NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 10, 2025

11:17 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

ACTING PRESIDENT BAILEY: 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 BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, April 9, 2025, the Senate met pursuant to adjournment. The Journal of Tuesday, April 8, 2025, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning, Mr. President.

On behalf of Senator Stavisky, on page 21 I offer the following amendments to Calendar 456, Senate Print 4559A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: There will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT BAILEY: Immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT BAILEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:18 a.m.)

(Whereupon, the Senate reconvened at 11:26 a.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

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

Senate Print 7317, by Senator Krueger, an act making appropriations for the support of government.

Bill ordered direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 7765 and substitute it for the identical Senate Bill 7317, Third Reading Calendar 681.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 681, Assembly Bill Number 7765, by Assemblymember Pretlow, an act making appropriations for the support of government.

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

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

SENATOR GIANARIS: Move to accept the message of necessity and appropriation.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: The bill is laid aside.

Senator Gianaris.

SENATOR GIANARIS: Please take up the controversial calendar.

ACTING PRESIDENT BAILEY: The

Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 681, Assembly Bill Number 7765, by Assemblymember Pretlow, an act making appropriations for the support of government.

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

SENATOR O'MARA: Thank you, Mr. President. Will the sponsor yield for a few questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Thank you, Senator Krueger. Good morning.

And here we are on our fourth budget extender now. How much appropriation authority is included in this extender before us today? And when is it good through?

SENATOR KRUEGER: Thank you, Mr. President. Through you.

This extender is through April 15,

2025. Although some of us are saying it's not really April yet, it's around March like 39th or something. But officially April 15th.

And it's for a total of 6.1 billion in appropriation authority to meet payroll costs and to allow certain payments of the general state charges, Judiciary, Office of Children and Family Services, Office of Temporary and Disability Assistance, Department of Health, Department of Labor, Department of Transportation, Office for People with Developmental Disabilities, Department of Veteran Affairs.

There's more details, but I think that probably gives you the general.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: So we're at March 39th, I assume, 11:59 p.m.?

SENATOR KRUEGER: That sounds about right.

SENATOR O'MARA: The clock has stopped.

SENATOR KRUEGER: You got it.

SENATOR O'MARA: But more seriously on this now, would this extender of roughly $2.4 billion -- what's the total amount that we have appropriated through extenders since missing the April 1st deadline to have a timely budget?

SENATOR KRUEGER: One moment.

Approximately 13.3 billion.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Yes. So that 13-point-whatever billion over 15 days is we're spending at a rate of just under a billion dollars a day without having an actual spending plan in place for the coming fiscal year.

SENATOR KRUEGER: Through you, Mr. President, that is factually correct.

As I mentioned the last time this question came up a couple of days ago, it's because we're working off of an extension of the spending we were doing in the previous year. We are spending basically the same rate of money that we did up until we were late. So this is a normal dollar amount going out of the state budget each day. Or through the state budget each day.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: You know, it's our general understanding here on this side of the aisle -- since we're not in your conference room with you in the Majority, what we pick up in the media, social media, and what -- the budget's largely being hung up on a few policy issues. Is

that still the case? What are those policy issues? And do you feel the sides are any closer to resolving those?

SENATOR KRUEGER: Through you, Mr. President. Unfortunately, many of us get the same information through the same media.

So we do think that we continue to have discussions around discovery, involuntary hospitalizations, mask questions, some new issues the Governor has put on the table that many of us aren't clear ought to be budget discussions because they aren't involving the actual dollars and cents of having the state continue to function.

Are we closer? I get myself in trouble every time I get asked this question.

Based on statements that were made by both leaders of the Senate and the Assembly yesterday, unfortunately I don't feel that we are making progress fast enough.

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

ACTING PRESIDENT BAILEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator Krueger, we've heard at least reports that some policy issues, new ones, kind of keep getting thrown on the table. Just heard yesterday that there was possibly a policy issue regarding the public campaign finance that has been thrown out there for discussion.

Can you -- are you still getting new policy issues from the Executive? Is the Legislature, the Senate or the Assembly, putting new policy issues forward to kind of trade off the other ones?

SENATOR KRUEGER: I do know that there was some proposal to change campaign finance. I do not believe the Senate put that on the table. I am not sure whether that was the Governor or the Assembly.

So I don't know. I don't believe the Senate is putting new policy issues on the table. Obviously, we need to respond to anything that is put on the table in three-way discussions.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: Do you know any of the details of what the requested change to the campaign finance program is?

SENATOR KRUEGER: Through you, Mr. President, I don't think I've seen anything in writing about what the proposed changes are, so I think I have to leave it there.

Perhaps if there was a discussion with our Elections Committee, there might be more detail. But I don't believe there's been any written materials shared that I know of.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Since we're not in court, I'll accept hearsay. So what --

(Laughter.)

SENATOR O'MARA: What have you heard about the campaign finance proposal?

SENATOR KRUEGER: My colleague went to law school. How am I supposed to answer that one?

SENATOR GIANARIS: You don't have to answer it.

(Laughter.)

SENATOR KRUEGER: I'm not sure I can get into a hearsay discussion, because I really mean to go to law school but I haven't gone there yet.

Sorry.

SENATOR O'MARA: So you've heard nothing on the proposal?

SENATOR KRUEGER: No, I've heard various people talking about ideas, but I don't know what is an actual proposal or who is actually proposing it.

SENATOR O'MARA: Okay, thank you.

SENATOR KRUEGER: So I guess it is all hearsay.

SENATOR O'MARA: Yeah.

SENATOR KRUEGER: Yeah.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: And this extender, and in the prior three extenders, have there been any policy issues advanced in any of these extenders?

SENATOR KRUEGER: No, I think these all have been what we refer to as clean extenders. Just keeping the money flowing as it would flow if it was, you know, not at the end of the fiscal year.

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

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, one particular issue that we discussed briefly before session here, the Consumer Directed Personal Assistance Program and the kind of chaotic position that's in right now under an extension.

We're getting a lot of calls in my office, and I know my colleagues are, and I'm sure you are as well with regards to the uncertainty over that program.

Is the CDPAP program under consideration for more changes in the budget negotiations? And can you tell us really what the status of that is for those personal care providers that have not made the transition yet under the new program?

SENATOR KRUEGER: Thank you very much for the question.

No, I don't think that there are any discussion of changes in CDPAP within the budget discussions.

It is true that there have been

court cases and TROs, and I think a negotiated agreement between the Governor and the court and those who brought the case to do extensions of the continuation through the fiscal intermediaries if you have not moved to the new system. And that the dates have been extended till May 15th, with an end date of June 6th. And that people will continue to be paid through their fiscal intermediaries if the transition has not taken place, as long as that fiscal intermediary has actually not closed up shop already.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Do we know how many personal care providers have not made that transition yet?

SENATOR KRUEGER: So I was told earlier that the State Department of Health is

putting updated data on their website every day.

Do we have any updated number?

(Pause while conferring.)

SENATOR KRUEGER: As of April 4th, although that's a few days ago, approximately 180,000 had made transition. Plus 60,000 have moved off of CDPAP into more traditional personal care services.

(Pause while conferring.)

SENATOR KRUEGER: See, it takes a village.

In New York City and Western New York, 90 percent in total have made the transition now. And in the rest of the state, 95 percent have made the transition. So apparently we're moving forward significantly more quickly than we were.

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR O'MARA: Correct me if I'm wrong, but didn't we approve this change to CDPAP in last year's budget?

SENATOR KRUEGER: Yes, we did, Mr. President.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Since there's been general and widespread opposition to this from members of this body, why is that not being interjected into the discussions in this budget?

SENATOR KRUEGER: Through you, Mr. President. While there has been widespread concern about the transition not having been thought through perhaps carefully enough and not moving as quickly as expected, there has been consistent concern raised by both sides of the aisle, both houses, that we needed to do

extensions to make sure we got everybody taken care of and nobody left out there hanging.

The court cases, in fact, have been of value in delaying the process to make sure that transition can move correctly. And based on the data I just offered that now in most of the state 95 percent of people have transitioned, and in New York City and Western New York -- which are, granted, big portions of the state -- 90 percent have.

And of course the deadline was supposed to be April 1st, and now it has moved forward to May 15th. And if you just look at the math about how quickly they are moving now, I suspect we will meet the May 15th deadline.

I also suspect that a court will insert themselves again if we haven't, because they seem to be pretty consistent at this point.

So I'm not sure why we would need to address it in this year's budget negotiations.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: I think a lot of the opposition was due to the fact that it's a single fiscal intermediary, this PPL, on that going forward, and that's been one of the major concerns. So I would think that we would want to be potentially addressing that.

But just to clarify, and to finish on this topic, during this extension period till May 15th, those that have not made the transition, are they getting paid regularly as they were before?

SENATOR KRUEGER: Yes.

SENATOR HELMING: (Mic off.) No.

SENATOR O'MARA: Someone disagrees over here.

Thank you, Senator Krueger. That's all I have, Mr. President.

SENATOR O'MARA: Thank you, Senator O'Mara.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is

closed. The Secretary will ring the bell.

Read the last section.

Excuse me. Senator Gianaris.

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

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

The Secretary will read.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Mr. President, as we adjourn, I want to remind my colleagues in the Majority that there will be an immediate

conference in Room 332 after session.

And with that, is there any further business at the desk?

ACTING PRESIDENT BAILEY: Majority conference immediately after session in Room 332.

There is no further business at the desk, Senator Gianaris.

SENATOR GIANARIS: Move to adjourn until Tuesday, April 15th, at 11:00 a.m., with the intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Tuesday, April 15th, at 11:00 a.m., with the intervening days being legislative.

(Whereupon, at 11:42 a.m., the Senate adjourned.)