

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 April 17, 2025

11 11:26 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JEREMY COONEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The
Senate will come to order.

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

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

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

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

ACTING PRESIDENT COONEY: Reading
of the Journal.

THE SECRETARY: In Senate,
Wednesday, April 16, 2025, the Senate met
pursuant to adjournment. The Journal of Tuesday,
April 15, 2025, was read and approved. On
motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

(Pause.)

1 ACTING PRESIDENT COONEY: Okay, skip
2 that.

3 Messages from the Governor.
4 Reports of standing committees.
5 Reports of select committees.
6 Communications and reports from
7 state officers.

8 Motions and resolutions.

9 Senator Gianaris.

10 SENATOR GIANARIS: Good morning,
11 Mr. President.

12 ACTING PRESIDENT COONEY: Good
13 morning.

14 SENATOR GIANARIS: On behalf of
15 Senator May, on page 30 I offer the following
16 amendments to Calendar 669, Senate Print 6318,
17 and ask that said bill retain its place on the
18 Third Reading Calendar.

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

22 Senator Gianaris.

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

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

4 SENATOR GIANARIS: The Senate
5 stands at ease.

6 ACTING PRESIDENT COONEY: The
7 Senate will stand at ease.

8 (Whereupon, the Senate stood at ease
9 at 11:27 a.m.)

10 (Whereupon, the Senate reconvened at
11 11:32 a.m.)

12 ACTING PRESIDENT COONEY: The
13 Senate will return to order.

14 Senator Gianaris.

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

18 ACTING PRESIDENT COONEY: The
19 Secretary will read.

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

23 Senate Print 5560, by Senator Mayer,
24 an act to amend the Tax Law;

25 Senate Print 7459, by

1 Senator Krueger, an act making appropriations for
2 the support of government.

3 Both bills reported direct to third
4 reading.

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

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

10 (Response of "Aye.")

11 ACTING PRESIDENT COONEY: Opposed,
12 nay.

13 (Response of "Nay.")

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

16 Senator Gianaris.

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

19 ACTING PRESIDENT COONEY: The
20 Secretary will read.

21 And there's a substitution at the
22 desk. The Secretary will read.

23 THE SECRETARY: Senator Krueger
24 moves to discharge, from the Committee on Rules,
25 Assembly Bill Number 8000 and substitute it for

1 the identical Senate Bill 7459, Third Reading
2 Calendar 686.

3 ACTING PRESIDENT COONEY:
4 Substitution so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 686, Assembly Bill Number 8000, by
8 Assemblymember Pretlow, an act making
9 appropriations for the support of government.

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

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

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT COONEY: Opposed,
23 nay.

24 (Response of "Nay.")

25 ACTING PRESIDENT COONEY: The

1 message is accepted, and the bill is before the
2 house.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT COONEY: The bill
5 is laid aside.

6 That completes the reading of
7 today's supplemental calendar.

8 SENATOR GIANARIS: Let's take up
9 the controversial calendar, please.

10 ACTING PRESIDENT COONEY: The
11 Secretary will ring the bell.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 686, Assembly Bill Number 8000, by
15 Assemblymember Pretlow, an act making
16 appropriations for the support of government.

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

19 SENATOR O'MARA: Thank you,
20 Mr. President. Will the sponsor yield?

21 ACTING PRESIDENT COONEY: Senator
22 Krueger, will the sponsor yield?

23 SENATOR KRUEGER: Happy to,
24 Mr. President.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR O'MARA: Thank you,
3 Mr. President.

4 Good morning, Senator Krueger. Here
5 we are doing our sixth budget extender on
6 April 17th. How long is this extending us for
7 today? And what's the dollar amount being
8 appropriated in total so far of the six, and in
9 this one in particular today?

10 SENATOR KRUEGER: Thank you,
11 Mr. President.

12 And yes, my colleague Senator
13 O'Mara, we're here again, Extender No. 6. This
14 will provide appropriations to allow the state
15 government to meet our payroll and nonpersonal
16 expenses through April 23rd next week. And it
17 provides funding, 9.6 billion in appropriation
18 authority. In total, an increase of 3.4 billion
19 over the prior extender.

20 And I can list out all the agencies
21 that the funding is for, but I'm not sure I was
22 asked that part of the question yet.

23 SENATOR O'MARA: Thank you,
24 Mr. President.

25 If the Senator will continue to

1 yield.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR O'MARA: Yeah, no, I've got
8 the detail on the bill so we don't need to run
9 through all that, just in total. Thank you.

10 Do you have any update for us on
11 where we are on these policy issues that are
12 holding this budget up? You know, we see last
13 night that Speaker Heastie says there is a deal
14 on discovery. No confirmation on that from the
15 Governor at this point, or from your leader over
16 there.

17 So where are we on that discovery
18 issue?

19 SENATOR KRUEGER: So I'm cautiously
20 optimistic that we do have an agreement on
21 discovery. I don't necessarily know why the
22 Governor has not actually officially said that or
23 not.

24 But I'm again cautiously optimistic
25 that the language that has been agreed upon

1 between the Assembly, the Senate and key DAs in
2 the state have gotten us to the goal.

3 And what does that mean? That's one
4 of many issues within a giant budget. But it
5 does seem to be the issue that was holding up
6 ongoing meetings with our staffs.

7 If I'm in an optimistic mood --
8 which is hard right, now for international and
9 national reasons. But if I'm in an optimistic
10 mood, we could come back to do this extender next
11 week and even work on budget bills at the same
12 time and even, in some world, complete budget
13 bills before the end of next week.

14 But the less optimistic side of
15 me -- because I do read the newspapers in the
16 middle of the night, a serious mistake. Don't
17 do it.

18 (Laughter.)

19 SENATOR KRUEGER: And I learned
20 last night in the middle of the night, we have a
21 federal government who's decided to kill our
22 offshore wind projects that are already under
23 construction, and seem to be hostile to any kind
24 of green energy going forward. Which is not only
25 going to do enormous destruction to the

1 pocketbooks of every constituent we have, but to
2 the state budget and actually to the economic
3 competitiveness of the entire country.

4 And so every day we have these chats
5 and I try to think about where we are in New York
6 and the progress we're trying to make as quickly
7 as possible. Then I am knocked off my feet by
8 the reverse activities going on at the federal
9 level and the sheer sense of doom I have about
10 what might happen as soon as we get our budget
11 done, because then we have a federal government
12 that wants to pull the rug out from every issue
13 that we care about here in New York.

14 But having gone on too long, I am
15 quasi-optimistic we could be coming to a
16 conclusion on our budget.

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

20 ACTING PRESIDENT COONEY: Will the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR O'MARA: It kind of makes

1 me wonder, with all the concern you have over the
2 federal cuts that may or may not be coming, why
3 we're looking at a budget that's approaching
4 \$260 billion and not being more fiscally
5 responsible in this budget and kind of plan for
6 some of that, that some is probably likely
7 coming.

8 SENATOR KRUEGER: Through you,
9 Mr. President. I think we are being fiscally
10 responsible.

11 We have put significant additional
12 money into reserve funds. We are also I believe
13 being responsible by continuing to highlight to
14 our congressional representatives that it is
15 their responsibility to make sure that the
16 50 states are provided adequate federal revenue
17 to continue critical programs.

18 And frankly, my colleague knows as
19 well as I do that in the absence of these federal
20 funds, we would not have any ability to refill
21 those holes. So suggesting that we ought to I
22 guess not spend the money that we know we need on
23 existing and important programs for New York
24 State I do not think would be a wise plan.

25 And so I do support the Governor's

1 clear agenda to not make cuts until such time as
2 we actually have to, while continuing to advocate
3 as strongly as possible -- hopefully with all of
4 us in this room -- with the federal government
5 and our congressional representatives not to do
6 those things to us.

7 And yet each morning I wake up and I
8 read the newspapers and they seem to be doing
9 those things -- but not with congressional
10 approval yet, they're just ad libbing and
11 actually, in violation of laws, declaring that
12 they're not going to do things anymore that we
13 desperately need.

14 SENATOR O'MARA: Thank you,
15 Senator.

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

18 ACTING PRESIDENT COONEY: Will the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT COONEY: The
22 sponsor yields.

23 SENATOR O'MARA: Do we have an
24 overall dollar amount for the parameters of where
25 we're going to work on it in this budget once we

1 finally get through these policy issues?

2 SENATOR KRUEGER: Through you,
3 Mr. President, I don't think we have a
4 bottom-line financial plan for the budget
5 completing negotiations between the two houses
6 and the Governor yet.

7 We know where the Governor was in
8 her original Executive Budget. We know where the
9 two houses were in their one-house budgets. I'm
10 going to take a leap it's somewhere between those
11 numbers, but I don't have a number.

12 SENATOR O'MARA: Thank you.

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

15 ACTING PRESIDENT COONEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT COONEY: The
19 sponsor yields.

20 SENATOR O'MARA: So there's no
21 table targets yet for the joint conference --
22 budget conference committees to meet, is that
23 correct?

24 SENATOR KRUEGER: Through you,
25 Mr. President, correct, there is no table

1 targets.

2 And again, for the record, there
3 have been years where we did not have table
4 targets or conference committees. I don't know
5 whether this will be another one of those years.

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

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR O'MARA: What is the
15 purpose of the joint budget conference
16 committees? Is it just a charade for the
17 citizens of New York? Because that's what it
18 seems like.

19 SENATOR KRUEGER: Through you,
20 Mr. President. I have often been frustrated --
21 through four different Governors, being in the
22 Minority, being in the Majority -- that it's
23 often not been clear to me what the purpose of
24 the conference committees are.

25 So I don't exactly know how to

1 answer my colleague's question, because I often
2 think it's more of an academic discussion of a
3 way to deal with the budget, as opposed to
4 something that has netted out significant impacts
5 on final budget decisions.

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

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR O'MARA: I think it's
15 probably set up for -- to give some appearance,
16 anyways, that rank-and-file members of the
17 Legislature are actually engaged in the budget
18 discussions.

19 But we all know that's not how it
20 works around here and there's really three people
21 in a room that are making these decisions and
22 then we'll be confronted with budget bills in the
23 middle of the night. So, you know, that's very
24 concerning to me that we go through, as I called
25 it, that charade year in and year out.

1 So why don't we just not set them up
2 at all?

3 SENATOR KRUEGER: Through you,
4 Mr. President. I think my colleague could
5 absolutely make that suggestion.

6 I don't think it's anywhere in rules
7 or statute or constitution that that process
8 takes place. So that if my colleague would like
9 to propose an official end of that process,
10 there's nothing that stops him from doing that.

11 I also have my own frustrations with
12 our budget process. He highlighted in his
13 earlier statement the fact that we get bills
14 often late at night and we're asked to vote on
15 them the next day. I know I carried a bill for
16 many years saying that budget bills should
17 actually have to age for longer than the three
18 days that we usually require so that people can
19 take a look and see what's in them. I think at
20 one time I had a bill saying 10 days for budget
21 bills.

22 And I do not like the concept that
23 we sometimes even pass budget bills with messages
24 of necessity, which I also have never been
25 comfortable with. So if my colleague would like

1 to suggest either or both of those proposals I
2 would be happy to work with him on that.

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

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

7 ACTING PRESIDENT COONEY: Will the
8 Senator yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT COONEY: The
11 Senator yields.

12 SENATOR O'MARA: I would be happy
13 to work with you on that. Because in my many
14 years here in the Legislature, both the Assembly
15 and the Senate, I don't think I recall voting on
16 a budget bill without a message of necessity. So
17 the three days itself would be far better than
18 what we're doing year in and year out.

19 Would you agree with that?

20 SENATOR KRUEGER: Yes, I think that
21 messages of necessity are supposed to be for
22 emergency situations. And I'm not sure you can
23 claim that a budget is an emergency situation,
24 because obviously it's scheduled and worked on
25 for months and months and months.

1 And obviously in this year we know
2 for a fact that there wasn't an emergency to get
3 it done on time, because otherwise he and I
4 wouldn't be standing here with you all having
5 this discussion on April 17th.

6 SENATOR O'MARA: Thank you.

7 Will the Senator continue to yield.

8 ACTING PRESIDENT COONEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT COONEY: The
12 sponsor yields.

13 SENATOR O'MARA: So yet we continue
14 this process. And you're right, there is no
15 immediate urgency for getting the budget done on
16 a specific date. Obviously we blow past
17 April 1st most every year. And we do these
18 extenders. This is the sixth one. So clearly we
19 can extend the budget.

20 So why wouldn't we extend the budget
21 when it gets to that point when we actually have
22 a budget that's agreed upon? Why wouldn't we do
23 another extender for at least three days to get
24 those bills in front of everybody, all of us and
25 the public?

1 SENATOR KRUEGER: Through you,
2 Mr. President. I would encourage my colleague to
3 make that a formal recommendation.

4 And again, as I said, it would be
5 consistent with my history as an individual
6 legislator and my philosophy about how we should
7 handle budgets. I don't know that I could get
8 agreement across the aisle in two houses for that
9 to happen. But I think that that's a perfectly
10 legitimate approach to the situation.

11 SENATOR O'MARA: Thank you,
12 Mr. President.

13 You know, coming up here the way
14 we're doing it, Senator, is really a waste of
15 time and expense. You know, it's great we all
16 get together, get to stay in a hotel, we get to
17 go out to restaurants in Albany and collect our
18 per diems. Very nice.

19 But frankly there's been -- for the
20 rank-and-file members there's been little to
21 nothing, other than two votes this week, one on
22 Tuesday and one today, to extend the budget.

23 To get us all back here for three
24 days, a rough calculation is somewhere between
25 150,000 and \$200,000, depending on who comes, who

1 doesn't. So I just kind of average that out to
2 get to it. In light of an approaching
3 \$260 billion budget, you know, that's a pittance.
4 But I can tell you where I come from, that's more
5 than double the household median income of my
6 district each week we've been wasting.

7 So wouldn't it be better to get a
8 deal, at least the top level of the three people
9 in the room, before calling us all back here at
10 that significant expense?

11 SENATOR KRUEGER: Through you,
12 Mr. President, I would vote with Tom O'Mara on
13 that proposal.

14 (Laughter.)

15 SENATOR O'MARA: No further
16 questions.

17 (Laughter.)

18 SENATOR O'MARA: Thank you,
19 Mr. President. Will the Senator continue to
20 yield?

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR O'MARA: So you think
2 maybe, possibly, sort of, there might be a final
3 agreement on discovery. What details of that can
4 you share with us? Where did we end up on that?

5 SENATOR KRUEGER: We are going to
6 conference after session today, and we are going
7 to ask our good counsel that exact question. So
8 I don't have an ability to answer that right now.

9 SENATOR O'MARA: Thank you.

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

12 ACTING PRESIDENT COONEY: Will the
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT COONEY: The
16 sponsor yields.

17 SENATOR O'MARA: So I'll ask that
18 question at the next extender vote, Senator, so
19 just be prepared.

20 Last -- or earlier this week,
21 Tuesday, we discussed the urgency to our school
22 districts to have an amount of school aid and you
23 suggested that there might be forthcoming, even
24 short of a full budget agreement, at least a
25 baseline for our school districts to be able to

1 count on in formulating their budgets, which have
2 to be I think finalized some point next week so
3 they're able to go to a vote in the middle of
4 May.

5 SENATOR KRUEGER: Through you,
6 Mr. President, yes. In follow-up to last week,
7 and with information provided today, I believe
8 that on Tuesday, April 22nd, we will be asked to
9 vote on an additional appropriation authority
10 to -- which would be necessary to assure funding
11 for the school aid payments that may or may not
12 include, I do not know yet, more additional
13 information to help the school boards with their
14 budget proposals.

15 That will happen Tuesday, with the
16 full budget extender that we've been discussing
17 up until now being on Wednesday.

18 SENATOR O'MARA: Thank you.

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

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR O'MARA: My understanding
2 of this extender we're voting on today -- and one
3 of the more important things of these extenders
4 is to make sure state workers still get paid.
5 And my understanding on this is we're doing two
6 payroll extensions in this, one for beginning of
7 next week and one that would be due in the middle
8 of next week, to get us -- so the payroll
9 extenders will be all the way through next week
10 into the following week. Is that correct?

11 SENATOR KRUEGER: Yes. I'm being
12 told that is correct.

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

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR O'MARA: So that being the
22 case, as I've stated before, why bring us all up
23 here at great expense with something that really
24 doesn't have to be done? I think there's one
25 thing relative to school aid that might have to

1 be done in the middle of next week. There's no
2 reason whatever that that couldn't have been
3 extended into this.

4 Not that I don't want to be here and
5 do my job, because I do. But I'd like to
6 actually have something to do. And we don't.

7 So, you know, it just seems to me to
8 be a waste of time and money to call us back here
9 unless there's a complete budget deal done for us
10 to actually -- or at least table targets so that
11 we can actually start those types of discussions.

12 SENATOR KRUEGER: Through you,
13 Mr. President. Only the Governor can initiate
14 budget extenders and establish the amount in them
15 and the timetable for them.

16 So again, I don't find myself in
17 disagreement with my colleague. I'm just here to
18 report the Senate can't control the situation,
19 nor can the Assembly. It's exclusively within
20 the authority of the Governor to determine budget
21 extenders, their length of time, and what's in
22 them.

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

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR O'MARA: Now, you said
7 maybe hopefully by Thursday next week we might
8 have a full deal in place and a budget to vote
9 on.

10 For us to vote on any budget bills
11 on Thursday without a message of necessity, when
12 would those bills have to be in print?

13 SENATOR KRUEGER: So my colleague
14 is correct. In theory, without a message of
15 necessary, the bills would need to be in print
16 three days in advance.

17 So I guess I need to edit my
18 previous answer. If we are going to change the
19 system and not use messages of necessity on
20 budget bills, realistically we probably could not
21 vote on budget bills by the end of next week.

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

25 ACTING PRESIDENT COONEY: Will the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR O'MARA: I mean, in theory
6 this body could not accept the Governor's message
7 of necessity and say we're not going to accept it
8 until you put these types of things in it, or
9 government's going to be shut down.

10 Shutting down government is not a
11 real palatable thing I think for most of us here
12 in this room. But, you know, this is a hardball
13 game, so why not push back on those types of
14 things?

15 SENATOR KRUEGER: Through you,
16 Mr. President, it's a very serious thing to
17 decide to close down government. It would mean
18 that no one who works for the State of New York
19 would be getting paid. Right now we're the only
20 ones not getting paid. It would mean our
21 agencies closing their doors, people reaching out
22 to them for help on a daily basis -- which of
23 course they do -- getting no one to answer the
24 phones or the emails.

25 I think that you need to have a

1 fairly, fairly serious and almost crisis-like
2 process to decide not to do extenders and
3 continue the work of government. So I certainly
4 am not going to stand here and suggest that being
5 late and having to deal with extenders is a
6 justification for not doing extenders and closing
7 down government.

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

11 ACTING PRESIDENT COONEY: Will the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR O'MARA: But that certainly
17 could be used as a negotiating tactic. Because
18 if we refuse to accept the message of this
19 extender half an hour ago, I think the Governor
20 could probably have another extender with another
21 message of necessity prepared in a few hours.
22 Say, just inserting that school aid portion that
23 we have to come back here for next week that we
24 wouldn't have to come back here for if that was
25 in here today.

1 Now, I understand the Governor --
2 that she's got the power in all this, the ability
3 to jerk us around, but I don't see any pushback
4 on this.

5 SENATOR KRUEGER: Through you,
6 Mr. President. I want to thank my colleague for
7 the question. I think I did just answer it, but
8 I'll try again.

9 It would be very, very dramatic and
10 very problematic if we as a legislative body
11 chose to not continue the operation of government
12 and the payment to the workers of the State of
13 New York because we are frustrated with the
14 length of time it is taking to negotiate a full
15 budget.

16 I do not see myself -- I'm not
17 speaking for anyone else, but I do not see myself
18 calling for a shutdown of New York State
19 government and a stopping of payments to all the
20 workers of the State of New York because I too am
21 aggravated that we can't just negotiate the
22 budget in a more timely fashion.

23 I might not like coming up here for
24 extenders either, on weeks where we were
25 technically supposedly on spring break. I have

1 great empathy for my colleagues who have children
2 off from school this week and instead of doing
3 whatever they thought they were doing for spring
4 break they're hanging out with us in the Senate,
5 as entertaining as we all can be.

6 (Waving.) Hello, child of
7 colleague.

8 (Laughter.)

9 SENATOR KRUEGER: So yes, I would
10 love if the budget was done. And I would also
11 love that when the budget is done it has all the
12 things in it that I want.

13 Guess what? It won't have all the
14 things I want. And I will have to live with that
15 reality. And clearly it's not done on time,
16 which is frustrating to all of us in this room.

17 But the thought of attempting some
18 kind of nuclear option and saying we're not going
19 to be here and vote for extenders, I personally
20 don't believe any of us could actually go home
21 and explain that to our constituents at this
22 moment in history.

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

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR O'MARA: I am not
7 suggesting that we go home and not come back for
8 an extender. I'm suggesting we put pressure on
9 the Governor to make this a real extender until
10 the budget gets done, by forcing her hand. Let's
11 come back with a revised extender to include
12 that.

13 You know, we're -- in this body we
14 seem to be -- I don't see the pushback to the
15 Executive on issues that are even, you know, very
16 important to the Majority Conference here. And
17 we spoke a little bit at the last extender or the
18 one before about the CDPAP program and where that
19 stands, and I've got a question on that for you.

20 But you indicated that -- when we
21 spoke about it last time, that the providers were
22 still getting paid, even those that weren't in
23 the new program yet. Yet our information that
24 we're hearing from our constituents, and I'm sure
25 you're hearing from them as well, those payments

1 are not forthcoming, they're being delayed. And,
2 you know, people are panicking about whether
3 their provider is going to walk off the job and
4 not be showing up because they're not getting
5 paid. There's certainly not a high pay for this
6 anyways.

7 So, you know, do you have any update
8 on the timeliness of the payments for these
9 assistants?

10 SENATOR KRUEGER: I'm going to ask
11 for a new staff to come in on CDPAP, so I'm
12 asking for a few seconds to shift gears.

13 Through you, Mr. President, to just
14 repeat, I believe my colleague was asking for an
15 update on what we know about what's happening
16 with CDPAP and the payments to workers, is that
17 correct?

18 SENATOR O'MARA: Particularly the
19 payments to workers that are not fully enrolled
20 in the new program yet.

21 SENATOR KRUEGER: Okay. Hello.

22 (Pause.)

23 SENATOR KRUEGER: As of yesterday,
24 80 percent of -- excuse me, 87 percent of people
25 signed up for PPL have transferred to the new

1 system.

2 Did I get that right? And what was
3 the second number? (Conferring.)

4 SENATOR KRUEGER: Out of the
5 245,000 personal assistants, 160,000 have been
6 moved over to the new system.

7 (Conferring.)

8 SENATOR KRUEGER: And nearly
9 110,000 of the personal assistants were paid as
10 of the first payroll in the new system.

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

14 ACTING PRESIDENT COONEY: Will the
15 sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT COONEY: The
18 sponsor yields.

19 SENATOR O'MARA: Were those
20 payments to those personal assistants that are
21 not enrolled in the program, were they made on
22 time, as they customarily have been? And what if
23 any delays are they experiencing and should they
24 experience until they do get fully enrolled?

25 SENATOR KRUEGER: So even though

1 normally payroll is once a week, PPL has shifted
2 to an every-day payment. So people who may have
3 not gotten paid appropriately on the one-week
4 timeline are now getting paid and adjusted up on
5 a daily basis, is what I'm being told.

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

8 ACTING PRESIDENT COONEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT COONEY: The
12 sponsor yields.

13 SENATOR O'MARA: It was my
14 understanding that those personal assistants that
15 aren't enrolled yet are going to be being paid
16 through their fiscal intermediary that they had
17 before this changed to PPL. So how is PPL paying
18 those personal assistants? Are they still being
19 paid through their prior fiscal intermediary?

20 (Pause.)

21 SENATOR KRUEGER: So people who are
22 still within their old FIs and have not shifted
23 over to PPL yet are going to continue to be paid
24 through their existing FIs as long as the FI
25 meets certain standards.

1 And regulations for that came out
2 from DOH -- yesterday? Today? Very, very late
3 Tuesday night. This is all being overseen by a
4 court process, so it's not necessarily something
5 where you get a lot of advance notice.

6 I think that my constituents, my
7 colleagues, are also disturbed when they hear
8 that there are some people who have seemingly not
9 been paid on time and that there is general
10 confusion out there. I think we're all hearing
11 the same thing.

12 I guess one thing I didn't
13 mention -- because the question wasn't exactly
14 asked -- a significant number of people who were
15 in CDPAP actually chose to go into traditional
16 home care during the transition. So they are now
17 not in PPL, they are now in traditional home-care
18 arrangements with home care agencies. And a
19 significant number of the FIs who are not going
20 to continue as FIs are continuing as home
21 healthcare agencies. And so we believe that
22 their ability to continue with the payments is
23 actually probably going okay.

24 But there is a universe of people,
25 no doubt about it, where they have not completed

1 transition to PPI -- PPL? PPL, I'm so sorry.
2 All these code letters. They have not completed
3 transition to PPL, and their FIs are in some kind
4 of gray area because they're not home healthcare
5 agencies who will be remaining open over time.
6 And there is real concern about how the paper
7 trail and the payments are being made.

8 But I think in final answer to my
9 colleague's longer question, it's DOH who will be
10 responsible for making sure that people who are
11 falling into that category are getting paid.

12 SENATOR O'MARA: All right, thank
13 you.

14 Mr. President, if the Senator will
15 continue to yield. And I realize we're at noon
16 and probably there's a deadline here that means
17 something, apparently.

18 (Laughter.)

19 SENATOR O'MARA: Even though the
20 Assembly has typically taken till 3, 4 o'clock in
21 the afternoon on these things, we try to get it
22 done on time here. And that's great. But I
23 don't think it's going to kill the process by
24 taking a few more minutes.

25 So, you know, with all the policy

1 issues being discussed -- and you say there's
2 been significant progress and maybe even
3 resolution to discovery, yet there's a couple of
4 other major ones that are still out there, being
5 involuntary commitment and the so-called mask ban
6 that would preclude -- it would raise the level
7 of the crime for somebody committing harassment
8 while wearing a mask.

9 You know, issues both of which --
10 and the discovery issue -- are overwhelmingly
11 supported by the public at large. And I believe
12 if they -- if we actually had a referendum system
13 in this state, that if they were put to
14 referendum they would overwhelmingly pass. So
15 can -- yet they're holding up this budget.

16 So where do we stand in relation to
17 those two major issues that I think are still
18 outstanding?

19 SENATOR KRUEGER: Through you,
20 Mr. President. Those are both complex issues.
21 And I won't stand here and say I can explain the
22 details of agreement or nonagreement.

23 I don't know that I agree with my
24 colleague that if this was an I&R state that both
25 of those issues would in fact overwhelmingly be

1 supported or not supported.

2 I know on involuntary commitment --
3 and I represent a district where a vast majority
4 of the storylines seem to come out in the
5 newspapers every day -- my office is overwhelmed
6 by people saying, We're not asking for the arrest
7 or involuntary commitment of people. We know the
8 police are scooping up people every day. They
9 end up in Rikers or in a public hospital
10 emergency room. We want to know, what are you
11 going to do to make sure that they get the
12 services they need as mental health patients and
13 get placed in residential facilities that are
14 actually prepared to handle their illness?

15 So even the question that -- the way
16 it was asked with involuntary commitment, that's
17 not what the people who live right where the
18 issue is happening are concerned about. They're
19 concerned about making sure services are
20 available for these people to actually get the
21 help they need. And they don't want to see them
22 locked up in any involuntary situation. And
23 frankly, the -- most of them end up in the Rikers
24 system, not in any kind of mental health care.

25 So that has, I know, been a serious

1 part of the discussion between the Legislature
2 and the Governor's office.

3 And also on the question of
4 increased criminal penalties for using a mask
5 while committing a crime, depending on who you
6 talk to, they think we're talking about bank
7 robbers or they think we're talking about
8 protesters or, lately, they think we're talking
9 about ICE agents who are wearing masks and
10 scooping people off our streets. So I also don't
11 think there's actually one universal majority
12 opinion on that.

13 But hopefully we will come to some
14 kind of agreement on both of those issues within
15 the budget. But technically -- well, the
16 involuntary commitment because you need the
17 services for people is a budget issue.

18 The criminal case of when and if
19 someone should face a higher level of criminal
20 penalty for another criminal activity based on
21 wearing a mask is not actually a budget issue,
22 it's a Codes Committee issue. So I don't know
23 whether that's going to be taken up in the
24 budget, sincerely.

25 SENATOR O'MARA: Thank you.

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

3 ACTING PRESIDENT COONEY: Will the
4 sponsor yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT COONEY: The
7 sponsor yields.

8 SENATOR O'MARA: So all that I
9 guess leads me to believe that we're not close on
10 those two issues, and those are likely to drag
11 out even longer. Which I think plays even more
12 into my argument that we should be doing a full
13 extender until those things are worked out. At
14 least until we're ready to sit down and actually
15 talk about a budget with dollar amounts rather
16 than policy issues.

17 But, you know, I want to make it
18 clear. On the involuntary commitment, I'm
19 certainly not suggesting that those that are
20 willing voluntarily to go into treatment, that --
21 there's issues about the availability of that,
22 for one. And we do need to do better in that
23 regard.

24 And I don't think we're talking
25 about those individuals that will voluntarily go

1 into mental health treatment to avoid the issues
2 that they have, whether it's homelessness,
3 inability to care for themselves, or crime.

4 It's those who we're looking to
5 catch that do not comprehend, understand or
6 grasp, due to their mental illness, their need
7 for treatment, and therefore leaving the
8 voluntary treatment, never going in the first
9 place. And that's the purpose for involuntary
10 treatment, which is a far better place to get it
11 than at Rikers Island.

12 But at -- you know, the policy
13 issues that we deal with in the budget -- you
14 know, no bail was one of them that was included
15 in the budget. And without bail, these -- by and
16 large these individuals that aren't committing
17 violent crimes, they're just committing other
18 crimes, are not getting bail because bail can't
19 be set on them. So they're just kind of being
20 released back into the streets to their
21 homelessness situation where they can't care for
22 themselves, don't know how to care for
23 themselves, don't comprehend the needs that they
24 have.

25 And involuntary treatment could

1 certainly help at least get treatment started for
2 these individuals. Don't you agree with that?

3 SENATOR KRUEGER: Through you,
4 Mr. President. Again, I don't think this
5 discussion is actually about bail.

6 And again, I only have direct
7 personal experience from my city and my borough,
8 Manhattan, which actually is where most of these
9 cases are. It's almost never an issue of someone
10 refusing to go with the police into a hospital
11 setting. And it is very, very rarely a situation
12 where they are saying, No, I refuse to stay.
13 It's just the opposite. We don't have the
14 facilities and the services for them to go to.

15 It's interesting, the City Council
16 of New York had a hearing I'm going to say two
17 days ago on protective services for adults, which
18 is a division under state law, Social Services
19 Law, that's supposed to exist in every county.
20 And what we learned from the City Council hearing
21 is New York City's agency only responded to
22 follow up on 5 percent of the cases brought to
23 them.

24 And the standards of a case being
25 brought to them is almost exactly the discussion

1 we're having right here, where if the adult is
2 not able to care for themselves -- food,
3 shelter -- they are being evicted from their
4 home, they have acted out in ways that are
5 clearly not in their best interests or their
6 neighbor's best interests, protective services
7 for adults, which on the books is supposed to be
8 law that somebody's supposed to do something, at
9 least in the City of New York they say because of
10 inadequate funding they are only even following
11 up on 5 percent of those cases.

12 Which tells me 95 percent of those
13 cases could be people actually on our streets
14 suffering from mental illness, not getting the
15 services and care they need. And even when
16 government was supposed to follow up for them and
17 there was a report made, nobody did anything.

18 And now I've learned today that the
19 federal government intends to defund that program
20 completely. And that's going to affect us
21 whether we are in Senator O'Mara's district or
22 any of my colleagues' districts.

23 So one has to be very careful when
24 discussing the policy to understand what the
25 problem actually is that you're trying to get the

1 policy to match.

2 And I will continue to hold my
3 position that the crucial policy discussion here
4 is making sure that we have the adequate
5 healthcare services, mental health care services
6 and, for homeless mentally ill, residential
7 facilities that people can go to -- far, far, far
8 more important on a daily basis in all of our
9 communities than whether or not the police
10 believed they had adequate authority within
11 existing law to bring these people somewhere.

12 Because again, for New York City,
13 nobody's stopping NYPD from bringing them
14 somewhere. The dilemma is where is that
15 somewhere, and how long is it going to last? And
16 if it's six hours before they get let out the
17 back door of the emergency department, that is no
18 solution, no matter how strict you make the laws
19 on the books.

20 Thank you, Mr. President.

21 SENATOR O'MARA: Thank you.

22 Mr. President, I understand I'm up
23 against the time limit here, so I'll thank
24 Senator Krueger for her answers. I have more
25 questions. But on the bill, if I can, for a

1 moment.

2 I certainly agree with you that
3 there's a lack of services for the mentally ill.
4 One thing that I have commended Governor Hochul
5 on over another years has been her commitment in
6 driving more money into the mental health
7 system -- following a decade of the prior
8 Governor having a direct assault on our mental
9 health facilities, shutting down beds and making
10 it more difficult without the requisite NGO,
11 not-for-profit groups set up to handle this type
12 of thing.

13 But I do disagree with
14 Senator Krueger a bit on the need for involuntary
15 commitment. While a certain percentage will
16 certainly go into voluntary treatment and
17 hopefully continue with it and improve their
18 lives and their ability to care for themselves,
19 it's the percentage that won't do that and it's
20 the percentage that continues to commit crimes on
21 our streets in our communities with no option.
22 It's just a revolving door for many of them, and
23 we're not solving the problem.

24 You know, the policy issues that are
25 holding up this budget --

1 ACTING PRESIDENT COONEY: Senator
2 Gianaris.

3 SENATOR O'MARA: -- and nobody
4 wants policy issues in the budget --

5 ACTING PRESIDENT COONEY: Senator
6 Gianaris.

7 SENATOR GIANARIS: I'm sorry to
8 interrupt my colleague, but the time limit he was
9 referring to is that for all bill debates,
10 members have 30 minutes to speak on the bill or
11 present questions. We've been lenient, and
12 Senator O'Mara is now past -- well past
13 40 minutes.

14 So if -- I would ask him to please
15 wrap up. Many of the issues he's talking about
16 of course are not mentioned at all in this
17 extender. We will have plenty of opportunity to
18 debate them when the budget-in-chief comes before
19 us. But if Senator O'Mara could wrap up his
20 comments, that would be appreciated.

21 ACTING PRESIDENT COONEY: Senator
22 O'Mara.

23 SENATOR O'MARA: Thank you.

24 Thank you, Senator Gianaris. And I
25 was getting close to wrapping up anyways.

1 But, you know, these policy issues
2 that are holding everything up, in the bodies of
3 the Senate and the Assembly Majorities, really no
4 pushback on policy issues that are important to
5 your side while the Governor is trying to
6 negotiate issues that, frankly, I'm largely in
7 support of. And I think this side of the aisle
8 is, because we have concerns in the area of
9 mental health.

10 So it's important that these issues
11 get resolved. But we're only dealing with the
12 Governor's issues. You know, I've gone back a
13 couple of times to CDPAP now on that. The
14 Legislature -- at least this body -- is generally
15 not happy with that single fiscal intermediary.
16 We're going from hundreds of fiscal
17 intermediaries down to one.

18 It would have been much more
19 reasonable to have regional ones, I think, for
20 that. I know the chair of the Senate Health
21 Committee agrees with that because he has a bill
22 to do just that. And there's 38 cosponsors on
23 that bill. Yet it hasn't even moved through
24 committee. That should be in the mix of
25 discussions about what's going on here with all

1 the concerns we have over the single fiscal
2 intermediary that has really been crammed down
3 the throats of those that need it, those
4 services, in New York.

5 So thank you very much.

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

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

10 Seeing and hearing none, debate is
11 now closed. The Secretary will ring the bell.

12 Read the last section.

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

15 ACTING PRESIDENT COONEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT COONEY: Senator
19 Borrello to explain his vote.

20 SENATOR BORRELLO: Thank you,
21 Mr. President.

22 I want to speak very specifically on
23 what the sponsor termed as a tragic loss of
24 funding from the federal government for offshore
25 wind.

1 While we would certainly disagree
2 with that, I would remind her that that actually
3 fell apart under the Biden administration when
4 the developers decided to come back and try to
5 extort more taxpayer money, the
6 multi-billion-dollar boondoggle that it was.

7 But since then, we've seen the
8 tragedy that has hit the shores of Block Island
9 and elsewhere, when these wind turbines offshore
10 shattered and plastic shards polluted those
11 beaches.

12 But this is an opportunity in the
13 budget to take the billions of New York State
14 taxpayer dollars that were dedicated to that
15 ridiculous boondoggle and put it back into this
16 budget, and maybe offer a discount to our
17 taxpayers that are already overburdened.

18 So let's kill the offshore wind on
19 our end as well, which is nothing but a
20 taxpayer-funded boondoggle that puts money into
21 foreign companies -- foreign countries like
22 China, and let's bring it back to the people of
23 New York State.

24 So I'm voting to keep moving this
25 forward, but with the understanding that we have

1 the opportunity to close the entire gap,
2 entirely, for every single dollar that the
3 federal government is, for whatever reason, not
4 giving us, with eliminating waste, fraud and
5 abuse in New York State's budget. And we should
6 do that, and we should do it in this budget.

7 Thank you.

8 ACTING PRESIDENT COONEY: Senator
9 Borrello to be recorded in the affirmative.

10 Senator Weik to explain her vote.

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

13 The budget was due April 1st. Today
14 is April 17th, Holy Thursday. And we're voting
15 on our sixth extender. And I don't want
16 government to shut down either, but we still have
17 no table targets. We're hearing no confirmation
18 on movement. And next week, April 26th, our
19 school districts by law must approve budget
20 proposals. And without those, it's so much more
21 difficult for them to be able to create something
22 predictable for those residents.

23 Deflecting to national issues once
24 again, using them as scapegoats for the failure
25 to produce a state budget -- you know, it's just

1 unacceptable. It's irresponsible.

2 And with a quarter of a trillion
3 dollars -- more than a quarter-of-a-trillion-
4 dollar budget being proposed, we as a state
5 should be more than prepared and funded to
6 safeguard our state. And yet I'm still hearing
7 organizations and not-for-profits who, even in
8 these proposed budgets, aren't fully getting
9 funded, haven't seen any increases since the
10 1990s. And really, I mean, the entire State of
11 New York is waiting for this budget.

12 So it's time for us to do our jobs
13 and it's time for us to get this budget done.
14 And for that, I'm voting no. Thank you.

15 ACTING PRESIDENT COONEY: Senator
16 Weik to be recorded in the negative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 686, voting in the negative:
20 Senator Weik.

21 Ayes, 50. Nays, 1.

22 ACTING PRESIDENT COONEY: The bill
23 is passed.

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

1 SENATOR GIANARIS: Let me remind my
2 Majority colleagues there will be an immediate
3 conference for the Majority in Room 332 upon
4 conclusion of session.

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

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

9 SENATOR GIANARIS: Move to adjourn
10 until Tuesday, April 22nd, at 11:00 a.m., with
11 the intervening days being legislative days.

12 ACTING PRESIDENT COONEY: On
13 motion, the Senate stands adjourned until
14 Tuesday, April 22nd, at 11:00 a.m., with the
15 intervening days being legislative days.

16 (Whereupon, at 12:22 p.m., the
17 Senate adjourned.)

18
19
20
21
22
23
24
25