that our legislation that
4 will allow cocktails in movie theaters has made
5 its way through. Thank you, Senator Skoufis, for
6 helping to advocate for that. Our small
7 businesses, especially movie theaters, deserve to
8 thrive, and we think this will be a very great
9 path forward.

10 So thank you, Madam President. I
11 proudly vote aye.

12 ACTING PRESIDENT PERSAUD: Senator
13 Scarcella-Spanton to be recorded in the
14 affirmative.

15 Senator Sanders to explain his vote.

16 No? Okay.

17 Senator Ryan to explain his vote.

18 SENATOR RYAN: Thank you very much,
19 Madam President.

20 So in this budget we're going to
21 take a lot of steps to address a comprehensive
22 housing plan, which I applaud. But we're missing
23 an important opportunity to address the
24 foreclosure crisis. New York State's been
25 reluctant to act on foreclosures because the

1 municipalities that conduct the foreclosures
2 often profit from the foreclosures. They view
3 foreclosures as a source of revenue.

4 Often a municipality will foreclose
5 on a house for back taxes, \$10,000 in taxes, the
6 house is worth \$100,000, they sell it at auction
7 for \$100,000, they pay off the debt and they keep
8 the 90 for their coffers.

9 In the 1980s, New York State
10 mandated that every town charge at least
11 12 percent interest on back taxes. Towns could
12 add onto that. My county, Erie County, charges
13 18 percent interest on back taxes. That leads to
14 people getting behind on their taxes and they
15 can't come up from behind it. Better off getting
16 a credit card debt than being late on your taxes.

17 Often the interest rates is almost
18 as much as what was owed to start with. But the
19 counties and the towns, they view that high
20 interest as a revenue source that they do not
21 want to lose.

22 But what this does is it strips
23 equity, often from the poorest New Yorkers who
24 are homeowners, takes their equity, their
25 opportunity to build generational wealth, and it

1 puts it in the pockets of the towns. Or they
2 overcharge seniors and people who just get a
3 little bit behind on their taxes -- 18 percent,
4 and it compounds and it compounds. Then you're
5 back in foreclosure.

6 So we took modest steps towards
7 addressing this in BB. The United States Supreme
8 Court recently ruled that you can't keep the
9 equity from foreclosures, but they also ruled you
10 can't have impermissibly high fees because that's
11 just robbing somebody of their equity month in
12 and month out.

13 So we have more work to do on this
14 issue. I look forward to working with my
15 colleagues to address this in the rest of the
16 session.

17 I vote aye. Thank you.

18 ACTING PRESIDENT PERSAUD: Senator
19 Ryan to be recorded in the affirmative.

20 Senator Cleare to explain her vote.

21 SENATOR CLEARE: I proudly vote aye
22 on this package of bills tonight for public
23 protection, and I want to lift up Part G, which
24 is going to help New York City and districts like
25 my own to help stop the opening of unlicensed

1 smoke shops in our communities.

2 We have -- it's hurting the profits
3 of the legal licensed businesses without regard
4 for the protection and safety of our children, of
5 our schools. And it's denying the state tax
6 revenue that's badly needed, taking away from the
7 people who were supposed to benefit from the sale
8 of cannabis. So I'm very proud that we are
9 adding protection in there to help us close these
10 illegal smoke shops.

11 Thank you.

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

14 Senator Canzoneri-Fitzpatrick to
15 explain her vote.

16 SENATOR CANZONERI-FITZPATRICK:
17 Thank you, Madam President.

18 While there are certainly steps that
19 have been taken in the right direction, one of
20 the things that I hear often from my constituents
21 is the effects of cashless bail and their fear of
22 not being safe in their own communities.

23 Instead of doing it piecemeal the
24 way I think we've been doing it, I do think an
25 overall fix to this would be to give judges

1 discretion, something that we took away from them
2 in the very beginning.

3 It was -- my first bill that I
4 introduced was to give judges discretion. We
5 have an elected body of professionals that sit
6 there with the ability to judge whether or not a
7 person is a danger to our community, and we've
8 taken that away from them. And I don't think
9 that we can do -- we can fix this piecemeal, but
10 until we fix that problem, we're going to
11 continue to have problems.

12 The other thing that I found was
13 very disturbing was that graffiti was removed and
14 cannot be charged as a hate crime. I know that
15 there have been arguments to present that it
16 could be. But I do think that in the Five Towns
17 community that I represent that is predominantly
18 Jewish, they have faced so much with swastikas
19 and other graffiti that is antisemitic, that I
20 feel that that should have been included in
21 that -- in this bill.

22 And for those reasons,
23 Madam President, I'll be voting in the negative.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Senator

1 Canzoneri-Fitzpatrick to be recorded in the
2 negative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar --

6 ACTING PRESIDENT PERSAUD: One
7 second.

8 Senator Rhoads to explain his vote.

9 SENATOR RHOADS: Thank you very
10 much.

11 You know, as many of my colleagues
12 have already indicated, this is definitely --
13 this particular bill was a mixed bag. While
14 there are positives -- protections for retail
15 workers, minor Tier 6 modifications and some
16 improvements in benefits for First Grade police
17 officers and University Police officers, the real
18 story of this bill is missed opportunities to be
19 able to make transformational and fundamental
20 change that needs to be made.

21 The fact that we've excluded the
22 Child Data Protection Act and the Safe Act for
23 Kids to protect kids against internet predators;
24 the fact that you're excluding from hate crimes
25 graffiti, as was just mentioned, endangering the

1 welfare of a minor, arson, labor trafficking --
2 crimes that should be considered to be hate
3 crimes -- I believe is inexcusable.

4 And simply waiting to be able to
5 make a modification later on in this particular
6 session, if that ever happens -- you know, I'm
7 not sure that it -- I'm not sure that it will.

8 And of course the fundamental thing
9 which I think would improve the lives of all
10 New Yorkers is restoring judicial discretion,
11 giving judges the ability to be able to consider
12 the dangerousness of the accused and the
13 likelihood that they may be able to do further
14 harm to the community in being able to consider
15 bail.

16 That would be the best way to
17 protect retail workers, to protect all
18 New Yorkers, would be to give judges back
19 judicial discretion.

20 For those reasons, while there are
21 some positives, I view this as being an overall
22 negative, and that's why I'm casting my vote in
23 the negative.

24 Thank you, Madam President.

25 ACTING PRESIDENT PERSAUD: Senator

1 Rhoads to be recorded in the negative.

2 Senator Comrie to explain his vote.

3 SENATOR COMRIE: Thank you,
4 Madam President.

5 I rise to vote yes on this package.

6 I'm very proud of the work that we did to make
7 sure that we have started to address a major
8 problem that everyone that I've encountered has
9 been after our legislative body about, and that's
10 closing the illegal smoke shops. They're a
11 scourge on our community. They're selling
12 product that's unsafe. They're taking away
13 revenues that we were supposed to have.

14 I heard members on the other side
15 talking about why we don't have the revenue
16 stream that we should have had by now. It's
17 because we've had these illegal smoke shops.
18 It's because we've had all these lawsuits. It's
19 because, unfortunately, the cannabis board, OCM,
20 has not been able to ramp up all of the personnel
21 that they need to ramp up because of a slow
22 civil service system.

23 I'm just very proud of the fact that
24 our house advanced the idea to make sure that
25 these shops could get closed down by

1 municipalities so that they could get closed down
2 quicker, that we can have an opportunity to make
3 sure that there's a real padlock and a real
4 process to ensure that they stay padlocked if
5 they are doing the wrong thing.

6 We're giving them the opportunity to
7 make a change and giving them an opportunity to
8 understand that there's more than one way to do
9 business. But we want business to be done right.
10 We want the illegal smoke shops closed down, we
11 want them closed down immediately. They're
12 popping up all over in illegal spots, and we have
13 to do this quickly.

14 I do want to align myself with
15 Senator Ryan with the issues on foreclosure,
16 especially dealing with our seniors and our
17 homeowners that are struggling to maintain their
18 finances. Not to do anything in that space and
19 to do anything for homeowners that are suffering
20 from being cash-poor because they own a home that
21 they can no longer afford to maintain -- but it's
22 horrible that we are not allowing and creating an
23 opportunity in this state for homeowners,
24 property owners that are struggling to be able to
25 keep their properties. Especially for seniors

1 that are really underwater, you know, we need to
2 do better. And we can do better. And I hope
3 that something can happen before we leave here in
4 June to make sure that those people are taken
5 care of as well.

6 And I'm over time. Thank you,
7 Madam President. I vote aye.

8 ACTING PRESIDENT PERSAUD: Senator
9 Comrie to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 841, those Senators voting in the
13 negative are Senators Ashby, Borrello,
14 Canzoneri-Fitzpatrick, Griffo, Helming, Lanza,
15 Martins, Mattera, Oberacker, O'Mara, Ortt,
16 Rhoads, Stec, Tedisco and Weik.

17 Ayes, 44. Nays, 15.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

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

22 SENATOR GIANARIS: Thank you,
23 Madam President.

24 Please call on Senator Lanza for an
25 announcement.

1 ACTING PRESIDENT PERSAUD: Senator
2 Lanza for an announcement.

3 SENATOR LANZA: Thank you,
4 Senator Gianaris.

5 Madam President, there will be an
6 immediate meeting of the Republican Conference in
7 Room 315 of the Capitol Building.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator Lanza.

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

12 ACTING PRESIDENT PERSAUD: There is
13 no further business at the desk.

14 SENATOR GIANARIS: I move to
15 adjourn until tomorrow, April 19th, at
16 12:00 noon.

17 ACTING PRESIDENT PERSAUD: On
18 motion, the Senate stands adjourned until Friday,
19 April 19th, at 12:00 noon.

20 (Whereupon, at 8:35 p.m., the Senate
21 adjourned.)

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