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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 7, 2025

10:32 a.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone to please rise for
5 the presentation of colors.

6 Color Guard, parade the colors.

7 (Whereupon, the 10th Mountain
8 Division Color Guard entered the chamber through
9 the rear doors and proceeded to the center of the
10 chamber, presenting the colors.)

11 ACTING PRESIDENT COONEY: I ask
12 everyone present to please join me in reciting
13 the Pledge of Allegiance.

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

16 ACTING PRESIDENT COONEY: Colonel
17 James Lester, chaplain of the 10th Mountain
18 Division of Fort Drum, will deliver today's
19 invocation.

20 Colonel.

21 CHAPLAIN LESTER: Thank you, sir.

22 Please join me in prayer today. If
23 you pray in your own faith as I pray in mine, let
24 us pray.

25 Lord, we thank You for the freedoms

1 that we hold dear. We thank You for the service
2 of our soldiers and their families of the
3 10th Mountain Division, and the rest of our
4 servicemembers.

5 We rejoice in our strong friendship
6 and partnerships we have with the great State of
7 New York.

8 We ask, God, that You would protect
9 our 10th Mountain soldiers who are still deployed
10 protecting our southern border and upholding
11 freedom in the CENTCOM region.

12 We thank You, Lord, for bringing
13 home safely our 3rd Brigade Combat Team and our
14 Combat Aviation Brigade.

15 We ask that You would continue to
16 strengthen our bonds of friendship with the
17 North Country and all of the State of New York.

18 I pray for the continued wisdom and
19 courage and unity of our Legislature and all of
20 our government officials.

21 Thank You again, Lord, for the
22 commitment and strong ties that we hold dear here
23 with the 10th Mountain and the State of New York.

24 Help us continue the legacy of the
25 10th Mountain Division as we climb to glory, all

1 the way to the top.

2 In Your most precious holy name,
3 Amen.

4 (Response of "Amen.")

5 ACTING PRESIDENT COONEY: Color
6 Guard, retire the colors.

7 (Whereupon, the Color Guard lowered
8 the colors and marched to the rear doors, exiting
9 the chamber.)

10 ACTING PRESIDENT COONEY: It is now
11 my honor to introduce Brigadier General
12 Joseph Escandon to deliver today's opening
13 remarks.

14 Brigadier General.

15 BRIGADIER GENERAL ESCANDON:
16 Distinguished members of the New York State
17 congressional delegation, Governor Hochul,
18 Lieutenant Governor Delgado, New York State
19 Senators, Assemblymen and Assemblywomen. It is a
20 profound privilege to address you today on behalf
21 of the soldiers and families of Fort Drum and the
22 10th Mountain Division.

23 So good morning, and thank you again
24 for this opportunity.

25 Your consistent support to Fort Drum

1 and the 10th Mountain Division is not merely
2 valued, it is mission critical to our readiness
3 and our ability to fulfill our nation's security
4 obligations.

5 Hosting Fort Drum Day underscores
6 the strong and enduring partnership we share, a
7 partnership built on mutual respect and a shared
8 commitment to the defense of our nation. We are
9 profoundly grateful for your unwavering advocacy,
10 ensuring our soldiers have the resources,
11 training and support they need to succeed in an
12 increasingly complex world.

13 The 10th Mountain Division is,
14 without question, one of the most consistently
15 deployed and operationally relevant divisions in
16 the United States Army. We operate at a high
17 tempo, responding to crises and upholding our
18 national security interests across the globe.

19 In the past year alone, our soldiers
20 have been deployed on multiple continents -- not
21 just multiple countries, but multiple
22 continents -- demonstrating not only our agility
23 and responsiveness but also our specialized
24 capabilities. We've maintained a robust presence
25 in the Central Command area of responsibility

1 supporting Operation Inherent Resolve, and the
2 ongoing efforts to degrade and defeat ISIS in
3 Iraq.

4 Our soldiers are integral to the
5 training and advising of partner forces,
6 enhancing their capability to maintain stability
7 in a very volatile region.

8 Simultaneously, we have
9 significantly supported our NATO allies,
10 deploying elements to the European theater of
11 operations as part of Operation Atlantic Resolve
12 and other routine exercises to include our
13 partnerships with Finland, Sweden and Norway,
14 just to name a few. These deployments are a
15 tangible demonstration of assuring our allies of
16 our commitment while deterring potential
17 adversaries.

18 Furthermore, the 10th Mountain
19 Division is currently providing critical support
20 to U.S. Southern Command, assisting partner
21 nations like Haiti with security cooperation
22 efforts. These operations span a wide spectrum
23 from counterterrorism to humanitarian assistance
24 and demand the highest levels of training,
25 adaptability, and cultural awareness from our

1 soldiers.

2 Closer to home, the 10th Mountain
3 Division headquarters currently leads Joint Task
4 Force Southern Border at Fort Huachuca, Arizona,
5 and across the expanse of the southern border,
6 executing a very critical mission for our nation.
7 This is not a static deployment. It is a dynamic
8 operation requiring constant adaption and
9 innovation. We are actively working with our
10 interagency partners, and in support of them,
11 that primarily being the Border Patrol and
12 Customs and Border Protection, as well as the
13 Department of Homeland Security writ large, in
14 order to deter illegal crossings and enhance our
15 border security.

16 Our soldiers are supporting the
17 effort with a host of unique military
18 capabilities and logistical support. And despite
19 the complex nature of the operations, our
20 soldiers are rising to the occasion,
21 demonstrating the highest levels of
22 professionalism and dedication.

23 This commitment to domestic
24 operations underscores our readiness to support
25 civil authorities when called upon, which is a

1 core tenet of our national defense.

2 Fort Drum is not simply a post -- it
3 is a strategic national asset, as many of you
4 already know.

5 For example, the 10th Mountain
6 Division is a leader in counter-unmanned aircraft
7 systems training, which I've talked to numerous
8 members about this morning. The installation's
9 unique terrain and expansive training areas
10 provide an unparalleled environment for preparing
11 our soldiers for the challenges they will face on
12 the battlefield.

13 We've leveraged this capability to
14 host exercises like Summit Strike, which is the
15 10th Mountain Division's major live-fire exercise
16 that was hosted up at Fort Drum in November of
17 last year, and Operation Hard Kill, a
18 counter-unmanned aerial system innovation event
19 that allowed our soldiers to test and refine
20 unique military capabilities integrating
21 electronic warfare and counter-unmanned aircraft
22 systems tactics and procedures, many of which we
23 will use as we return back into Iraq for
24 Operation Inherent Resolve, and other places in
25 the world.

1 But our training goes beyond
2 large-scale exercises. We are constantly
3 innovating, incorporating new technologies and
4 adapting our tactics to meet the evolving threat
5 landscape. We are investing heavily in live-fire
6 training, virtual reality simulations, and
7 multi-domain operations, preparing our soldiers
8 for the complexity of modern war.

9 The lessons learned at Fort Drum
10 directly translate into improved performance on
11 deployments around the globe, enhancing our
12 soldiers' survivability, lethality and mission
13 effectiveness.

14 And as many of you may be aware, the
15 Army Chief of Staff within the last couple of
16 days announced the Army Transformation
17 Initiative, which will vastly transform how our
18 Army trains and fights, and Fort Drum and the
19 10th Mountain Division are already at the leading
20 edge of that effort.

21 This year holds particular
22 significance for the 10th Mountain Division as we
23 commemorate the 80th anniversary of the Battle of
24 Riva Ridge. In February of 1945, the
25 10th Mountain Division, then a relatively

1 untested unit comprised largely of civilian
2 skiers and mountaineers, executed a daring
3 nighttime assault against heavily fortified
4 German positions in the Italian Apennine
5 Mountains.

6 The terrain was unforgiving --
7 steep, rocky slopes covered in snow and ice. The
8 enemy was well entrenched and determined to hold
9 their ground. Tenth Mountain soldiers, facing
10 treacherous conditions, relentless enemy fire and
11 freezing temperatures, scaled seemingly
12 insurmountable cliffs under the cover of
13 darkness, relying on their specialized mountain
14 warfare skills and unwavering courage. Their
15 assault broke the German defenses, opening the
16 way for the Allied advance, and ultimately
17 contributing to the liberation of Italy.

18 The Battle of Riva Ridge wasn't just
19 a military victory, it was a testament to the
20 spirit of the 10th Mountain Division: A spirit
21 of audacity, resilience, and unwavering
22 commitment to mission accomplishment. It
23 demonstrated the power of specialized training
24 and the importance of adapting to challenging
25 environments.

1 We honor the memory of those brave
2 men, and their legacy continues to inspire us
3 today, reminding us that even the most daunting
4 obstacles can be overcome with courage,
5 determination and innovative thinking.

6 And while we celebrate the
7 division's storied past, we also acknowledge a
8 chapter of transition. February 13th marked the
9 40th anniversary of the reactivation of the
10 10th Mountain Division and Fort Drum. The
11 decision to reconstitute the division here in
12 Northern New York was a strategic one,
13 recognizing the unique training opportunities
14 offered by the region.

15 It required a massive investment in
16 infrastructure, a dedicated workforce, and the
17 unwavering support of the local community. And
18 it established the model which we've tried to
19 emulate going forward, and that is to make sure
20 that the military base, the military community,
21 is fully integrated with our civilian community.

22 There is no hospital at Fort Drum;
23 those services are provided by the local
24 community. It's a great partnership and a model
25 for how we do things in the future.

1 Fort Drum transformed into a premier
2 military training center, and the 10th Mountain
3 Division emerged as a modern, highly capable
4 force, ready to answer the nation's call.

5 This anniversary highlights the
6 critical role played by the Northern New York
7 community in supporting our soldiers and their
8 families, which the community has done for the
9 last 40 years, through the War on Terror, Iraq,
10 Afghanistan, and continues to do to this day.

11 Fort Drum continues to serve as a
12 vital economic engine for Northern New York,
13 providing jobs and contributing significantly to
14 the local community. In fact, the most recent
15 report that I saw was \$2.5 billion contributing
16 to that economy.

17 We recognize our responsibility to
18 be good neighbors and are committed to fostering
19 a strong and mutually beneficial relationship
20 with our surrounding communities. From Watertown
21 to Potsdam and all the towns in between, the
22 support that our Northern New York community
23 provides our military families is truly unique
24 and truly exceptional.

25 Knowing their families are cared for

1 allows our soldiers to focus on the mission at
2 hand. And we are deeply grateful for New York's
3 constant and unwavering support.

4 In closing, I want to reiterate that
5 we are incredibly fortunate to have such
6 dedicated representatives in New York who
7 understand and support our mission. Fort Drum
8 and the 10th Mountain Division are committed to
9 maintaining a strong partnership with New York,
10 congressional and state delegations, as well as
11 our Northern New York community.

12 Together, we will ensure that the
13 10th Mountain Division remains a ready, capable
14 and respected force, prepared to answer the
15 nation's call wherever and whenever it may come.

16 On behalf of Major General
17 Scott Naumann, commanding general, and
18 Sergeant Major Johnson, our command sergeant
19 major, I want to thank you for your time. I know
20 it's a busy day here, a very important day. I'm
21 greatly honored that we had the opportunity to
22 celebrate Fort Drum with you all.

23 We thank you for your time, your
24 support, your unwavering commitment to soldiers
25 and their families. Climb to Glory! And thank

1 you again for your time.

2 (Standing ovation.)

3 ACTING PRESIDENT COONEY: Thank
4 you, Brigadier General.

5 We will now commence with the
6 reading of the Journal.

7 THE SECRETARY: In Senate, Tuesday,
8 May 6, 2025, the Senate met pursuant to
9 adjournment. The Journal of Monday, May 5, 2025,
10 was read and approved. On motion, the Senate
11 adjourned.

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

14 Presentation of petitions.

15 Messages from the Assembly.

16 Messages from the Governor.

17 Reports of standing committees.

18 Reports of select committees.

19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator Gianaris.

23 SENATOR GIANARIS: Good morning,
24 Mr. President.

25 Let us continue our recognition of

1 the leadership of Fort Drum and the soldiers and
2 cadets who are here today by taking up previously
3 adopted Resolution 546, by Senator
4 Scarcella-Spanton. Please read that resolution's
5 title and recognize Leader Stewart-Cousins on the
6 resolution.

7 ACTING PRESIDENT COONEY: The
8 Secretary will read.

9 THE SECRETARY: Resolution 546, by
10 Senator Scarcella-Spanton, memorializing
11 Governor Kathy Hochul to proclaim May 7, 2025, as
12 10th Mountain Division and Fort Drum Day in the
13 State of New York.

14 ACTING PRESIDENT COONEY: Majority
15 Leader Stewart-Cousins on the resolution.

16 SENATOR STEWART-COUSINS: Thank you
17 so much, Mr. President.

18 It's certainly a pleasure to welcome
19 Fort Drum Brigadier General Joseph Escandon and
20 the U.S. Army's 10th Mountain -- maybe we want to
21 get some order.

22 ACTING PRESIDENT COONEY: If we
23 could have order in the Senate chamber for the
24 Majority Leader's resolution comments.

25 Majority Leader.

1 SENATOR STEWART-COUSINS: Thank you
2 so much.

3 Again, I do want to welcome
4 Fort Drum Brigadier General Joseph Escandon and
5 the U.S. Army's 10th Mountain Division to the
6 Senate chamber here today in honor of our annual
7 Fort Drum Day.

8 And I want to thank the brigadier
9 general for your comments -- I want to -- how are
10 you? It's good. No, I'm speaking to you because
11 I was really very heartened and moved by your
12 comments, not only about the past but the
13 present. You reminded us of all that you do on
14 our behalf. And we are certainly, certainly
15 pleased that Fort Drum has been reconstituted in
16 New York State.

17 So please be seated. Relax.

18 (Laughter.)

19 SENATOR STEWART-COUSINS: I also
20 want to express my gratitude to Senator Jessica
21 Scarcella-Spanton, the chair of the Senate
22 Veterans, Homeland Security and Military Affairs
23 Committee, for your dedication and continued
24 support for veterans and military families.

25 And of course I also want to thank

1 Senator Walczyk, who represents Fort Drum.

2 Each year this occasion reminds us
3 not only of the profound importance of Fort Drum
4 to New York State, but also the extraordinary
5 service and sacrifice of the soldiers and their
6 families who call it home.

7 There's a special spot in my heart
8 for all servicemembers, including my late father,
9 who served in World War II, and my brother, who
10 served in Vietnam. We also, as you know, have
11 members in this chamber who have made the
12 personal sacrifice, and many of their family
13 members who served the nation.

14 Fort Drum holds a cherished place in
15 the hearts of New Yorkers. It's far more than a
16 military installation -- it's a living symbol of
17 strength and courage and resilience. The
18 soldiers stationed there embody the highest
19 ideals of service and patriotism. Their presence
20 enriches our state, protects our freedoms, and
21 reminds us of the sacrifices made every day so
22 that the rest of us can be in chambers like this.

23 We have, because of you all, peace
24 and security. We stand here in this chamber
25 proud that New York is home to Fort Drum, located

1 in Jefferson County, and the 10th Mountain
2 Division. The partnership between the
3 United States military and the Fort Drum area can
4 be dated back over a century to 1908, with the
5 establishment of Pine Camp. And again, as you
6 said, with the permanent Fort Drum known today
7 being established in 1974.

8 Spanning over 107,000 acres near
9 Lake Ontario, Fort Drum plays a vital role in our
10 nation's security. It annually mobilizes and
11 trains over 80,000 troops, ensuring our
12 forces are ready to meet national security
13 requirements.

14 The significance of Fort Drum is
15 best captured in its concise and yet meaningful
16 mission statement: "Team Drum generates, rapidly
17 deploys, and sustains ready forces to meet
18 national security requirements while caring for
19 soldiers, families and civilians."

20 As we mark Fort Drum Day here in
21 New York State, we also reaffirm our broader
22 commitment to supporting those who have served
23 and those who continue to serve. As we work
24 towards finalizing the state budget -- and yes,
25 today is the beginning of that -- I want to

1 highlight several key areas we're making critical
2 investments to honor and uplift our veterans and
3 military families.

4 We're continuing the disabled
5 veterans property tax deduction, which offers
6 much-needed financial relief to those who have
7 already given so much. We're investing in
8 veterans mental health training, recognizing the
9 importance of mental and emotional support for
10 those who have faced the psychological toll of
11 combat and military life. We're funding the
12 Outdoor RX Act, which connects veterans with
13 nature-based therapy and outdoor recreation as a
14 tool to aid their transition into civilian life.
15 We're increasing funding for the Department of
16 Veterans' Services to hire more staff, ensuring
17 timely and effective support for our veterans
18 across New York.

19 As the Majority Leader of the
20 New York State Senate, again, I want to convey
21 New York's immense pride in having you as part of
22 our great state and our, yes, unwavering
23 commitment to supporting you.

24 Thank you so much for being here and
25 for all you do.

1 Thank you, Mr. President.

2 ACTING PRESIDENT COONEY: Thank
3 you, Majority Leader.

4 Minority Leader Ortt on the
5 resolution.

6 SENATOR ORTT: Thank you very much,
7 Mr. President.

8 I want to thank all of my
9 colleagues, Majority and in our conference, for
10 being here. This is an eventful day. It is the
11 first -- the start of the enactment of our state
12 budget, which will be no doubt long, but we'll
13 get it done.

14 But it shows you the importance of
15 this day to this chamber and to the people in
16 this room that that notwithstanding, it was
17 important to do this resolution, to have the
18 soldiers from Fort Drum here. Because we do, we
19 do appreciate having -- playing host here in
20 New York to one of the most deployed, decorated
21 military units in the United States military, the
22 10th Mountain Division. Climb to Glory!

23 You heard the general -- I want to
24 thank the general and the sergeant major for your
25 service, for being here. Colonel Lester. I

1 don't know if we have Colonel Myer here as well.

2 But I want to thank all of you for
3 being here today and for your service and your
4 commitment to leading the men and women of the
5 10th Mountain Division at an increasingly
6 dangerous time. We only need to turn on the news
7 now to see what's happening between India and
8 Pakistan. You think of Russia and Ukraine,
9 obviously the war between Israel and Gaza.

10 It is a dangerous world. And it's
11 these soldiers who we ask to defend it and we ask
12 to keep the peace for us even as the rest of
13 world might not always enjoy that same peace.
14 And we ask these soldiers to keep our freedoms
15 secure, even as other parts of the world do not
16 enjoy those same freedoms.

17 And it is because we have people,
18 from the general on down to private first class,
19 who are willing to serve and defend this great
20 country.

21 And here in New York we're very
22 proud, again, to host Fort Drum, to be host to
23 Fort Drum. We know the economic impact to the
24 North Country. We know the important role it
25 plays to that part of our state economically. We

1 know the pride the people of the North Country
2 have to know that Fort Drum, the 10th Mountain,
3 that's where their home is. You know, yes, it's
4 in New York, but it's in the North Country -- as
5 Senator Walczyk always calls it, I think, the
6 front yard of America. Is that right?

7 But we're very proud and very
8 honored to have you here in this chamber. You
9 heard my colleague the Majority Leader talk about
10 what we try to do for veterans at the state
11 level. Obviously a lot of that is handled at the
12 federal level. But there's no doubt there will
13 be funding in this budget for members of our
14 Army National Guard.

15 I remember, when I was a member of
16 the Army National Guard, going to Fort Drum. So
17 when I was in the military, Fort Drum Day was not
18 always a great day. Fort Drum Day sometimes was
19 a tough day. I remember being there in May and
20 it was snowing, we were in the field. That's a
21 real -- I mean, it snowed.

22 And so Fort Drum was always a tough
23 place to train. And it should be no accident
24 that the 10th Mountain has been able to do the
25 things they've done around the world because they

1 train at Fort Drum. And that the climate, the
2 conditions there lend themselves to tough
3 training, because of course you train -- you
4 fight how you train. And I can tell you there
5 was some very tough training that happened at
6 Fort Drum.

7 Now, many years later, sitting here
8 in this chamber, Fort Drum Day has a different
9 feeling for me, and it's one that I'm very proud
10 to be able to speak at and to be able to
11 recognize.

12 And again, I speak for our
13 conference and I think all of my colleagues --
14 those who served, those who did not -- that we
15 recognize the importance of supporting the base,
16 supporting the mission, supporting the men and
17 women who wear that great uniform so that you can
18 go and do the things that you need to do on
19 behalf of the United States of America and on
20 behalf of the commander in chief, whoever that is
21 over time, that sends you potentially into harm's
22 way.

23 I'll just close by saying, again, I
24 think we're in an increasingly dangerous world,
25 and I know the 10th Mountain stands ready, stands

1 ready to do what needs to be done to protect the
2 interests of the United States of America, to
3 protect our values, and to fight and defend our
4 great country anywhere that they are called to do
5 so.

6 And it gives me again great honor
7 and pleasure to welcome you here to this chamber.
8 Thank you for your words, General. Thank you for
9 your service, all of you.

10 God bless. Climb to Glory!

11 ACTING PRESIDENT COONEY: Thank
12 you, Minority Leader.

13 Senator Scarcella-Spanton on the
14 resolution.

15 SENATOR SCARCELLA-SPANTON: Thank
16 you, Mr. President.

17 I'm so excited to welcome everyone
18 visiting the New York State Senate chambers today
19 from Fort Drum. We're here to honor the
20 remarkable efforts of every man and woman
21 stationed at Fort Drum and serving the
22 10th Mountain Division.

23 For 40 years -- and I almost said
24 30, but time's going by very fast -- for 40 years
25 Fort Drum has been the proud home of the

1 10th Mountain Division, one of the most deployed
2 and distinguished divisions in the United States
3 Army.

4 The best of our best are -- have
5 come through this installation. Today we pay
6 tribute to their vital contributions to our
7 national defense and their continued bravery.

8 After the September 11th attacks,
9 which shook not just New York but our entire
10 nation, the soldiers of the 10th Mountain
11 Division displayed extraordinary courage, and our
12 state will always be grateful for the role that
13 they played.

14 Fort Drum is not only a symbol of
15 military excellence, but also a cornerstone of
16 Northern New York's economy, serving as the
17 region's largest employer and supporting the
18 livelihoods of thousands of active-duty family
19 members.

20 And my husband, who many of you
21 know, was in the military, he was in the Army,
22 stationed at Fort Carson -- different set of
23 mountains. We had an opportunity to visit
24 Fort Drum. And truly -- it was about close to
25 10 years after he actually completed his own

1 military service -- it reminded both of us of how
2 important it is where you're stationed and the
3 community that you develop and you build.

4 And I know how important Fort Drum
5 is to that community and the connections that you
6 make.

7 You know, truly I have to say I
8 think constantly, as I look at the young faces up
9 here, my goal as the chair of the
10 Veterans Committee is to make sure you want to
11 call New York home at the end of this -- when you
12 are able to rest, when you are able to take your
13 boots off and find a place where you want to
14 plant your seeds.

15 My goal will always be to make sure
16 that New York is a place that you want to call
17 home. We want to make sure we're constantly
18 doing everything for our veterans, for our
19 military families.

20 And I'm especially grateful today
21 that among our visitors from Fort Drum we have
22 Sergeant Briones -- if you could stand up, go
23 ahead. Sergeant Briones was born and raised in
24 Coney Island, Brooklyn, which I have the pleasure
25 of representing.

1 And it was so wonderful to catch up
2 with you here today, learn more about your
3 family, and to see the career that you're on. So
4 thank you so much for being here with us.

5 Please have a seat.

6 The 33,000 soldiers and family
7 members of Fort Drum are more than just
8 servicemembers. They're our neighbors,
9 coworkers, classmates and friends. As someone
10 from a military family, I do understand the
11 challenges of deployments and how difficult it
12 can be to start a new life in a new city. And
13 another thing that I was so impressed by
14 Fort Drum when we went to visit was how they do
15 care for those spouses and family members when
16 your loved ones are deployed. That is something
17 that is so impressive to me, to make sure that
18 those people don't feel alone.

19 And as chair of the Committee on
20 Veterans, Homeland Security and Military Affairs,
21 I'm honored to recognize not only the brave
22 soldiers of the 10th Mountain Division, but also
23 every servicemember and their family and the
24 entire Fort Drum community here today.

25 I want to especially thank our

1 Majority Leader, Andrea Stewart-Cousins; the
2 Secretary of the Senate, Ale, and her amazing
3 team for putting this together; of course
4 Senator Walczyk.

5 Our teams have been talking late
6 into the night helping to put this event
7 together. I think it's one of the biggest events
8 that the Senate has every year, so thank you so
9 much. Thank you for your service too,
10 Senator Walczyk.

11 So I thank you to all my colleagues
12 for making this day so special. I thank you to
13 everyone who is here with us today. I proudly
14 vote aye, and thank you all for your service.

15 ACTING PRESIDENT COONEY: Thank
16 you, Senator.

17 Senator Ashby on the resolution.

18 SENATOR ASHBY: Thank you,
19 Mr. President.

20 I want to thank the chair, the
21 Majority Leader, our conference leader for
22 bringing this resolution to the floor, and for
23 the continued leadership that we find at
24 Fort Drum, the inspiration that we see not only
25 at the officer level but within the enlisted

1 ranks as well.

2 And I'm so happy that my colleague
3 introduced a constituent of hers, because that
4 decision to serve, you know, it doesn't go away.
5 It doesn't go away after time. You know, many in
6 this chamber -- some in this chamber have served.
7 Everyone in this chamber has family and friends
8 who have. And I know that that decision has
9 inspired us, continues to inspire us. Because of
10 what Leader Ortt had mentioned, the challenges
11 that we continue to face worldwide, you face them
12 head on each and every day. And that no doubt
13 inspires me, I can say, and I'm sure everybody
14 else in this chamber.

15 Thank you for being here today.
16 Thank you for being there for us every day.

17 I proudly vote aye.

18 ACTING PRESIDENT COONEY: Thank
19 you, Senator.

20 Senator Gallivan on the resolution.

21 SENATOR GALLIVAN: Thank you,
22 Mr. President.

23 I rise to also welcome you, General,
24 and the soldiers from Fort Drum, and to thank you
25 and all the people that you serve with for your

1 service and what you do to protect our way of
2 life. New York is certainly very, very proud and
3 grateful of you.

4 For the first time in my 15 years in
5 the Senate, I get to welcome somebody from my
6 Senate district who is here as part of the
7 contingent. I haven't met him yet, but I'd ask
8 him to stand up: Sergeant Christian Jakubowski,
9 who is from West Seneca.

10 Welcome. Thank you for being here.
11 Thank you for your service. And I should also
12 note that Sergeant Jakubowski's father serves
13 with the New York Army National Guard. He comes
14 from a family of service, and we're grateful for
15 that.

16 I would also finally like to mention
17 another soldier from Fort Drum, Captain John J.
18 Levulis, who 10 years ago today -- today is the
19 10th anniversary -- was traveling in a military
20 convoy to Fort Dix and was killed, in service to
21 his country, in an accident.

22 And this body -- I'm grateful for
23 the support of my colleagues -- we were able to
24 recognize Captain Levulis and memorialize him by
25 the naming of State Route 75 in the Town of Eden,

1 also from our district, just a little bit south
2 of West Seneca, where my hope is that his service
3 will be forever remembered.

4 But I felt it important -- many of
5 you most likely did not know him, but he served
6 at Fort Drum very, very proudly. His family was
7 very proud of him, the Town of Eden, and then of
8 course Western New York was proud of him. And I
9 can't help but think that he exemplifies the type
10 of individual that serves at Fort Drum -- willing
11 to stand up for their country, willing to stand
12 up for their neighbors.

13 And I'm grateful for him and
14 grateful for all of you and all that you serve
15 with.

16 Thank you.

17 ACTING PRESIDENT COONEY: Thank
18 you, Senator.

19 Senator Walczyk on the resolution.

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

22 And I want to start off with some
23 thank yous. Thank you to our Veterans chair,
24 Senator Jessica Scarcella-Spanton, her and
25 especially to your staff, have been instrumental

1 in making sure that this day continues even if
2 I'm deployed, which is impressive. And we really
3 appreciate that.

4 Along with the support of the
5 Secretary of the Senate's office, the Majority
6 Leader, and obviously our leader, Rob Ortt, as
7 well. Thank you to all of you for continuing
8 Fort Drum Day each and every year.

9 I was telling the leadership that
10 when you step away and your staff continues to
11 operate and get the mission done once you walk
12 away, you know that you've done right and you've
13 got the right team built around you. And that's
14 exactly what happened last year.

15 So thanks for last year. And again,
16 even in a budget process, in making sure that
17 Fort Drum Day is what kicked us off and that it
18 remained at the center.

19 Please send our best to
20 Major General Naumann and CSM Johnson. We wish
21 them the best in a successful mission. We know
22 they will.

23 And thank you for your words,
24 Brigadier General Escandon, up here today. I
25 hope everybody took them to heart.

1 Also a thank you to Colonel Myer;
2 CSM Folger, who is a New Yorker. And actually
3 General Escandon has a house in Clayton,
4 New York, another New Yorker. So I know we
5 generally put the New Yorkers and highlight them
6 on the other side of the chamber.

7 And to Colonel Lester, thank you for
8 your words as well.

9 We are honored by your presence here
10 today, your leadership from the front, and all
11 that you do.

12 And I'm not sure if each one is
13 going to get recognition, so I just want to call
14 out the New York State soldiers. If you would
15 please rise when I call out your name.

16 First Sergeant Oheir, Brittany, from
17 Buffalo, New York.

18 Sergeant Jakubowski -- wow, your
19 Senator got the name right on the first try.

20 (Laughter.)

21 SENATOR WALCZYK: Sergeant First
22 Class Evans from Cortland, New York.

23 Staff Sergeant Stento, from
24 Johnson City, New York.

25 And of course Sergeant Briones from

1 Brooklyn, New York.

2 How about a round of applause for
3 these New York soldiers.

4 (Applause.)

5 SENATOR WALCZYK: All right, thank
6 you. You can have a seat.

7 Because it's budget day, so I'm
8 going to run through some numbers real quick:

9 A \$2.5 billion economic impact to
10 the State of New York, the state's largest
11 single-site employer -- that's Fort Drum. A
12 population of 16,000 who call New York their
13 permanent or temporary home. One hundred seven
14 thousand acres over two zip codes of excellent
15 training area, capable of training 80,000 troops
16 annually -- not just the 10th Mountain Division,
17 but New York's Army National Guard, reservists,
18 Air Force, right across.

19 And one of the beautiful numbers,
20 and Leader Ortt pointed it out -- you know, they
21 say "in the heat or cold of snow" in the
22 10th Mountain Division song. It can get to a
23 nice cool negative 35 degrees Fahrenheit. And we
24 see triple digits in the positive -- both at
25 Fort Drum, creating every climate imaginable that

1 Fort Drum soldiers could be fighting in around
2 the globe.

3 Back to the history. So Ulysses S.
4 Grant's son actually found Pine Plains to be the
5 perfect location in Jefferson County and
6 established Pine Camp in 1908. World War I,
7 World War II, we saw expansions of this place.
8 Two armored divisions and an infantry division
9 during World War II. And as the general pointed
10 out, on February 13, 1985, 40 years ago, it
11 became the new home for the 10th Mountain
12 Division. They were specialty alpine troops who
13 80 years prior had fought at Riva Ridge.

14 A double anniversary year -- a
15 40-year anniversary and an 80-year anniversary
16 for the 10th Mountain Division. They were
17 reconstituted and placed in Fort Drum, making
18 New York State the 10th Mountain Division's home,
19 and it has been since then.

20 And they were flagged for a new
21 mission -- not just specialty alpine troops, but
22 white papers out of the Pentagon showed a need in
23 1985 that we'd be moving to light infantry that
24 needed to be operationally ready and trained to
25 deploy rapidly by air, land and sea anywhere in

1 the world and to fight and win for us here back
2 home.

3 They've accomplished that mission.
4 In Somalia, in Haiti, in Afghanistan, in Iraq,
5 around a number of other continents and countries
6 in the world. On our southern border today, and
7 around the globe.

8 They have a saying the sun never
9 sets on the 10th Mountain Division patch. And to
10 prove it to myself, I took a flight out to Kuwait
11 and spent some time over there, and it was
12 actually the 10th Mountain Division Aviation
13 Brigade who in September gave me a lift out of
14 Syria back to Iraq. So thanks for the flight.
15 And if you'd pass that along to your
16 Aviation Brigade, Fly to Glory.

17 They have a saying, "Climb to
18 Glory." The response to that is "To the Top."
19 So if you see a 10th Mountain Division soldier
20 here in these chambers or in the hallways today,
21 feel free to tell them: "Climb to Glory." They
22 should return "To the Top." Or vice versa.

23 And that sort of pairs pretty well
24 with the motto of the State of New York which is
25 up on our seal: Excelsior, "ever upward." These

1 soldiers are always climbing, always moving
2 forward. They continue that climb.

3 So happy anniversary to New York's
4 division. We have different sports teams. You
5 might be a Bills fan or a Jets fan or a Giants
6 fan in the State of New York -- go Bills --

7 (Laughter.)

8 SENATOR WALCZYK: But I think the
9 pride that you mentioned -- and I have a
10 tremendous amount of pride, and so does the
11 North Country, in the 10th Mountain Division.
12 And Leader, as you pointed out, I would extend
13 that pride to all of you.

14 There is only one division in
15 New York State, and that's the 10th Mountain
16 Division. We're all fans of that division and
17 the work that you do every day.

18 So happy anniversary, both 40th and
19 80th, to the 10th Mountain Division. Thank you
20 for your service. And God bless the
21 10th Mountain Division.

22 Thank you.

23 ACTING PRESIDENT COONEY: Thank
24 you, Senator.

25 Senator Webb on the resolution.

1 SENATOR WEBB: Thank you,
2 Mr. President.

3 I want to extend my appreciation to
4 the Majority Leader and of course to
5 Senator Scarcella-Spanton for supporting this
6 resolution proclaiming this day as an opportunity
7 for us to continue our tradition in recognizing
8 and celebrating Fort Drum Day.

9 It is with great honor that I rise
10 and join my colleagues to thank the members of
11 the 10th Mountain Division for your service to
12 our nation. Members of the 10th Mountain
13 Division, based at Fort Drum, were the first to
14 be deployed in the aftermath of the terrorist
15 attacks of September 11th. And they have served
16 with bravery and honor whenever they are called
17 upon.

18 I am especially proud to rise today
19 because I have two outstanding members of the
20 10th Mountain Division who call Senate
21 District 52 home. And that is Sergeant First
22 Class Morgan Evans, from Cortland -- please
23 rise -- and Staff Sergeant Michael Stento, from
24 Johnson City.

25 Your service and the service of

1 every member of Fort Drum reminds us that the
2 freedoms we have are protected by individuals
3 like yourselves who are willing to sacrifice and
4 serve everything on our behalf.

5 Fort Drum is an opportunity for us
6 as a state to express our deep gratitude and
7 enduring respect for the men and women who serve.
8 Your bravery lifts us up, and your commitment to
9 our country deserves to be honored not just
10 today, but every day.

11 I am very proud to be voting in
12 favor of this resolution, and I hope my
13 colleagues will join me in celebrating Fort Drum
14 Day by voting aye.

15 Thank you so much.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator.

18 Senator Harckham on the resolution.

19 SENATOR HARCKHAM: Thank you very
20 much, Mr. President.

21 I want to thank all the colleagues
22 who spoke in advance -- the Majority Leader,
23 Minority Leader, Senator Scarcella-Spanton, who
24 chairs our Veterans Committee, Senator Walczyk,
25 who is the representative of Fort Drum.

1 I want to thank you all so much.
2 I'm the son of a combat veteran from
3 World War II, infantry, so I greatly, greatly
4 appreciate everything that you do to keep us safe
5 and the training necessary.

6 But I rise specifically because I
7 want to give a shout out to Carmel resident
8 Command Sergeant Major John Folger. And just
9 want to let you know, Sergeant Major, that we are
10 so proud of you. We thank you for your service.

11 And I had mentioned last year when
12 we met I was going to try and come up last
13 summer. It was an election year, made it a
14 little tough. But I will be up in the
15 Adirondacks on my environmental tour this year,
16 and I assure you I really look forward to
17 visiting this year.

18 Thank you very much.

19 ACTING PRESIDENT COONEY: Thank
20 you, Senator Harckham.

21 To our guests from the 10th Mountain
22 Division, I welcome you on behalf of the New York
23 Senate. We extend to you the privileges and
24 courtesies of this house.

25 Please rise and be recognized.

1 (Extended standing ovation.)

2 ACTING PRESIDENT COONEY: The
3 resolution was adopted on March 25th.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 in an effort to move expeditiously through this
7 day, as we have a lot of work to do, we are going
8 to simultaneously call an immediate meeting of
9 the Finance Committee in Room 332 as we continue
10 to work on the resolutions.

11 ACTING PRESIDENT COONEY: There
12 will be an immediate meeting of the
13 Finance Committee in Room 332.

14 SENATOR GIANARIS: And then let's
15 move on to previously adopted Resolution 347, by
16 Senator Griffo, read that resolution's title, and
17 recognize Senator Griffo.

18 ACTING PRESIDENT COONEY: The
19 Secretary will read.

20 THE SECRETARY: Resolution 347, by
21 Senator Griffo, memorializing Governor Kathy
22 Hochul to proclaim May 2025 as Lupus Awareness
23 Month in the State of New York.

24 ACTING PRESIDENT COONEY: Senator
25 Griffo on the resolution.

1 SENATOR GRIFFO: Mr. President, I
2 would respectfully ask for order before we begin
3 this, out of respect for our guests who are in
4 the gallery.

5 ACTING PRESIDENT COONEY: There
6 will be order in the Senate chamber to allow for
7 Senator Griffo. Senator Griffo has the floor.

8 SENATOR GRIFFO: Thank you,
9 Mr. President. Appreciate that.

10 Today's resolution that we're
11 presenting on this very busy day I think is also
12 very important. We've done this annually. It's
13 an opportunity for us to have some distinguished
14 guests with us who play such an important role in
15 raising awareness in the fight against lupus.

16 Lupus is a disease that hits over
17 105,000 people in New York State. Over
18 1.5 million Americans have lupus, and 5 million
19 more across this globe have been diagnosed with
20 lupus.

21 We're joined in the chamber today by
22 a number of advocates who are sitting up there.
23 They have worked tirelessly to continue to ensure
24 that people are made aware of this disease and
25 the need for continued research.

1 We're joined specifically today by a
2 couple of my constituents, Kathleen and David
3 Arntsen. Kathleen and David have been so
4 actively engaged in this and so involved in so
5 many different aspects, not only in our community
6 but across this state. And I appreciate their
7 work. They're tireless advocates for those who
8 are affected with lupus and the families
9 involved.

10 They're also here today with the
11 Lupus and Allied Diseases Association, other
12 members from across the state. We're fortunate
13 in my community to host the Masonic Medical
14 Research Institute. They do some great work in
15 trying to confront this disease. Dr. Maria
16 Kontaridis -- I know Senator Gianaris got to meet
17 her last year -- of Greek origin, and she is
18 doing tremendous work as the leader of the
19 Masonic Medical Research Institute, along with
20 Dr. Samantha Le Sommer, Dr. Chase Kessinger, and
21 Dr. Jason McCarthy.

22 And again, it's so significant and
23 important, the work that they undertake, but to
24 ensure that we continue to educate and to
25 increase that awareness. Because so many people

1 that are diagnosed with lupus, and the majority
2 of them are women and young people in the prime
3 of their lives.

4 So, tragically, there's still no
5 cure for this. And that's why each and every
6 year so many people that die make it such a
7 significant opportunity for us when we call this
8 resolution up, when we continue to create the
9 necessary awareness, when we continue to direct
10 and devote the necessary resources to confront
11 this disease.

12 So again, Kathleen and David and all
13 those from the Allied Disease Association, to the
14 Masonic Medical Research Institute, we appreciate
15 and thank you for the work that you do each and
16 every day. Your efforts to improve the quality
17 of life of those affected and suffering from
18 lupus, and their families, is so important and
19 essential.

20 So today this resolution will
21 continue our opportunity to create awareness, to
22 work with you in your advocacy, and to support
23 all the efforts to confront this disease. It's
24 important to raise this awareness because the
25 more we get people talking about it, the more we

1 can direct resources to it, we can confront this
2 crippling disease and the impact that it has on
3 so many people's lives across this state.

4 So I thank you all again. I'm
5 hopeful that we can achieve the kind of effective
6 treatment, ultimately, that will help bring
7 long-awaited relief and comfort to all those who
8 suffer from lupus.

9 So thank you all, and I appreciate
10 the support of my colleagues in this chamber.

11 ACTING PRESIDENT COONEY: Thank
12 you, Senator.

13 Senator Gianaris on the resolution.

14 SENATOR GIANARIS: Thank you,
15 Mr. President.

16 I want to thank Senator Griffo for
17 continuing to do his part to raise awareness
18 around the advocacy behind combating this dreaded
19 disease.

20 In addition to the Greek leadership
21 he mentioned as part of the advocacy community
22 here, I would also want to recognize someone who
23 is a constituent of mine from Western Queens,
24 Anne Zablotowicz, who is here as well.

25 So we appreciate everyone who has

1 taken time out of their lives to come and engage
2 in this fight, but I wanted to give a special
3 recognition to someone from back home. Because,
4 you know, we've been here a while, so we miss it
5 back there.

6 Thank you, Mr. President. Thank
7 you, Senator Griffo.

8 ACTING PRESIDENT COONEY: Thank
9 you, Senator Gianaris.

10 To our guests, I welcome you on
11 behalf of the Senate. We extend to you the
12 privileges and courtesies of this house.

13 Please rise and be recognized.

14 (Standing ovation.)

15 ACTING PRESIDENT COONEY: The
16 resolution was adopted on February 25th.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 we have a privileged resolution at the desk. Up
20 next, Privileged Resolution 932. Please take
21 that up and recognize Senator May.

22 ACTING PRESIDENT COONEY: There is
23 a privileged resolution at the desk.

24 The Secretary will read.

25 THE SECRETARY: Resolution 932, by

1 Senator May, mourning the death of Van B.
2 Robinson, distinguished citizen, respected
3 trailblazer and Syracuse politician, and devoted
4 member of his community.

5 ACTING PRESIDENT COONEY: Senator
6 May on the privileged resolution.

7 SENATOR MAY: Thank you,
8 Mr. President.

9 Syracuse lost one of the bright
10 lights in our community on Saturday when
11 Van Robinson died at the age of 87. Van was born
12 in the Boogie Down Bronx, and served proudly in
13 the U.S. Navy. But from 1968 on, he chose to
14 make his home not in the Bronx but in Syracuse,
15 and we are very fortunate that he did.

16 He immediately got involved in civic
17 and political life, eventually becoming president
18 of the NAACP. In 1999 he joined the Syracuse
19 Common Council, and in 2009 he was elected to be
20 the first Black president of the Common Council.
21 He served in that role with distinction for eight
22 years.

23 One of Van's priorities on the
24 council was to advocate for tearing down the
25 Interstate 81 viaduct that bisects the city and

1 serves as a terrible legacy of redlining and a
2 textbook example of the wanton destruction of
3 thriving urban Black communities due to
4 interstate highway construction.

5 I got to know Van through his
6 advocacy on that issue when I came to Syracuse
7 and started studying urban policy. I wish he
8 could have lived to see the project completed,
9 but I-81 is coming down. And he did get to see
10 it started. And I hope he felt proud of the role
11 he played in what will eventually transform our
12 city and region for the better.

13 In my experience, Van was always a
14 soft-spoken gentleman, but he could be fierce
15 when fighting for the causes he believed in. He
16 also was generous in his mentorship and
17 encouragement of younger leaders, including
18 myself, but especially Black leaders in the
19 community.

20 Van's legacy remains in many visible
21 ways. The Common Council chamber at City Hall
22 bears his name. The Pan-African Village at the
23 New York State fair, which he and his wife --
24 Linda Brown Robinson -- founded, is also named
25 for them.

1 His local legacy also includes the
2 work he did on many boards, including the
3 Elmcrest Children's Center, Red Cross, Meals on
4 Wheels, and the Interreligious Council, which
5 grew into a major force in our community, now
6 called Interfaith Works.

7 Van and Linda had a remarkable,
8 inspiring partnership. Our hearts go out to
9 Linda, who has in her own right been a remarkable
10 force in civic life, and to their children,
11 Donetta and Van, and grandchildren Jackie, Jovan
12 and Claude, of Jacksonville, Florida, and their
13 beloved great-grandson, Jovan, Jr., who also
14 resides in Jacksonville.

15 I know there are many in this
16 chamber and state government who knew Van as
17 well, and I expect his funeral on Monday to be
18 widely attended, in testament to how much love he
19 inspired all across our state.

20 I vote aye.

21 ACTING PRESIDENT COONEY: Thank
22 you, Senator May.

23 Majority Leader Stewart-Cousins on
24 the privileged resolution.

25 Majority Leader.

1 SENATOR STEWART-COUSINS: Thank you
2 so much, Mr. President.

3 And thank you, Senator May, for
4 bringing forth this resolution to honor the
5 memory of Van B. Robinson, someone who I was
6 privileged to know, certainly during the time
7 that I even began running.

8 When Senator May said that Van was
9 really instrumental in discovering, mentoring,
10 nurturing political leaders who he thought were
11 worthy of the title, I certainly was one of those
12 people.

13 I did not have anything to do with
14 Syracuse at the time, but Van made sure that he
15 had something to do with encouraging me to
16 continue to run, even after my first defeat when
17 I ran for Senate.

18 I spoke with his wife Linda -- who
19 again, as Senator May said, is a force in her own
20 right, and certainly the two of them, dynamic and
21 influential and generous in their ability to make
22 sure that community was indeed community in every
23 aspect. And she talked about how he was really
24 quite -- up until practically the day he died, he
25 was still involved in one way or another of

1 making the world a better place.

2 So we will miss him. I will miss --
3 I know I'll go to the Pan-African Village. But I
4 remember getting to the State Fair and going to
5 the village and getting one of my best African
6 drumming lessons ever in that village.

7 He found a way to reach everyone,
8 every way they could.

9 So we will miss Van Robinson,
10 trailblazing, iconic, a giant. And certainly the
11 Senate -- and this resolution will be presented
12 at the funeral on Monday, but his legacy will
13 live on and on forever.

14 So thank you, Mr. President.

15 ACTING PRESIDENT COONEY: Thank
16 you, Majority Leader.

17 Senator Chris Ryan on the
18 resolution.

19 SENATOR CHRIS RYAN: Thank you,
20 Senator May, for bringing the resolution. And
21 Leader, thank you for those kind words and
22 profound words.

23 You know, so on behalf of the
24 50th Senate District, just want to acknowledge
25 the unfortunate passing of a giant in our

1 community, Van Robinson. You know, he was a
2 towering figure in Syracuse's civil rights and
3 civil rights history and a towering figure in our
4 civics.

5 You know, his unwavering commitment
6 to our justice and our community cannot be
7 overlooked. He uplifted everybody around him.
8 He made everybody around him better. But, you
9 know, for me personally, we said a lot, he was a
10 mentor. As I liked to affectionately call him, I
11 called him Van the Man. And, you know, he was
12 not just a mentor of mine, he was a great friend.
13 He was a trusted advisor. And more so than
14 anything, he was a -- kind of a beacon of
15 integrity. Right?

16 So as -- you know, everybody does
17 things differently, but Van, he did it the right
18 way. He commanded such respect from everybody in
19 the community. And, you know, we're going to
20 miss him terribly. And it's going to be a loss
21 for our great town.

22 But certainly Van the Man did it the
23 right way, and we're going to miss him.

24 Thank you.

25 ACTING PRESIDENT COONEY: Thank

1 you, Senator Ryan.

2 The question is on the resolution.

3 All those in favor please signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT COONEY: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT COONEY: The
9 resolution is adopted.

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 the sponsors of today's resolutions would like to
13 open them for cosponsorship.

14 ACTING PRESIDENT COONEY: The
15 resolutions are open for cosponsorship. Should
16 you choose not to be a cosponsor, please notify
17 the desk.

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President, I
20 have a motion here.

21 Amendments are offered to the
22 following Third Reading Calendar bills:

23 By Senator Hinchey, on page 12,
24 Calendar Number 262, Senate Print 1783;

25 And by Senator Fahy, page 27,

1 Calendar Number 583, Senate Print 4867.

2 ACTING PRESIDENT COONEY: The
3 amendments are received, and the bills will
4 retain their place on the Third Reading Calendar.

5 Senator Gianaris.

6 SENATOR GIANARIS: At this time,
7 Mr. President, our next step is to take up budget
8 bills. So we will stand at ease while we await
9 the work of the Finance Committee to conclude.

10 ACTING PRESIDENT COONEY: The
11 Senate will stand at ease.

12 (Whereupon, the Senate stood at ease
13 at 11:33 a.m.)

14 (Whereupon, the Senate reconvened at
15 11:45 a.m.)

16 ACTING PRESIDENT COONEY: The
17 Senate will return to order.

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President,
20 there's a report of the Finance Committee at the
21 desk.

22 Can we please take that up.

23 ACTING PRESIDENT COONEY: The
24 Secretary will read.

25 THE SECRETARY: Senator Krueger,

1 from the Committee on Finance, reports the
2 following bills:

3 Senate Print 3005C, Budget Bill,
4 enacts into law major components of legislation
5 necessary to implement the State Public
6 Protection and General Government Budget for the
7 2025-2026 state fiscal year.

8 Senate Print 3008C, Budget Bill,
9 enacts into law major components of legislation
10 necessary to implement the State Transportation,
11 Economic Development and Environmental
12 Conservation Budget for the 2025-2026 state
13 fiscal year.

14 Both bills reported direct to third
15 reading.

16 SENATOR GIANARIS: Move to accept
17 the report of the Finance Committee.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT COONEY: Opposed,
23 nay.

24 (Response of "Nay.")

25 ACTING PRESIDENT COONEY: The

1 report of the Finance Committee is accepted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Please take up
4 the supplemental calendar.

5 ACTING PRESIDENT COONEY: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 966, Senate Print 3005C, Senate Budget Bill, an
9 act to amend Chapter 887 of the Laws of 1983.

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

12 SENATOR GIANARIS: There is a
13 message of necessity at the desk.

14 SENATOR GIANARIS: I move to accept
15 the message of necessity.

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

19 (Response of "Aye.")

20 ACTING PRESIDENT COONEY: Opposed,
21 nay.

22 (Response of "Nay.")

23 ACTING PRESIDENT COONEY: The
24 message is accepted, and the bill is before the
25 house.

1 SENATOR LANZA: Lay it aside.

2 ACTING PRESIDENT COONEY: The bill
3 will be laid aside.

4 THE SECRETARY: Calendar Number
5 967, Senate Print 3008C, Budget Bill, an act to
6 amend the amend the Executive Law.

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

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

11 SENATOR GIANARIS: Move to accept
12 the message of necessity.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT COONEY: Opposed,
18 nay.

19 (Response of "Nay.")

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

23 SENATOR LANZA: Lay it aside.

24 ACTING PRESIDENT COONEY: The bill
25 will be laid aside.

1 SENATOR GIANARIS: Let's take up
2 the controversial calendar at this time.

3 ACTING PRESIDENT COONEY: The
4 Secretary will ring the bell.

5 SENATOR GIANARIS: We'll begin with
6 Calendar 967.

7 ACTING PRESIDENT COONEY: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 967, Senate Print 3008C, Senate Budget Bill, an
11 act to amend the Executive Law.

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

14 SENATOR O'MARA: Thank you,
15 Mr. President.

16 Would Senator Krueger yield for some
17 questions, generally on the financial to begin
18 with.

19 ACTING PRESIDENT COONEY: Will
20 Senator Krueger yield?

21 SENATOR KRUEGER: Yes, I will,
22 Mr. President.

23 ACTING PRESIDENT COONEY: The
24 sponsor will yield.

25 SENATOR O'MARA: Senator, we

1 received the financial plan approximately
2 3 o'clock this morning. None of us really saw
3 it; staff saw it. None of us saw it till
4 probably 8 o'clock this morning. Not much time
5 to review this.

6 There are two budget bills here that
7 are in final form today, leaving six or seven
8 more budget bills to do that I believe six of
9 them have not been finalized and are not
10 available online to the public on the LRS, or to
11 us. So the process is not good.

12 And you've said repeatedly during
13 our debates on extenders that you believe that we
14 shouldn't utilize messages of necessity on budget
15 bills. So here we are proceeding. You're the
16 chair of the Finance Committee. Why are we not
17 waiting the constitutionally required three days?
18 Since we've done 12 extenders, we could easily do
19 another one for three more days and allow us, our
20 staffs and, more importantly, the public to delve
21 into these bills.

22 SENATOR KRUEGER: Through you,
23 Mr. President. I lost that argument. So we are
24 doing them today with messages of necessity. I
25 lose a lot of my arguments actually, Senator

1 O'Mara.

2 But I will give you good news. You
3 got the financial plan at 3:00 in the morning. I
4 was asleep. I didn't get it until I got into the
5 office this morning at around, I guess -- {to
6 counsel} well, you came to brief me at around
7 9:30. So you got a few more hours with it than I
8 did.

9 SENATOR O'MARA: Well, I didn't see
10 it till 8:00. The staff, somebody got it around
11 2:30, 3 o'clock, I guess.

12 SENATOR KRUEGER: Okay. Okay.

13 SENATOR O'MARA: But, you know,
14 that's really no way to operate. And you
15 believe -- through you, Mr. President, if the
16 Senator will continue to yield.

17 ACTING PRESIDENT COONEY: Will the
18 Senator yield?

19 SENATOR KRUEGER: Of course.

20 ACTING PRESIDENT COONEY: The
21 Senator yields.

22 SENATOR O'MARA: You believe it's
23 really inappropriate to use these messages of
24 necessity to move these bills forward. And the
25 only argument I ever get -- or response we ever

1 get is, Well, you used to do it that way when you
2 were in the majority.

3 You know, my mother always told me
4 growing up that two wrongs don't make a right.
5 You know, this is your seventh budget in the
6 Majority with one-party control of New York State
7 government. And the budget's late five weeks,
8 and we're not getting bills in a timely fashion
9 and no time to review them. Six aren't even in
10 print yet.

11 SENATOR KRUEGER: Is that a
12 question? I'm sorry. I'm not sure what the --
13 I'm sorry. Through you, Mr. President, I'm not
14 sure what the question part of that was.

15 ACTING PRESIDENT COONEY: Senator,
16 do you want to reframe your question?

17 SENATOR O'MARA: I mean, do you
18 have a response to the notion that two wrongs
19 don't make a right? "You guys always did it that
20 way, so we're going to continue to do it that
21 way" -- don't New Yorkers deserve better?

22 You know, there's a few of us that
23 are here -- not many, maybe four -- that were in
24 the Majority for a short period of time,
25 definitely not leading the conference at that

1 time. Certainly there were expressions at that
2 time from members that are here that were there
3 then, you know, that they thought it was wrong.
4 So we lost the argument too.

5 So how do we justify two wrongs
6 making a right?

7 SENATOR KRUEGER: Through you,
8 Mr. President. A lot of us say -- frequently
9 lately -- Democracy: It's a flawed model, but
10 it's the best we've got.

11 So this budget process is a flawed
12 model. But at the moment we are at, with message
13 given by the Governor and accepted, this is the
14 model we've got, and we need to move forward and
15 continue to try to work as a Legislature -- both
16 houses, both parties, the Governor, to improve
17 the budget process as we move forward.

18 SENATOR O'MARA: Thank you,
19 Senator.

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

22 ACTING PRESIDENT COONEY: Will the
23 Senator yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT COONEY: The

1 Senator yields.

2 SENATOR O'MARA: All right.
3 Getting to the financial plan, the way I read it,
4 the total amount of spending in this budget is
5 254 billion, 355 million. That's an increase of
6 12.3 billion from last year. And it's an
7 increase of 2.3 billion over the Governor's
8 budget.

9 What's in here that exceeds the
10 Governor's Executive Budget that we've had since
11 January? We went through a month of budget
12 hearings on the Governor's Executive Budget. And
13 now we're doing final bills with very short
14 notice -- hours, in fact.

15 So what's making up that difference
16 to get to 254 billion from the Governor's
17 252 billion?

18 SENATOR KRUEGER: Through you,
19 Mr. President. I believe those numbers are
20 correct. I had to pull out my reading glasses
21 because the print is very small here. And I
22 believe that I'm being asked for a list of the
23 adds from the Governor's Executive Budget to
24 where we are today. Is that correct?

25 SENATOR O'MARA: Correct. And if

1 there were any reductions, those as well.

2 SENATOR KRUEGER: There was
3 approximately 400 million in reductions. And
4 about 600 million more in Foundation Aid and
5 school aid, 600 million in health, 140 million in
6 school-aid-related funding. Approximately
7 400 million for refilling the lost federal money
8 for childcare vouchers. Three hundred
9 seventy-five million in table targets. And we
10 can get into more detail if you like.

11 SENATOR O'MARA: Roughly fine for
12 now, Senator.

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

15 ACTING PRESIDENT COONEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Yes, absolutely.

18 ACTING PRESIDENT COONEY: The
19 Senator yields.

20 SENATOR O'MARA: The -- one point
21 of the financial plan regarding our reserves, our
22 cash balances. The Economic Uncertainties Fund
23 has been reduced from 11.3 billion to
24 4.3 billion, a roughly \$7 billion reduction in
25 that. What is that?

1 SENATOR KRUEGER: Through you,
2 Mr. President, that's a transfer of funds from
3 the Economic Uncertainties account to a different
4 account that will be used to pay approximately
5 6.5 to 7 billion -- we're not quite sure exactly
6 of the number of the remaining UIB money owed to
7 the federal government by our businesses,
8 something that actually many people in this
9 Legislature, on both sides of the aisle, have
10 been calling for us to do.

11 So I actually think it's one of the
12 things we might all be very happy to see
13 happening. It was a late add through the
14 Governor which we chose to accept. So it will
15 basically completely pay off the monies currently
16 owed by businesses as the repayment of the
17 borrowing from the federal UIB fund almost
18 exclusively caused during the pandemic period.

19 SENATOR O'MARA: Thank you,
20 Senator.

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

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: I will.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR O'MARA: So is that
4 \$7 billion being taken from reserves, shifted --
5 "transferred" I believe is the word you used --
6 is that included in the gross total figure of
7 \$254.3 billion of this budget?

8 SENATOR KRUEGER: It's not, because
9 it is the pattern of this state, when it's doing
10 transfers between itself, not to count it at that
11 time as a change, rather than a transfer which
12 then would be reflected when it is spent. And it
13 is not being spent quite yet.

14 SENATOR O'MARA: Through you,
15 Mr. President --

16 SENATOR KRUEGER: I'm sorry. And
17 also to clarify, UIB is technically off-budget,
18 so you walk into this funny accounting track of
19 money that's moving from an on-budget account of
20 economic uncertainties to an account that's
21 technically off-budget because it's unemployment
22 benefit. And hence this transfer is not quite as
23 clear in accounting as our normal process for
24 things that aren't in off-budget entities.

25 SENATOR O'MARA: Thank you,

1 Mr. President. I'll just go on the bill.

2 Thank you, Senator.

3 SENATOR KRUEGER: Thank you.

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

6 SENATOR O'MARA: You know, the
7 spending is out of control in this state. It
8 continues to grow by leaps and bounds every year.

9 As I said before, New York has been
10 under one-party control for the last seven years,
11 and that during that time, spending has increased
12 just about 50 percent in those seven years from
13 what it was in the fiscal year 2019 budget. But
14 if you include that \$6 billion that's being taken
15 out of reserves -- which means we no longer have
16 it to pay -- and we're all for the reduction of
17 the Unemployment Insurance Fund that is there, a
18 result of COVID; we've argued to have that done
19 in years past.

20 But if you include that in this,
21 that gets us to \$260 billion. That's a
22 65 percent increase in spending over the last
23 seven years of one-party control.

24 The process here is flawed, as we've
25 said. We have six budget bills outstanding that

1 are not in print, they're not finalized. And
2 we're asked to move forward here on really less
3 than 21 hours notice from yesterday, when one of
4 these bills was introduced. And the second one
5 was introduced yesterday a little bit later than
6 that, I believe. Insufficient time for a
7 \$260 billion budget for us to reasonably be
8 prepared, for any of us really to know fully
9 what's in it.

10 And as I said, that's a \$260 billion
11 budget. And we support the Unemployment
12 Insurance Fund being paid down.

13 When you're spending \$260 billion,
14 there's undoubtedly going to be good things in
15 there we support, both sides of the aisle. But
16 overall, you know, the spending over the past
17 seven years is really out of control at a
18 65 percent increase in spending, 50 percent if
19 you don't include that unemployment trust fund
20 money.

21 It is unsustainable. To my
22 understanding, there's really nothing in this
23 budget, certainly that we've seen, that is taking
24 into account the concerns over federal government
25 cuts and what that might be. So we're not really

1 getting any savings here. We'll have to deal
2 with that later, if it comes. And we'll see what
3 comes and what doesn't come.

4 But no preparation for that, just
5 continued out-of-control spending over the last
6 seven years.

7 So, you know, based on that, based
8 on not having six budget bills before us and time
9 to review, you know, I can't urge anybody to
10 support this budget with all the unknowns in it
11 in the last-second process that we have with
12 little time for review.

13 So thank you, Mr. President.

14 ACTING PRESIDENT COONEY: Thank
15 you, Senator.

16 Senator Murray, why do you rise?

17 SENATOR MURRAY: Thank you,
18 Mr. President. Would the sponsor yield for some
19 questions on Part M, please, as in MTA?

20 ACTING PRESIDENT COONEY: Will the
21 sponsor yield?

22 SENATOR KRUEGER: I do.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR MURRAY: Thank you,

1 Senator Krueger.

2 First and foremost, in this portion
3 of the budget are we addressing the operational
4 side of the MTA or the capital side of the MTA?
5 Or do we know? There seems to be many books they
6 have, so which one are we addressing here?

7 SENATOR KRUEGER: Through you,
8 Mr. President. The budget this year is just
9 addressing the capital side of the MTA.

10 SENATOR MURRAY: Thank you.

11 Would the sponsor continue to yield.

12 ACTING PRESIDENT COONEY: Will the
13 sponsor yield?

14 SENATOR KRUEGER: Absolutely.

15 ACTING PRESIDENT COONEY: The
16 sponsor yields.

17 SENATOR MURRAY: And when we say
18 the capital program, is it correct that we're
19 talking about the 2025 to 2029 five-year capital
20 program?

21 SENATOR KRUEGER: Through you,
22 Mr. President, yes, that's correct.

23 SENATOR MURRAY: Thank you. Would
24 the sponsor continue to yield.

25 ACTING PRESIDENT COONEY: Will the

1 sponsor yield?

2 SENATOR KRUEGER: Indeed.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR MURRAY: So in this
6 particular portion of the budget, I see that the
7 capital -- well, let's start with the capital
8 plan itself. The capital plan is \$68.4 billion.
9 And when it was brought up for a vote before the
10 Capital Program Review Board in December, the
11 Majority Leader and the Speaker of the Assembly
12 both voted no.

13 So that capital plan has not really
14 been approved yet, is that correct?

15 SENATOR KRUEGER: Yes, that is
16 correct.

17 SENATOR MURRAY: Would the sponsor
18 continue to yield.

19 ACTING PRESIDENT COONEY: Will the
20 sponsor yield? Senator Krueger, will you yield?

21 SENATOR KRUEGER: Sorry, I was
22 asking a question. Yes, of course.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR MURRAY: Thank you.

1 So despite the fact that that plan's
2 not been approved yet, we are talking about
3 putting several billion dollars more towards that
4 plan. In fact, we're talking about 3 billion
5 from the state and I believe 3 billion from the
6 city, for a total of 6 billion. Is that correct?

7 SENATOR KRUEGER: Yes. Excuse me.
8 So sorry. We're talking while I'm trying to
9 listen. It's multitasking. Could you repeat the
10 question?

11 SENATOR MURRAY: Sure. Sure.

12 I said in this portion of the budget
13 we are addressing a total of 6 billion, 3 billion
14 coming from the state, 3 billion coming from the
15 city. Is that correct?

16 SENATOR KRUEGER: Yes.

17 SENATOR MURRAY: Would the sponsor
18 continue to yield.

19 ACTING PRESIDENT COONEY: Will the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT COONEY: The
23 sponsor yields.

24 SENATOR MURRAY: So how does that
25 square with 68.4 billion? We're a little bit

1 short, according to my math. Is that correct?

2 Where would the rest of the funding come from?

3 SENATOR KRUEGER: Through you,
4 Mr. President. It is correct we will still need
5 to vote to approve the capital plan. And it is
6 also true that there will be some adjustments to
7 the capital plan that will go through the
8 MTA Board, I think at a meeting very soon.

9 And you are of course correct,
10 6 billion is not the full amount. So within this
11 budget there's also going to be a revenue stream
12 to help with bonding for the MTA capital plan.
13 And the changes in the MTA capital plan will
14 involve the MTA needing to take on some
15 additional costs for themselves separate than
16 what their original plan called for.

17 Should I think -- did I answer the
18 question thoroughly? I think I've answered the
19 question.

20 SENATOR MURRAY: Yes, would the
21 sponsor continue to yield? I have more questions
22 on it.

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR MURRAY: Great, thank you.

4 Now, getting back just to this
5 6 billion, do we know what this 6 billion will be
6 spent on? Will it go to reduce fares or make
7 sure that there aren't future fare hikes or
8 towards more safety on mass transit or anything
9 like that? Is it geared towards that?

10 SENATOR KRUEGER: Through you,
11 Mr. President. Fares are an operating cost, not
12 a capital cost. One other thing you mentioned
13 also is an operating cost. Safety I think does
14 fall into the realm of both: What you're doing
15 to protect people when they're riding, but also
16 the fundamental structural security and safety of
17 our buses and subways.

18 So I think you would define that
19 much of the MTA capital plan, particularly that
20 which talks about modernization and upgrades,
21 also relate to safety. But again, there's
22 operating budget and capital budget.

23 SENATOR MURRAY: Right. Right.

24 Thank you.

25 Would the sponsor continue to yield.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR KRUEGER: Indeed.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR MURRAY: Thank you.

7 So again, back to the 6 billion,
8 what about the federal funding? Do we know as
9 far as the -- how much we're going to be getting,
10 where that stands right now? Where are we with
11 the federal funding aspect?

12 SENATOR KRUEGER: The MTA is
13 currently budgeting 14 billion coming in from the
14 federal government for this five-year capital
15 plan.

16 SENATOR MURRAY: Would the sponsor
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 MURRAY: And now is that
24 also factoring in the 1.2 billion extra now,
25 since the feds have announced that they will take

1 over the Penn Station project? Is that
2 additional to the 14 billion or is that included
3 in the 14 billion?

4 SENATOR KRUEGER: The 1.2 billion
5 was state money, not federal money. And I
6 believe it has been recommitted to MTA capital
7 since the federal government has said they will
8 take over the rebuild of Penn Station to the tune
9 of \$7 billion. Yippee.

10 So it's wonderful news that they
11 will spend the 7 billion to rebuild Penn Station,
12 which frees up the 1.2 billion we had already
13 committed of state funds towards that project.

14 SENATOR MURRAY: Very good.

15 Would the sponsor continue to yield.

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Indeed.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR MURRAY: So now we're
22 talking about the New York State budget right
23 now. But New York City has a budget and spending
24 plan of its own, is that correct?

25 SENATOR KRUEGER: Yes. And I think

1 you mentioned that they're being committed to
2 3 billion towards the MTA capital plan as part of
3 their city budget.

4 SENATOR MURRAY: Would the sponsor
5 continue to yield.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR MURRAY: And that was
12 getting to my point of we're including that in
13 our spending plan, the 3 billion, correct?

14 The 3 billion -- so it's -- the
15 broken down is 3 billion the state's giving,
16 3 billion the city is committing to spend. What
17 happens if they do not come through with that
18 3 billion?

19 SENATOR KRUEGER: I don't believe
20 we're putting it in our spending plan. It is a
21 funding source being counted on towards the
22 entire MTA capital plan target. But I don't
23 think it moves through us back to the MTA.

24 Excuse me. We are giving the City
25 of New York the authority to fund that 3 billion

1 through TFA bonds in their budget. So we
2 actually are having authority power given to them
3 to pay that 3 billion, but it's not an obligation
4 of the state if they don't come up with the
5 3 billion.

6 SENATOR MURRAY: Will the sponsor
7 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 MURRAY: So to that point,
14 the language in the bill -- I'm not sure what
15 part, but it's line 14. It says the New York
16 State Director of the Budget shall direct the
17 State Comptroller to transfer, collect or deposit
18 funds in accordance with subdivision B of this
19 section in the amount equal to the unpaid
20 balance.

21 So if they do not come through,
22 we're going to come and take it from them,
23 according to the language here. Is that correct?

24 SENATOR KRUEGER: So yes, as was
25 explained to me, it's intercept authority through

1 the state to take it if they don't give it. And
2 that is what's been done in history.

3 So it's consistent with what has
4 happened in other capital plan arrangements where
5 we are basically requiring and hopefully having
6 agreement from the City of New York to spend this
7 money -- to both collect it through their own
8 bonding and then give it to the MTA for capital.

9 SENATOR MURRAY: Okay. Would the
10 sponsor continue to yield.

11 ACTING PRESIDENT COONEY: Will the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR MURRAY: Thank you.

17 When we're talking -- we were
18 talking about other sources, other funding
19 sources, and you said some adjustments are going
20 to be made, and later on there's going to be
21 funding sources. Is congestion pricing being
22 considered in that as well as a funding source?

23 SENATOR KRUEGER: Congestion
24 pricing was approved to pay for bonds for the
25 last five-year capital plan. And so there is no

1 commitment of congestion pricing revenue or bonds
2 coming into this plan.

3 SENATOR MURRAY: (Off the record.)

4 SENATOR KRUEGER: Do you have a
5 question?

6 SENATOR MURRAY: Yeah, yup, yup.

7 SENATOR KRUEGER: Just waiting for
8 the next one.

9 SENATOR MURRAY: Would the sponsor
10 continue to yield.

11 ACTING PRESIDENT COONEY: Will the
12 sponsor yield?

13 SENATOR KRUEGER: Of course.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR MURRAY: Okay. One more
17 question. So anywhere in the language of this
18 particular bill do we require or is there
19 anything regarding accountability on the side of
20 the MTA to get their fiscal house in order?

21 For example, the fare and toll
22 evasion numbers, we've seen those, how much
23 they've lost. There's been a countless number of
24 individual audits showing millions in waste.

25 Is there anything, any language in

1 here -- as we're giving out billions of taxpayer
2 money, is there anything in there requiring them
3 to come up with savings and get their house in
4 order?

5 SENATOR KRUEGER: So in fact
6 through legislation we have already had
7 additional accountability requirements apply to
8 the MTA, and their transparency has become much
9 more impressive. You and I and all New Yorkers
10 can go on their website and you get this
11 dashboard of detail about what they're doing,
12 whether they're coming in on time, over budget,
13 under budget.

14 My staff person who works on this
15 jokes there's too much information; he doesn't
16 even know how to get his arms around it.

17 But actually I urge everyone to take
18 a look, because they've really made a lot of
19 progress there. Is there always more they can be
20 doing? Yes. And in fact one of the changes that
21 will be in the final MTA capital plan when it
22 comes before us again is a requirement put on by
23 the Governor that they find 3 billion more in
24 efficiencies to meet their target full capital
25 plan.

1 So they are actually under quite a
2 bit of pressure now to come up with more
3 efficiencies to actually be able to pay 3 billion
4 of their five-year capital plan through their own
5 commitments to do exactly what you were asking.

6 SENATOR MURRAY: Thank you,
7 Senator.

8 Can I go on the bill, please?

9 ACTING PRESIDENT COONEY: Senator
10 Murray on the bill.

11 SENATOR MURRAY: A lot to unpack
12 here. Let's start with -- let's start with the
13 fact that we've included the language in here
14 regarding 3 billion coming from the state,
15 3 billion coming from the city, and our oversight
16 of that or our ability to take that money.

17 It sounds very familiar to me.
18 There's been a lot of complaints lately about the
19 feds: Will they come through with their money
20 and this, that, the other. That's exactly what
21 we're doing right here with this language, is
22 we're saying the same thing: If you don't come
23 through, we're going to do it for you.

24 The congestion pricing, I think a
25 lot of people would be surprised by the answer we

1 heard. Now, I know you know that and, you know,
2 many of us here know that the congestion pricing
3 had nothing to do with this capital plan. Most
4 people don't realize that. They thought that's
5 what this was for, was for the capital plan we're
6 talking about. It has nothing to do with it.

7 Congestion pricing and the revenue
8 we get from that, that's already taken up.
9 That's from the 2020-2024 capital plan, and it's
10 already been bonded out for 20 to 30 years. So
11 not a penny of congestion pricing will go towards
12 this capital plan. We're going to get the
13 unpleasant surprise of the MTA payroll tax later
14 on, where we're going to hammer New York's
15 businesses and individuals and reach in their
16 pockets for billions more, because there is no
17 accountability with this MTA. No financial
18 accountability.

19 Yes, you're right, the Governor had
20 language before, two years ago, right here, while
21 we were passing a budget -- which many of us
22 voted no on -- there was a budget where we raised
23 the MTA payroll tax for New York City businesses,
24 the high amount of that, and there was language
25 in there saying that the MTA had to come up with

1 600 million in savings. Never saw it. Never saw
2 it.

3 You know what we did see? The very
4 next year we saw the amount of money lost through
5 toll and fare evasion hit a record amount of
6 nearly \$800 million. We saw overtime hit a
7 record amount \$1.42 billion. Does that sound
8 like savings? We went in the opposite direction,
9 typical of the MTA, dug the debt even deeper.

10 And the answer is, come back two
11 years later and we're going to ask for more.
12 Just give us more. And we keep doing it.

13 And later on in this budget process
14 we will be voting on, like I said, the MTA
15 payroll tax to give them billions of dollars more
16 with, again, no enforcement of the
17 accountability.

18 We're sick and tired of it. Three
19 billion here, 3 billion there -- as the old joke
20 goes, pretty soon you're talking about real
21 money. Well, we're talking about real money.
22 We're talking about the money coming from the
23 people of New York. They're sick and tired of
24 it. I'm sick and tired of it. It's why they're
25 leaving in droves. It's why I'll be voting no on

1 this budget.

2 Thank you.

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator Murray.

5 Senator Weber, why do you rise?

6 SENATOR WEBER: Thank you,
7 Mr. President.

8 Will Senator Krueger answer some
9 additional questions on Section M?

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR KRUEGER: Yes, I will.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR WEBER: Thank you. Thank
16 you.

17 As everyone knows here, I represent
18 the greatest county in the State of New York
19 Rockland County, a county that actually most of
20 my colleagues cut through on their way to Albany,
21 and we don't charge a congestion pricing.

22 So we are woefully underserved by
23 the MTA. And I'm not telling any tales out of
24 school on that; the MTA commissioner said as
25 such.

1 Part M of this bill provides the MTA
2 with \$6 billion in state and city funding. We
3 are part of the state. My taxpayers have been
4 having this money taken out of their pockets for
5 years, essentially spent somewhere else -- most
6 likely in the city.

7 So my question is, why should my
8 constituents in Rockland, who essentially have to
9 rely on New Jersey Transit to travel into the
10 city because we have no reliable service, be
11 forced to see their hard money wasted without any
12 changes in service?

13 SENATOR KRUEGER: Through you,
14 Mr. President. It is true that Rockland County
15 gets a lower level of service from MTA than many
16 other counties. It is also true that the MTA
17 spends a significant amount of its capital funds
18 with businesses in Rockland County. So the money
19 that we're discussing today actually goes to
20 businesses throughout New York State, including
21 quite a bit of it upstate and -- I can't remember
22 the number, I can look it up -- a significant
23 amount of money in Rockland County.

24 I think my colleague also knows that
25 his county is considered a very desirable place

1 to live because it is in reasonable distance from
2 New York City, where the people who live in his
3 county go to work each day and come in and use
4 the theater and the museums and the restaurants.

5 And in fact one of the reasons why I
6 think people do love to live in the suburbs
7 relatively close to the City of New York, both in
8 the Hudson Valley and in Long Island, is because
9 of the fact that they can come into the City of
10 New York for their livelihoods and for their
11 cultural experiences, and so it reflects,
12 frankly, what I often say: The MTA ensures that
13 the New York City metropolitan region is not just
14 the breadbasket of the State of New York
15 economically but the breadbasket of multiple
16 states -- New Jersey, Pennsylvania, Connecticut.
17 And that we would all be the lesser for it if we
18 did not have a successful expanding public
19 transportation system.

20 SENATOR WEBER: Thank you,
21 Mr. President. Will the sponsor continue to
22 yield?

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR WEBER: I'm glad you
4 brought that up, because actually my wife took
5 the kids two weeks ago to see a play down on
6 Broadway and had to pay the congestion pricing.
7 She hid it from me, she didn't tell me, I saw it
8 on the thing.

9 Which is really a -- really adds an
10 insult to the whole process, because people in
11 the suburbs love and especially love to live in
12 Rockland -- we encourage everyone to move
13 there -- but it is very expensive for those
14 people who do commute into the city because
15 they're forced to commute into the city because
16 we don't have the reliable service, we don't have
17 any indication that there will be upgraded
18 service at any time in the future.

19 Again, something that the MTA
20 commissioner said to not only myself but also to
21 Assemblyman Eachus in some questioning recently.

22 But I have a secondary question, and
23 then a few other questions after. But what
24 specific capital investments, if any, do you know
25 of that will be included to expand transit access

1 or improve service for our residents?

2 SENATOR KRUEGER: Through you,
3 Mr. President. One, we're going to get you more
4 information.

5 Two, what show did they see?

6 SENATOR WEBER: You got me. I'll
7 text. I'll text.

8 SENATOR KRUEGER: You didn't go.

9 SENATOR WEBER: I was up here.

10 SENATOR KRUEGER: Well, so Broadway
11 is in my district, and I am a theater junkie.

12 SENATOR WEBER: So is my wife.

13 SENATOR KRUEGER: And there's
14 amazing shows right now. And so I encourage
15 everybody to go to the shows.

16 And yes, the congestion pricing adds
17 a cost. But I suspect your wife would also tell
18 you if she drove into the theater district for a
19 show she probably paid \$40 for parking.

20 SENATOR WEBER: Absolutely.

21 SENATOR KRUEGER: Okay. Did they
22 go to dinner?

23 SENATOR WEBER: They did.

24 SENATOR KRUEGER: Okay. They
25 probably paid \$40 a person for dinner?

1 SENATOR WEBER: I don't know. The
2 kids got the kids meal.

3 (Laughter.)

4 SENATOR KRUEGER: Oh, kids meals.
5 And the tickets were probably at least \$70?

6 SENATOR WEBER: Couple of hundred,
7 probably.

8 SENATOR KRUEGER: Couple of hundred
9 dollars.

10 So it is true, Broadway shows are
11 amazing. I'll recommend anyone to all of them.
12 No, some aren't good, actually. Don't go to the
13 Mincemeat one. Sorry, did I just say that out
14 loud?

15 (Laughter.)

16 SENATOR KRUEGER: But it's
17 expensive to go to the theater. And so the
18 amount that you are paying for congestion pricing
19 is actually a relatively small increase in the
20 total cost.

21 And the good news on the research
22 is, theaters have not gone down since congestion
23 pricing has started. Restaurant use has not gone
24 down. There are more people on the streets,
25 business is going well. And even though I

1 represent half the zone and half is not in my
2 district, people who hated the idea of congestion
3 pricing before it started are now saying it's
4 great. There's less traffic, there's less
5 honking.

6 People are asking me to expand the
7 zone farther north because it's so much quieter
8 south of 60th Street than north of 60th Street.

9 So yes, there is a price to be paid
10 with congestion pricing. But there is really a
11 price to be paid if we don't make the investments
12 in continuing to strengthen and modernize our MTA
13 system. And that's for people who don't come
14 into New York City that often or people who come
15 in every day.

16 SENATOR WEBER: Mr. President, will
17 the sponsor continue to yield?

18 SENATOR KRUEGER: Yes, I will.

19 SENATOR WEBER: I'm sorry, I didn't
20 mean to cut you off.

21 SENATOR KRUEGER: No, no, it's
22 okay.

23 ACTING PRESIDENT COONEY: The
24 sponsor continues to yield.

25 SENATOR WEBER: Listen, I can

1 afford it. But there are many cops, firemen,
2 teachers, people that work in the trades and the
3 unions who really can't afford it. And this is a
4 really big expense. We're talking about -- yeah,
5 my family goes down there once in a blue moon.
6 Right? We're talking about people that are going
7 five days a week, sometimes six days a week into
8 the city that have to work. And they have to
9 work at odd hours of the day and, as I said, the
10 services aren't available.

11 So yeah, we can talk about that it's
12 not a lot of money. And right, if you live in
13 Manhattan, \$9 is not a lot of money. But to a
14 lot of the people that are going into the city,
15 working in the city every day, it's a lot of
16 money.

17 But if I could just move on to a
18 second -- a third question. Is there funding in
19 the capital plan to advance the long-delayed
20 West-of-Hudson improvements or new connections to
21 Penn Station?

22 SENATOR KRUEGER: Through you,
23 Mr. President, yes. In the new capital plan are
24 connections into Penn Station. Correct? Yes.

25 And in answer to your previous

1 question, in the capital plan we are still trying
2 to finish there were several hundred million that
3 applied to Rockland County. And in the new
4 capital plan it's a little hard to know because
5 we haven't yet finalized it and taken a vote on
6 whatever the final one will be.

7 So I think we'll have to wait till
8 the future before I can line out for you what the
9 future looks like.

10 SENATOR WEBER: And through you,
11 Mr. President, will the sponsor continue to
12 yield?

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR KRUEGER: Absolutely.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR WEBER: Thank you, Senator.
19 I appreciate it, and I look forward to hearing
20 about those and seeing that plan as well.

21 You know, some of the residents in
22 Rockland are interested in knowing if the MTA
23 would commit and would you support them holding
24 public hearings, say in Rockland County, or maybe
25 Rockland or Orange County, similar residents

1 having concerns on the capital plan, to hear
2 directly about the underserved commuters in our
3 area?

4 SENATOR KRUEGER: Through you,
5 Mr. President. I don't have the authority to do
6 that, but we can certainly ask them to do that.
7 I know that the MTA -- excuse me, the MTA Board
8 did a whole series of capital plan hearings. I
9 don't have with me the list of where they did
10 them, so I don't know the answer to whether they
11 did them in Orange and Rockland. But we can
12 certainly ask them about that.

13 SENATOR WEBER: Okay. Thank you.

14 And, Mr. President, will the sponsor
15 yield for one final question?

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Even more than
19 one, yes, Mr. President.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR WEBER: Thank you,
23 Senator Krueger.

24 You know, less than a year ago
25 Governor Hochul, as we all know -- and we cheered

1 in Rockland when she paused congestion pricing,
2 based on affordability concerns that have been
3 radiated really in the MTA region. And I guess
4 the question is, how do you rationalize providing
5 an additional \$3 billion in statewide funding to
6 the MTA on top of the congestion pricing?

7 And, you know, we read about the
8 fact that they're bragging that the congestion
9 pricing is bringing in all this money. And I'm
10 sure it is. But that was never the point. The
11 point was that it was an unfair tax to the
12 hardworking residents of Rockland.

13 So I guess the question I ask is,
14 you know, how do you rationalize, you know,
15 keeping that in place in addition to what we're
16 going to see as additional taxes -- MTA mobility,
17 and I'm sure there will be other taxes being
18 tucked away at some point in the future?

19 SENATOR KRUEGER: Through you,
20 Mr. President. Everyone thinks their taxes are
21 too high all the time. Don't deny that. Would
22 love if we could just reduce everyone's taxes
23 over -- on every issue. But that's not our
24 reality.

25 The MTA is, as I said, the economic

1 engine for so much of our business community and
2 so much of the future for the region and for the
3 full state. The monies that they raise through
4 funds for the capital plan are disproportionately
5 spent in upstate counties where the -- excuse
6 me -- the railcars, the buses, the track
7 improvements are actually built and contracted.

8 And so it's economic development
9 money in areas which need the help most coming
10 for -- coming from us, the State Legislature, so
11 that we have a successful statewide public
12 transportation system.

13 Yes, congestion pricing was to pay
14 for an amount of the last five-year plan. It was
15 delayed for many years unnecessarily. We should
16 have started earlier. We did not.

17 And frankly, I argued with the
18 Governor she should not have paused, she should
19 not have reduced, because every time we slow down
20 the investments we need to make it always costs
21 us more later, because that's how life works.

22 And the fact that the MTA comes up
23 to us every five years and says, We need more
24 capital money, it's frankly not really any
25 different than any other agency for the state

1 asking us for money for capital and actually for
2 operating on an annual basis.

3 The MTA is public transportation.
4 It is a responsibility of the state. It's not a
5 private corporation that's supposed to be
6 self-funding. We are actually supposed to pay
7 for it. And the fact is when you break down,
8 both on operating costs and capital, the people
9 of the City of New York, because they pay far
10 more per trip than people from the other MTA
11 counties outside the five in New York City, they
12 already pay a disproportionate share of mass
13 transit.

14 I think I used these numbers at a
15 previous discussion, where our subsidy for people
16 on Long Island Rail and Metro-North are
17 radically more -- oh, no, I did it in a
18 Finance Committee meeting, excuse me -- than the
19 cost for a subsidy for a subway or bus trip in
20 New York City.

21 So yes, the vast majority of the
22 costs land on the people who live in New York
23 City. And I'm not complaining about it. We're
24 not even changing that formula. But it takes a
25 village. And it takes the whole state to make

1 sure that we have a mass transit system that can
2 keep our economy afloat, especially as we are
3 moving into a more and stranger world of tariffs
4 and supply chain reductions and inability to have
5 economic activity across national borders. We
6 have to do it for ourselves more and more, which
7 means we've got to make sure that our mass
8 transit system's up for the challenge.

9 Thank you, Mr. President.

10 SENATOR WEBER: Mr. President, will
11 the sponsor continue to yield for a question?

12 ACTING PRESIDENT COONEY: Will the
13 sponsor continue to yield?

14 SENATOR KRUEGER: Let me take a
15 cough drop, absolutely.

16 SENATOR WEBER: Thank you. Thank
17 you, Senator Krueger.

18 I may call congestion pricing a
19 tariff. That's a good term, because that's what
20 a -- we may agree on that. It is a tariff,
21 congestion pricing.

22 But I have a question. So most of
23 the improvements that we're going to probably see
24 this year in the capital plan will be in New York
25 City. Do you think the residents of New York

1 City, who probably utilize the services in the
2 city mostly, are they paying their fair share?

3 SENATOR KRUEGER: Through you,
4 Mr. President, the people of the City of New York
5 are paying a disproportionate share compared to
6 the people in the other counties of the MTA
7 region. So yes.

8 And just to clarify, technically --
9 so I appreciate your challenging me, congestion
10 pricing isn't a tax. A tax is something you
11 can't avoid. You of course can avoid the
12 congestion pricing if you simply don't drive a
13 car or truck into Manhattan Island south of
14 60th Street. So it's not a tax, it is a fee for
15 driving into the, quote, unquote, zone.

16 SENATOR WEBER: Will the sponsor
17 continue to yield?

18 ACTING PRESIDENT COONEY: Will the
19 sponsor continue to yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT COONEY: The
22 sponsor yields.

23 SENATOR WEBER: Senator Krueger, as
24 I said earlier -- and this will be my final
25 comment -- that residents of Rockland can't walk

1 to New York City. And they can't take an e-bike
2 or a scooter. And they have no services to get
3 into the city. And my son just texted me, they
4 saw Juliet, Romeo and Juliet, or Juliet.

5 SENATOR KRUEGER: Oh, yeah, kids
6 would like that.

7 SENATOR WEBER: Realtime
8 information these days.

9 (Laughter.)

10 SENATOR WEBER: But I appreciate
11 your -- the conversation back and forth.

12 And again, I'd just reiterate that
13 Rockland residents see no light at the end of the
14 tunnel, they see no improvements coming anytime
15 soon.

16 And as I said earlier today, the
17 whole process to me of getting these budget bills
18 with just a couple of hours' notice is just
19 obscene. And I know you agree with it. I know
20 you're a person of your word when you said a week
21 or two ago that you don't like to see these bills
22 come out and have these messages of necessity.

23 So hopefully in future years we can
24 work together to make sure that that doesn't
25 become the norm for every day.

1 So thank you, Senator Krueger.

2 SENATOR KRUEGER: Thank you,
3 Senator Weber.

4 And just for the record also -- and
5 thank you, Mr. President, for the suggestion --
6 because we're all appreciating the 50-year
7 anniversary of Monty Python, the suggestion has
8 been made your kids might like Spamalot also.
9 Terrific show.

10 Thank you. And thank you,
11 Mr. President.

12 ACTING PRESIDENT COONEY: Thank
13 you, Senator Krueger.

14 Senator Palumbo, why do you rise?

15 SENATOR PALUMBO: Thank you,
16 Mr. President. I'd like to ask a few questions
17 about Part E, regarding the drugged driving law
18 section, if I may.

19 SENATOR KRUEGER: Trading staff,
20 but yes indeed.

21 SENATOR PALUMBO: Yes, thank you.

22 Would Senator Krueger yield for a
23 few questions on that part, please?

24 ACTING PRESIDENT COONEY: Senator
25 Krueger, do you yield?

1 SENATOR KRUEGER: I do.

2 ACTING PRESIDENT COONEY: Senator
3 Krueger yields.

4 SENATOR PALUMBO: Thank you,
5 Senator. Good afternoon.

6 I see this part is rejected by the
7 Democrat Majority, the Governor's proposal to
8 make a few changes to address the language in the
9 Vehicle and Traffic Law. And will we be seeing
10 any language or any corrections dealing with that
11 loophole in any future bills of this budget?

12 SENATOR KRUEGER: Through you,
13 Mr. President, not in the budget. But there is
14 legislation being worked on three-way.

15 SENATOR PALUMBO: Will the sponsor
16 continue to yield?

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR PALUMBO: And thank you,
23 Senator. And I actually have a bill -- I know
24 there are several bipartisan bills with respect
25 to this that we haven't really seen move.

1 But there's also a section that
2 would mandate a suspension of your driver's
3 license if you refused to consent to the drug
4 recognition expert, similar to the law that we
5 currently have regarding refusal to take a breath
6 or blood test at the direction of a police
7 officer where, if you refuse to do it, you
8 knowingly and voluntarily say no thank you, you
9 can lose your license. That was also rejected by
10 the Democrat Majority.

11 So through you, Mr. President, can
12 we see that aspect of the Vehicle and Traffic Law
13 change in any future bills?

14 SENATOR KRUEGER: Apparently
15 legislation is still being worked on, so I don't
16 know how to answer that question other than to
17 recommend to the people who tend to do these
18 bills to factor that in through -- are you on
19 that committee as well?

20 SENATOR PALUMBO: I am, Senator.

21 SENATOR KRUEGER: Okay. So I
22 encourage you to recommend that even through
23 committee discussion.

24 SENATOR PALUMBO: Thank you,
25 Senator. Would you continue to yield for a few

1 more questions.

2 ACTING PRESIDENT COONEY:

3 Senator Krueger, do you yield?

4 SENATOR KRUEGER: Of course.

5 ACTING PRESIDENT COONEY: The

6 Senator yields.

7 SENATOR PALUMBO: And thank you,

8 Senator Krueger.

9 I actually had a bill on this week
10 in the Codes Committee that was unanimously
11 rejected by the Democrat Majority that did
12 address the same language that the Governor was
13 concerned with, requiring that or expanding the
14 definition of a drug for the purposes of drugged
15 driving, to just be something that impairs your
16 ability to operate your motor vehicle in a
17 reasonable and prudent fashion. And that was
18 unfortunately rejected.

19 But in response to your comment, I
20 suggest that. So do you know if that is going to
21 be specifically addressed in future bills? I
22 know you said that they're being -- working on
23 legislation, but working on isn't passing. So
24 has there been any discussions in the conference
25 with respect to actually fixing that loophole?

1 SENATOR KRUEGER: Through you,
2 Mr. President, I believe that both houses did
3 reject the Governor's language. Hence if
4 Senator Palumbo's bill was identical to that
5 language, I suggest that's probably why that was
6 rejected also.

7 Whether and what specifics are being
8 considered for freestanding legislation
9 post-budget, I sincerely don't have details of
10 what things within the Governor's language caused
11 the decision by both houses to what they call
12 omit it from the budget, probably because it was
13 not that budget-specific.

14 I know there have been and continue
15 always to be concerns about what kind of
16 penalties are you applying to what kinds of
17 actions, what kind of documentation is being used
18 to determine someone committing a crime. This
19 is, to be honest, much more Senator Palumbo's
20 area of expertise than my own. You know, I am
21 not an attorney and I don't serve on Codes, so
22 I'm just not the right one to ask.

23 SENATOR PALUMBO: Thank you,
24 Senator.

25 Will the sponsor yield for a few

1 more questions.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Of course.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR PALUMBO: Thank you,
8 Senator. And was the conference, the Democrat
9 Majority Conference aware that under the Vehicle
10 and Traffic Law, where it says that you must be
11 impaired by a drug, that the definition of "drug"
12 in that chapter -- it's Vehicle and Traffic Law
13 114A -- that the term "drug," when used in this
14 chapter, means and includes any substance listed
15 in Section 3306 of the Public Health Law and
16 cannabis and concentrated cannabis as defined in
17 Section 222 of the Penal Law.

18 So my question is, was everyone
19 aware that if the drug is not specifically listed
20 in that section of the Public Health Law, that
21 you cannot prosecute someone for impaired driving
22 under the current state of the law in the State
23 of New York?

24 SENATOR KRUEGER: Through you,
25 Mr. President. Yes, I'm advised that that is the

1 law. That it's a very extensive list, but no
2 doubt it doesn't list everything imaginable.

3 SENATOR PALUMBO: Thank you,
4 Senator Krueger.

5 On the bill, please, Mr. President.

6 ACTING PRESIDENT COONEY: Senator
7 Palumbo on the bill.

8 SENATOR PALUMBO: Thank you. And
9 thank you for your indulgence, Senator Krueger.

10 And that's really the issue that is
11 quite frankly plaguing this state. And I've got
12 some statistics that I think are very important.
13 And this has been addressed on numerous occasions
14 by numerous news outlets, and it's the reason why
15 we have been addressing this and why the Governor
16 brought this to our attention.

17 In 2019 on Long Island there were
18 108 deadly impaired crashes. In 2022, 146, a
19 huge spike. Statewide went from 378 to 544.

20 In New York there has been an
21 87 percent increase in the number of drivers in
22 fatal crashes testing positive for at least one
23 drug in the Public Health Law list in a decade,
24 between 2013 and 2022. This increase did not
25 include drugs that are not on the Public Health

1 Law list or substances that were not subject to
2 lab testing.

3 Now, this is not a situation where I
4 believe my colleagues are certainly babes in the
5 woods, because I had -- and just to talk about my
6 bill that was rejected, my language was the term
7 "drug," when used in this chapter, means any
8 substance, adding "that impairs the physical or
9 mental abilities necessary to operate a motor
10 vehicle as a reasonable and prudent driver,
11 including but not limited to any substance listed
12 in Section 3306 of the Public Health Law."

13 And the reason why that's relevant
14 is there are many common drugs that we all know
15 about that are not listed and in fact impair you
16 to the point where you can kill people.

17 Now, Newsday had an article and a
18 segment regarding this, and editorials and
19 opinions. CBS ran a report on something called
20 spice, which is synthetic cannabis. And the
21 journalist, who spoke Mandarin, called over to
22 China and ordered two pounds of it because it's
23 not on the Public Health Law.

24 In the State of New York, under
25 Article 220, the same list applies, Schedules 1

1 through 5 for possession or sale of drugs. And
2 in that same segment a woman's son, a high school
3 student, took NBOME, a synthetic LSD, was
4 rendered unconscious, and died as a result.
5 Completely legal in the State of New York,
6 because it's not on that exhaustive list.

7 And now mollies -- and I'm going to
8 give you the list, just a few of them, a few
9 examples. Xylazine. Tranq, a horse
10 tranquilizer. Nitazene. Difluorethane, the
11 propellant used in household products. Propofol,
12 the anesthetic that ultimately killed
13 Michael Jackson. Alprazolam, known as "street
14 Xanax." Kratom. Amanita muscaria mushrooms,
15 synthetic marijuana, the many unlisted versions.
16 Molly, at least three versions. Some are on the
17 list, some are not.

18 And the bottom line is that these
19 unlisted and altered versions are completely --
20 they're not discernible. And if there is just a
21 slight chemical adjustment to these individual
22 drugs, they are now off of the list again,
23 because it needs to be the specific chemical
24 compound.

25 We are one of I believe four states

1 that don't allow drugged driving charges unless
2 it's on the statutory list. How silly is that?
3 You can be so impaired that you're killing
4 people -- and we have had many, many, many cases
5 dismissed for failure to prosecute because they
6 couldn't identify the drug or they could identify
7 the drug. That's the most significant aspect of
8 this. They knew exactly what the drug was, it's
9 just something that's not on that silly list.
10 That's an exhaustive and exclusive -- not an -- a
11 non-exhaustive but exclusive list.

12 So all of these numbers and the
13 impaired deaths on the road started in 2019 with
14 the legalization of cannabis. This body created
15 the problem. We need to fix it. It can't be
16 ignored anymore. And the rejection of that, in
17 my opinion, folks, is reprehensible.

18 Thank you.

19 ACTING PRESIDENT COONEY: Senator
20 Martins, why do you rise?

21 SENATOR MARTINS: Mr. President, if
22 the sponsor would yield to a few questions. And
23 I'll start with Part Z.

24 ACTING PRESIDENT COONEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Of course, yes.
2 I'm just looking for Part C.

3 SENATOR MARTINS: Z. Z as in
4 zebra.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR MARTINS: Thank you.

8 SENATOR KRUEGER: I'm sorry?

9 SENATOR MARTINS: Z?

10 SENATOR KRUEGER: Z, thank you.
11 I'm happy to answer questions.

12 ACTING PRESIDENT COONEY: Thank
13 you.

14 Senator Martins.

15 SENATOR MARTINS: Thank you.

16 Through you, Mr. President, if the
17 sponsor would clarify whether or not there's
18 anything in Part Z that would require pharmacy
19 benefit managers, or PBMs, to alter their
20 reimbursement rate to pharmacies as a result of
21 this effort.

22 SENATOR KRUEGER: We're looking for
23 the right person who is familiar with this.

24 SENATOR MARTINS: I'll come back to
25 Part Z.

1 SENATOR KRUEGER: Oh, okay.

2 SENATOR MARTINS: If the sponsor
3 would yield for a few questions on Part M.

4 SENATOR KRUEGER: Back to MTA.

5 SENATOR MARTINS: Yes.

6 SENATOR KRUEGER: Yes indeed.

7 SENATOR MARTINS: Thank you.

8 SENATOR KRUEGER: You're welcome.

9 SENATOR MARTINS: Mr. President,
10 through you. I believe, Senator, you mentioned
11 earlier that the MTA's being challenged to come
12 up with \$3 billion in savings. And I would
13 appreciate it if you could clarify those
14 \$3 billion in savings would be annual savings of
15 \$3 billion by the MTA or something else. And if
16 you could clarify, if it's something else. What
17 is it?

18 SENATOR KRUEGER: Through you,
19 Mr. President. The Governor was 3 billion in
20 savings or efficiencies to decrease the capital
21 plan from '25 to '29 by 3 billion. So it's not
22 annual, it's over the five-year period. And it's
23 capital-specific.

24 SENATOR MARTINS: Mr. President,
25 through you, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor continue to yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR MARTINS: So, Senator,
8 would that be \$600 million annually over five
9 years? Or would it be the equivalent of being
10 able to bond \$3 billion over the term, say
11 20 years, that they'll be bonding for that
12 capital plan? Or something else?

13 SENATOR KRUEGER: We don't know
14 yet, Mr. President. I understand the question,
15 and I don't have the answer.

16 SENATOR MARTINS: Mr. President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT COONEY: Will the
20 sponsor continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT COONEY: The
23 sponsor yields.

24 SENATOR MARTINS: Would the sponsor
25 perhaps tell us how much is the annual operating

1 budget for the MTA?

2 SENATOR KRUEGER: The annual
3 operating budget for the MTA is approximately
4 19 billion.

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

8 ACTING PRESIDENT COONEY: Will the
9 sponsor continue to yield?

10 SENATOR MARTINS: And if the
11 sponsor can tell us, out of that 19 -- I believe
12 \$19.9 billion in operating budget that the MTA
13 has, how much it sets aside every year for its
14 obligations to its own capital plan.

15 SENATOR KRUEGER: Unfortunately, we
16 make them pay their own debt service, so it's
17 about 14 percent.

18 In many places in the world the
19 state government ends up picking up the debt
20 service cost, which I would love for us to do
21 too, if you want to work on that together.

22 SENATOR MARTINS: Mr. President,
23 through you, if the sponsor would continue to
24 yield.

25 ACTING PRESIDENT COONEY: Will the

1 sponsor continue to yield?

2 SENATOR KRUEGER: Of course.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR MARTINS: And just to be
6 clear, I'm not talking about the obligations that
7 the -- is currently before us not only with
8 regard to congestion pricing and the expanded
9 payroll mobility tax, I'm talking about how much
10 of their budget goes towards this next capital
11 plan that we're talking about.

12 I mentioned -- you mentioned
13 14 percent, and I just need clarity. Is that
14 14 percent of the nearly \$20 billion, so roughly
15 \$3 billion annually that they use towards their
16 own capital plan -- or debt service?

17 SENATOR KRUEGER: We're a little
18 confused, so we're just going to ask for
19 clarification.

20 So we think of debt service as what
21 they have to pay on the bonds they've already
22 taken out. And of course we're talking about
23 increasing the amount of bonds for the next
24 five-year capital plan, but other bonds that go
25 back up to 30 years I think get paid off, so it's

1 sort of a rotational situation.

2 So I don't know if you're asking me
3 how much will the share of their operating budget
4 goes up beyond 14 percent for the next five
5 years -- is that the question?

6 SENATOR MARTINS: No,
7 Mr. President, through you, if I can clarify.

8 SENATOR KRUEGER: Yes.

9 SENATOR MARTINS: And I appreciate
10 that. Perhaps I can make it easier.

11 How much is rolling off from past
12 debt service that they'll have available to pay
13 for debt service for the next capital plan?

14 SENATOR KRUEGER: I think the same
15 dilemma for us. They already have about
16 50 billion bonded out from the last two capital
17 plans, and they're paying off those bonds. And
18 that explains probably most of the operating
19 service debt that gets -- the service debt as
20 14 percent of the operating budget.

21 But some of that is coming to an end
22 as we bond for new things in the coming five
23 years. So I'm still not -- I'm not trying to be
24 difficult, I just don't quite understand what the
25 question is to get you the right answer.

1 SENATOR MARTINS: Mr. President,
2 through you. And, Senator, I appreciate the
3 effort, but I think this exchange explains very
4 clearly why there's been a demand certainly by
5 many of us for an audit of the MTA and clarity.
6 Because we're here talking about funding an
7 agency that we all understand is vital to the
8 economy of our state and, as you mentioned, is
9 vital to other states as well.

10 And we can't even, with any
11 certainty, speak to how we're going to pay for a
12 \$58 billion capital plan, yet we're going to
13 implement new taxes, fees or tariffs -- whatever
14 term you want to use. And that should be
15 troubling to all of us, shouldn't it, Senator?

16 SENATOR KRUEGER: Through you,
17 Mr. President, I think I can answer the questions
18 on the new bonding proposal.

19 And it is true we haven't gotten to
20 the revenue section of the budget yet where we'll
21 be going over where some of this additional
22 revenue comes from.

23 And the fact that I can't answer on
24 the floor today what the new five-year capital
25 plan will translate into additional debt service

1 for the operating budget for the MTA is perhaps
2 my failing as a legislator. Perhaps if we had
3 the MTA fiscal officer here, who's
4 extraordinarily good at knowing these things, he
5 probably could answer for us.

6 And if he's listening, feel free to
7 text us, because I think there probably is an
8 answer that more satisfies you. Because again,
9 it is my experience that in the last few years,
10 as we ask for answers to these questions from the
11 MTA, they're just better and better at getting us
12 the answers.

13 And I never object to agencies being
14 audited. Both comptrollers, city and state, have
15 the authority to audit the MTA, and I believe
16 both do.

17 I know that recently the State
18 Comptroller did an analysis of the MTA capital
19 needs and actually said he believed they needed
20 significantly more than they were asking for in
21 their five-year capital plan. I believe he
22 projected closer to \$90 billion in capital needs.

23 And I believe that Goldman Sachs,
24 who also does a lot of the bonding for major
25 public authority work in our state, projected

1 even higher than that as the real needs.

2 SENATOR MARTINS: Thank you,
3 Mr. President.

4 And Senator, I think we're all very
5 fortunate to have you here in the chamber, and
6 thank you for your clarity. Certainly no
7 aspersion on you for your ability to answer
8 questions on this budget on so many different
9 topics.

10 With that note, if we can move to
11 Part --

12 SENATOR KRUEGER: Z.

13 SENATOR MARTINS: Z, yes. Thank
14 you.

15 SENATOR KRUEGER: Thank you. And
16 we found a person for -- oh, good. And let's be
17 honest here, we're only as good as the great
18 staff we have to help us. So thank goodness we
19 do have great staff, you just have to move them
20 into the right seats.

21 Okay, now I'm happy to answer
22 questions on Part Z.

23 ACTING PRESIDENT COONEY: Senator
24 Krueger yields on Part Z.

25 SENATOR MARTINS: Thank you,

1 Mr. President.

2 So my question, Senator, is with
3 regard to PBMs. I see that they're going to have
4 to provide certain clarity with regard to the
5 agreements they enter into with drug
6 manufacturers. But is there anything here that
7 will require them to reimburse pharmacies at
8 actual cost with regard to the cost of these
9 drugs themselves?

10 SENATOR KRUEGER: No. In this
11 budget legislation, it's strictly disclosure. It
12 is not a requirement on them to return any
13 monies.

14 SENATOR MARTINS: Thank you.

15 Mr. President, through you, if the
16 Senator would continue to yield, this time with
17 regard to Part E.

18 SENATOR KRUEGER: Go away, Z.

19 (Laughter.)

20 ACTING PRESIDENT COONEY: Senator
21 Krueger, will you yield on Part E?

22 SENATOR KRUEGER: Disperse, Z.
23 We're going to E.

24 And E is -- oh, we're back to
25 drugged driving laws.

1 SENATOR MARTINS: Drugged driving
2 laws, yes.

3 SENATOR KRUEGER: Okay, fine.

4 SENATOR MARTINS: Thank you,
5 Senator.

6 I ask whether or not you're familiar
7 with a series of articles and editorials that
8 have been written by Newsday with regard to
9 increasing accident rates on Long Island and,
10 separately, increasing visits to emergency rooms
11 as a result of cannabis-related causes.

12 Are you familiar with any of the
13 reporting by Newsday on those items on
14 Long Island?

15 SENATOR KRUEGER: I'll probably get
16 in a lot of trouble by telling you I don't have a
17 subscription to Newsday.

18 I am aware that there have been
19 concerns about cannabis use and visits to
20 emergency rooms. I don't think that's just
21 Newsday.

22 And the drugged driving articles
23 were specific to cannabis or across the board on
24 drugs?

25 SENATOR MARTINS: Mr. President,

1 through you, the articles were specific to
2 increased accidents, not specific to cannabis.

3 SENATOR KRUEGER: Okay.

4 SENATOR MARTINS: And so having
5 recently had two related, I believe, series --
6 one, increased use of cannabis resulting in
7 increased visits to emergency rooms, and
8 increased accidents on Long Island -- I think it
9 is fair to believe that there is a correlation
10 between the consumption of certain drugs and
11 accidents and therefore serious injuries and
12 fatalities.

13 Would you agree?

14 SENATOR KRUEGER: Through you,
15 Mr. President. You always get in trouble when
16 you talk about science and correlations, because
17 I agree that there are issues with driving when
18 influenced by drugs, alcohol, your prescriptions,
19 any kind of drug.

20 I actually take several drugs
21 prescribed to me that I don't really think have
22 any side effects, but the bottles say be aware
23 when driving heavy equipment. I just think it
24 must be farm equipment, and I don't really drive
25 farm equipment. But I respect the fact that if

1 you're almost taking any kind of drug, including
2 prescription drugs that are not mood-altering per
3 se, there's potentially problems there.

4 I don't actually think the research
5 shows -- at least that I have read -- that there
6 is an increase of driving under the influence of
7 cannabis specifically since we've legalized,
8 because the irony is we haven't actually
9 increased the use of cannabis. It's just legal
10 now.

11 And so I'm not saying there's some
12 people who use it now who wouldn't before,
13 because -- fascinatingly to me -- the research
14 shows that the biggest growth in use of cannabis
15 since we've legalized are us. No disrespect, but
16 people 60 and older. Did I jump the gun on you?

17 (Laughter.)

18 SENATOR MARTINS: I'm close,
19 Senator.

20 SENATOR KRUEGER: Okay, fine.

21 SENATOR MARTINS: Mr. President,
22 through you, if the Senator would continue to
23 yield.

24 SENATOR KRUEGER: But I just want
25 to point out, I agree, there are concerns about

1 people driving under the influence of all kinds
2 of drugs. And some of the challenges I think I
3 was trying to explain to your colleague is
4 figuring out how you would rewrite the bill to
5 apply, because he was giving me a very long list
6 of all these synthetic drugs, and those are real
7 problems, and they can change by one ingredient.
8 And then even when they're called cannabis, when
9 they're not, they're -- you know, fake cannabis
10 is not cannabis. So it's a real problem.

11 But it's not necessarily a new
12 issue. And I was just told by my staff that more
13 people die in accidents from texting when driving
14 than actually when being documented as being
15 under the influence. And of course we still have
16 never completely gotten our arms around the
17 drinking and driving.

18 So these are all real issues, I
19 don't disagree with you.

20 SENATOR MARTINS: Mr. President,
21 through you, if the sponsor would yield for just
22 another question.

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT COONEY: Will the
25 sponsor yield? The sponsor yields.

1 SENATOR MARTINS: Senator, would
2 you agree that the consumption of cannabis
3 impacts different portions of a person's brain,
4 including that which deals with their reaction
5 times, and would and could impair a person's
6 ability to drive, as just an example among many
7 different types of drugs that could impair a
8 person's ability to drive and therefore lead to a
9 greater incidence of accidents, deaths and severe
10 injuries?

11 SENATOR KRUEGER: Through you,
12 Mr. President. Like all other substances and
13 drugs and alcohol, yes, it can.

14 And it both depends on the quantity,
15 your personal response to it, the time you used
16 versus the time you drove. You know, I drink one
17 glass of wine, I need to go to sleep. I know
18 people who can have four or five beers and they
19 don't even seem to change their behavior.

20 So a lot of it is actually
21 physiologically and scientifically shown to be
22 very difficult for different people. And so
23 these are real challenges for evaluating.

24 SENATOR MARTINS: Mr. President,
25 thank you. And Senator, thank you very much.

1 On the bill.

2 ACTING PRESIDENT COONEY: Senator
3 Martins on the bill.

4 SENATOR MARTINS: I appreciate the
5 Senator's responses.

6 You know, the reality is this. In
7 the last 10 years, Mr. President, there have been
8 over 2,000 facilitates on Long Island as a result
9 of car accidents. During that time there's also
10 been over 16,000 serious injuries where people
11 were not able to leave the scene themselves but
12 had to be assisted and taken to hospitals.

13 We have had an incidence at the same
14 time, certainly more recently, with regard to
15 visits to emergency rooms as a result of
16 cannabis-related use, and certainly more so than
17 there was previously. So the idea that there has
18 been a continuous use of cannabis such that there
19 hasn't been a spike in use recently just isn't
20 borne out by these studies.

21 And I encourage all my colleagues
22 not only to get a subscription to Newsday, but
23 also to read it, because there are important
24 points there that impact our suburban communities
25 and certainly those communities immediately

1 adjacent to New York City.

2 So let's talk about the opportunity
3 we had in this budget to actually come up with a
4 threshold that allowed for enforcement of
5 drug-related charges when it comes to
6 drug-impaired driving. You know, we can talk
7 about alcohol, we can talk about Breathalyzer
8 tests and the necessary tests that we have on the
9 road to hold people accountable, but we just
10 simply don't have the same tests available to
11 law enforcement when it comes to people who are
12 suspected to drive under the influence of drugs.

13 Yet we had an opportunity to follow
14 the lead of so many states in our country that
15 have put the safety of residents and
16 accountability first, and yet we chose -- or
17 rather, the Majority in this chamber chose not
18 to.

19 I find that to be irresponsible,
20 Mr. President. I lament the fact that that's not
21 here. And I think that there are going to be
22 more serious injuries and fatalities as a result
23 of the lack of accountability and responsibility
24 when it comes to this chamber taking that
25 seriously, because we have people who are driving

1 each and every day under the influence of drugs,
2 whether it's cannabis -- which we have all
3 smelled on the road with our windows down, which
4 is remarkable, if you think about it, as you're
5 traveling within the speed limit and you can
6 actually smell that coming from another car.

7 So let's call this what it is. It's
8 a missed opportunity. And I really do hope that
9 there's going to be an opportunity to take
10 something up like this later on in this session.
11 I'm not holding my breath, though, Mr. President.
12 Because if past is prologue, I will say that this
13 chamber has reluctantly -- in the past has been
14 very reluctant in the past to impose any new
15 penalties on anyone or any new accountability on
16 anyone. And I'll just wait and see. Prove me
17 wrong.

18 When it comes to PBMs, and that's
19 Part Z, you know, pharmacy benefit managers, for
20 those who don't know what they are, they are the
21 intermediaries between drug manufacturers and
22 pharmacies. They cut the deals between the drug
23 manufacturers and the pharmacies, and they take a
24 hefty piece for themselves.

25 And I'm glad to see that we're going

1 to have some level of transparency. But the
2 level of transparency we're talking about here is
3 with regard to their relationship with the drug
4 manufacturers, and they're going to tell us how
5 much money they're making.

6 But the reality is each and every
7 one of us have pharmacies in our communities
8 whose reimbursement rates oftentimes is less than
9 their actual acquisition costs. We all know it.
10 Everyone in this room has talked to pharmacy
11 owners and local pharmacy owners where they are
12 actually dispensing drugs for less than it costs
13 them, and they end up taking a loss.

14 And so, again, another missed
15 opportunity. Yes, we should have PBMs and hold
16 them accountable, but we have to make sure that
17 our local pharmacies are being properly
18 reimbursed and not getting gouged by the
19 middleman -- in this case, PBMs cross this state.
20 And I urge the Majority to do something about
21 this as we move forward.

22 And lastly, when it comes to the MTA
23 and MTA funding, I think we can all agree that
24 funding is fungible, money is fungible. And the
25 idea that we're going to continue to come up with

1 new means of paying for capital plans, whether
2 it's congestion pricing, whether it's a payroll
3 mobility tax, without asking the MTA to explain
4 how it is that they have a \$20 billion budget and
5 they don't have the ability to pay as they go.

6 They don't budget within their own
7 responsibilities out of that \$20 billion budget
8 for their own maintenance, for their own capital
9 needs. They don't actually find those savings.
10 And they haven't actually explained it to any of
11 us.

12 It's remarkable to me that I
13 don't -- and nobody can tell me how much is
14 actually coming off bonding at the MTA so we know
15 how much is actually available within their own
16 budget. Because we know they're going to bond
17 for 20 or 30 years. We know that if they have a
18 \$58 billion capital plan that they're going to
19 need about \$3 billion a year annually in order to
20 pay for that.

21 We don't know how much is coming
22 off -- although we know that there's 14 percent
23 of their overall budget that they use for debt
24 service. But these are things that we should
25 understand before we're asked to impose another

1 fee, another tax on our constituents. And
2 certainly those of who represent people in the
3 MTA region who rely on going into Manhattan each
4 and every day in order to provide for their
5 families, those answers are important.

6 And the fact that we're here on
7 May 7th and we don't have those answers, when we
8 have talked about congestion pricing, we have
9 talked about the payroll mobility tax, we have
10 talked about the need to audit and hold the MTA
11 accountable. And yet we're being asked to gouge
12 our residents again without having clear answers
13 for them.

14 So yes, Mr. President, it raises
15 concerns and should raise concerns for everyone
16 in this chamber. Thank you.

17 ACTING PRESIDENT COONEY: Thank
18 you, Senator Martins.

19 Senator Borrello, why do you rise?

20 SENATOR BORRELLO: Good afternoon,
21 Mr. President. Looking for some answers to
22 questions on Part DDD, relating to the Cannabis
23 Control Board.

24 ACTING PRESIDENT COONEY: Senator
25 Krueger, would you yield on Part D.

1 SENATOR KRUEGER: Sure. Triple D,
2 I believe.

3 ACTING PRESIDENT COONEY: Triple D.

4 SENATOR KRUEGER: Yes indeed.

5 ACTING PRESIDENT COONEY: Senator
6 Krueger yields.

7 SENATOR BORRELLO: Through you,
8 Mr. President. I see that we're making some
9 changes. I think we can all agree that I'm being
10 nice when I'm saying it's been a disaster at the
11 Cannabis Control Board, although it's getting
12 better.

13 We're making some interesting
14 changes here. But I want to be really focused on
15 one particular area that has to do with how the
16 board interacts with our Native Tribes.

17 I represent the Seneca Nation of
18 Indians, and I know that that -- obviously there
19 is a -- in the previous law they were actually
20 given the power to enter into a compact, which I
21 find ironic, since the Governor can't seem to
22 find a way to, you know, actually get a compact
23 done. We're going on two years ago now with the
24 Governor. But somehow the Cannabis Control Board
25 can enter into a compact, which is I think

1 suspect to begin with.

2 But you're changing the language
3 specifically in this bill from not entering just
4 into compacts but into -- and I'm quoting the
5 bill -- other agreements with Tribal nations.
6 What other agreements besides a compact would the
7 Cannabis Control Board be entering into with
8 the -- for example, the Seneca Nation or any
9 Native Tribe in New York State?

10 SENATOR KRUEGER: Just getting
11 answers for you, Senator.

12 So through you, Mr. President,
13 apparently there are a number of issues where the
14 Governor is attempting to negotiate changes --
15 positively, I think, most of them -- for the
16 Tribal nations. And Tribal nations were not
17 comfortable with the concept of compacts --
18 perhaps, as you pointed out, because those don't
19 always work so well. So we've changed the
20 language to "agreements," because everyone seems
21 to be more comfortable with agreements than
22 compacts. Perhaps you understand that better
23 than I do.

24 But some of the examples would be --
25 I'm sorry -- can the nations use our testing labs

1 for testing the safety and standards of specific
2 cannabis products, rather than having to open up
3 their own labs. Which would obviously be, I
4 think, to their advantage.

5 Some concerns about transferring
6 product from one nation's land to another
7 nation's land that might involve product that's
8 not considered legal in the State of New York.
9 That's probably a little more complicated to deal
10 with.

11 So those are the two examples I've
12 been offered.

13 SENATOR BORRELLO: Mr. President,
14 will the sponsor continue to yield.

15 ACTING PRESIDENT COONEY: Will the
16 sponsor continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT COONEY: The
19 sponsor yields.

20 SENATOR BORRELLO: So other
21 agreements could also include legal cannabis
22 farmers, processors outside of Tribal lands being
23 able to sell to businesses located on Tribal
24 territory.

25 If you recall, that was a project

1 that you and I worked on together and the
2 Governor refused to sign. Would that -- would
3 this be allowed, then, I guess, you know, without
4 the Governor's oversight?

5 SENATOR KRUEGER: (Conferring.)
6 We're not sure what the answer is, because we're
7 not sure it allows or doesn't allow. Probably
8 then in negotiations.

9 But of course, as we know, if you're
10 growing, processing or selling off Tribal land,
11 it needs to go through a licensing process
12 through OCM. So that's probably one of those
13 things that could be negotiated in, quote,
14 unquote, an agreement, but we're just not sure if
15 that's on the table.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor 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 BORRELLO: So I guess what
24 we're saying is this "other agreements"
25 stipulation that's been added is vague and the

1 consequences are unknown.

2 SENATOR KRUEGER: So the state will
3 have to negotiate any changes that affect the
4 nations and/or the state.

5 But apparently we couldn't quite get
6 off the beginning time when the terminology was
7 "compact," because perhaps there's a history of
8 compacts not going so well. I just don't know.

9 So there seems to be a preference
10 for changing it to "agreements." So we get this
11 done, and maybe we open up a variety of
12 discussions and negotiations that just weren't
13 even being entertained up till now.

14 SENATOR BORRELLO: Mr. President,
15 will the sponsor continue to yield.

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Indeed.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR BORRELLO: I guess I'm
22 going to ask you to speculate now a little bit.
23 If they were uncomfortable with the term
24 "compact" -- I agree, there is a long, I would
25 say not great history of compact negotiations

1 between the Executive and these sovereign nations
2 that call New York home -- why wouldn't we just
3 replace the word "compact?"

4 Because you're saying "compact" and
5 now "other agreements." Why wouldn't we -- if
6 what you're saying is true, and I believe you,
7 why wouldn't we just eliminate that word and be
8 more specific about what these other agreements
9 could entail? Why don't we put in guardrails?

10 SENATOR KRUEGER: So this in fact
11 was the language offered by the Governor, and we
12 think that probably the answer is there are
13 possibly existing compacts that are fine, so we
14 don't want to take away the word "compact." We
15 want to add to language that can be used to move
16 forward with changes -- not, I don't know, end
17 anything that's already been done and agreed
18 upon.

19 SENATOR BORRELLO: Okay.

20 Mr. President, would the sponsor
21 continue to yield.

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR BORRELLO: I'm going to
3 change gears now to the Cannabis Control Board
4 itself. This is interesting. The chair of the
5 control board currently is being paid a salary.

6 SENATOR KRUEGER: Yes.

7 SENATOR BORRELLO: And this will
8 change that so that they are no longer paid a
9 salary and I'm assuming no longer, I guess, being
10 held to the Public Officers Law. Why are we
11 doing that?

12 SENATOR KRUEGER: Through you,
13 Mr. President -- and I confess, I was the sponsor
14 of the original bill. And for some reason
15 different than almost any other agency or
16 authority in the State of New York, we created a
17 paid full-time chair of the board and an
18 executive director of the agency. And frankly,
19 it hasn't worked out that well because you have
20 two entities who have competing authority, and
21 it's confusing about what the role of the board
22 is versus what the role of the agency and staff
23 are.

24 So we decided to, frankly, fix it
25 and go back to the model that we have in almost

1 every other agency and authority in the State of
2 New York.

3 SENATOR BORRELLO: Mr. President,
4 will the sponsor continue to yield.

5 ACTING PRESIDENT COONEY: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT COONEY: The
9 sponsor yields.

10 SENATOR BORRELLO: First of all,
11 let me credit you with saying this was a mistake
12 and we're trying to fix it. I truly appreciate
13 that. And I think this has been a top-heavy and
14 over-bureaucratic agency that was created.

15 But my concern now is by not paying
16 them a salary and them no longer being subject to
17 the Public Officers Law, could you have people go
18 into that position, a very powerful, influential
19 position in the -- you know, in the cannabis
20 industry in New York State and then immediately
21 leave and become a lobbyist as a result. You'd
22 be basically churning out people that have had
23 inside knowledge that can now turn around and
24 almost immediately lobby.

25 SENATOR KRUEGER: Through you, I

1 understand the question, and I'm not sure these
2 are the right staff. Because I guess my answer
3 would be I'm actually not sure if board members
4 of lots of boards for the State of New York who
5 are paid on a per-diem basis, as this would
6 become, are already covered by Public Officers
7 Law. If we usually do that, I think the answer
8 would be yes to this as well.

9 And I just don't even know who --
10 the right staff person to find to ask. I can see
11 people on their phones texting, so thank you,
12 Dorothy. I don't know.

13 But I think that's a legitimate
14 question. And in my opinion we would not want
15 people to be on policymaking boards over an
16 industry where they were also lobbying for that
17 industry or earning money from that industry. I
18 would share that concern with you.

19 And I will get you an answer as
20 quickly as possible.

21 SENATOR BORRELLO: Mr. President,
22 on the bill.

23 ACTING PRESIDENT COONEY: Senator
24 Borrello on the bill.

25 SENATOR BORRELLO: Senator Krueger,

1 thank you for that honest engagement, and I
2 appreciate that.

3 Let's consider that potentially an
4 unintended consequence, since it appears this
5 language was agreed upon with the Executive.
6 Look, at the Cannabis Control Board we've already
7 had problems. We've had problems with people
8 doing exactly what I described, monetizing for
9 their personal self what their position was in
10 the Cannabis Control board even while still
11 serving on that board.

12 So it's a problem that needs to be
13 addressed, and I think there's a potential
14 conflict of interest and public corruption issue
15 that needs to be addressed in the way this
16 language is currently written.

17 But let me move back to the Tribal
18 nations. There is no doubt that there is a lack
19 of trust and confidence from our Tribal friends,
20 the Seneca Nation of Indians, friends, neighbors,
21 people I've done business with. I can tell you
22 that there is a lack of trust and confidence in
23 this governor and the previous governor, and
24 "compacts" are a dirty word, to be quite honest.

25 But when we start talking about

1 something as sensitive as cannabis, we have to
2 remember that they are a sovereign nation, that
3 already have the ability to do what they're
4 doing. And in fact in the previous legislation
5 we were giving them permission, technically, in
6 the language, to acquire, process, manufacture,
7 sell, deliver, transport, distribute or dispense
8 adult-use cannabis and/or medical cannabis.

9 We didn't really have the authority
10 to give them that authority because they are a
11 sovereign nation and they are given whatever
12 authority they have by the federal government,
13 and that is their oversight.

14 So now to say we're going to have --
15 enter other agreements, I hope that that is a
16 positive thing that can help farmers, that can
17 help small businesses, most importantly that will
18 show the Seneca Nation and the other Tribal
19 nations that New York State is actually committed
20 to having a good relationship with them that's
21 built on trust, and mutual trust and respect.
22 And I think we're far from that currently.

23 So I hope that this is the intent of
24 this and that I think tweaking the language and
25 clarifying what that "other agreements" thing

1 means would be helpful. Because I think there is
2 currently a lack of trust from all of our Tribal
3 nations.

4 So thank you, Mr. President.

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Borrello.

7 Senator Helming, why do you rise?

8 SENATOR HELMING: Thank you,
9 Mr. President. If the sponsor will continue to
10 respond to some questions.

11 SENATOR KRUEGER: What section, did
12 you say?

13 SENATOR HELMING: I am on
14 Section 00.

15 SENATOR KRUEGER: 00, okay. Let's
16 find 00. Oh, no. Not uh-oh. She said 00.

17 Oh, Senator Hinchey would love to
18 answer your questions on Section 00.

19 ACTING PRESIDENT COONEY: Senator
20 Hinchey, will you yield?

21 SENATOR HINCHEY: I will. Sorry
22 I'm behind you.

23 SENATOR HELMING: Thank you,
24 Senator Hinchey.

25 Senator Krueger, I was looking

1 forward to speaking with you. I feel like we're
2 traveling across at state -- MTA, and now we're
3 going up to upstate to talk about farmland
4 protection programs.

5 Senator Hinchey, thank you.

6 SENATOR HINCHEY: But you have me.

7 SENATOR HELMING: And I'm thrilled
8 to have you.

9 As you know, this -- I'm sorry, I
10 have to turn around to --

11 SENATOR HINCHEY: Please.

12 SENATOR HELMING: All right.

13 As you know, our State Constitution
14 directs us to help preserve and protect
15 agricultural lands. And one way that we've
16 always done this -- and I know you're a huge
17 supporter of this -- is by providing our
18 municipalities with really nominal resources to
19 develop farmland protection plans. And I think,
20 now more than ever before, it's incredibly
21 important that we continue to do this because we
22 see increasing utilization of ag lands for these
23 massive, massive solar projects.

24 So I'm just curious, because clearly
25 there is support from the Governor for these

1 farmland protection plans and from the Senate
2 because there were increases. We are looking at
3 I think increasing the funding available to local
4 governments from 25,000 to 40,000, or something
5 in that area, to help them develop these
6 important community plans.

7 But it looks like Part 00 was
8 intentionally omitted from the enacted budget.
9 So I'm wondering, will we see this somewhere else
10 later on? Or what's going on?

11 SENATOR HINCHEY: Through you,
12 Mr. President. Thank you for the question. And
13 I agree with you, Senator Helming, it's
14 incredibly important, now more than ever, to
15 protect the farmland that we have.

16 We were supportive. Unfortunately,
17 with the time we had, we weren't able to get to a
18 three-way agreement. But we do have the
19 intention to pick up the language outside of the
20 budget.

21 And in the EPF we actually increase
22 the Farmland Protection line in the EPF by
23 \$4 million -- actually, the largest increase in
24 the EPF that we have this year. And there's a
25 specific \$1 million carveout of that \$4 million

1 increase that will go specifically to farmland
2 preservation capacity grants, which will allow
3 places like land trusts and counties and others
4 to be able to do that work.

5 So we've increased the money and
6 allocated more money to that in the EPF, and
7 we'll work on the language outside the budget.

8 SENATOR HELMING: Through you,
9 Mr. President, if the sponsor will continue to
10 yield.

11 ACTING PRESIDENT COONEY: Will the
12 sponsor yield?

13 SENATOR HINCHEY: I do.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR HELMING: So I think that's
17 great, that in the EPF we'll see the increased
18 funding for those things that you mentioned.

19 But I'm still not feeling confident
20 and I'm still concerned that it's the development
21 of these community farmland protection programs
22 that are so important. The communities typically
23 adopt them, they may add them as an addendum to
24 their comprehensive plans, and they use those to
25 tell the story to the solar companies that are

1 coming in, like this is the area that's important
2 to us to preserve and protect.

3 And I'm not sure that I heard
4 specifically that that funding will be available
5 in the pot of money that you just described.

6 SENATOR HINCHEY: Through you,
7 Mr. President, that's what the million-dollar
8 carveout is. It's the capacity grants to allow
9 those organizations that you're siting to be able
10 to apply for the capacity grants to do the
11 farmland preservation planning.

12 So that funding is there, and then
13 the language that was in Part OO we'll work on
14 outside the budget and hopefully pass before the
15 end of session.

16 SENATOR HELMING: Through you,
17 Mr. President, if the sponsor will continue to
18 yield, I'd like to go to Part TT, which I think
19 may also be Senator Hinchey.

20 SENATOR HINCHEY: Sure -- I don't
21 know what Part TT is.

22 ACTING PRESIDENT COONEY: Will the
23 sponsor continue to yield on Part TT?

24 SENATOR HINCHEY: That is actually
25 going to be Senator May. So thank you very much.

1 ACTING PRESIDENT COONEY: We'll go
2 to Senator May, Senator Helming.

3 Senator May, do you yield?

4 SENATOR MAY: I do.

5 ACTING PRESIDENT COONEY: Senator
6 May yields.

7 SENATOR HELMING: Thank you,
8 Senator May. And I know this is an issue that
9 you are well aware of.

10 So we have many land trusts that
11 have been coming to us for years and they're
12 asking the Legislature and the Governor to
13 modernize the state's conservation land
14 acquisition approval process. We heard during
15 the budget, I think, from Finger Lakes Land
16 Trust.

17 We've seen correspondence from many
18 others -- Genesee Land Trust, and so many others
19 about the challenges they have. And this
20 includes that the state's current title insurance
21 review process for land trust acquisitions
22 involves a higher standard of review than is
23 typical with the private sector.

24 And the Governor, I know she
25 recognized this, because in her State of the

1 State book the Governor stated that she would
2 champion several initiatives, including
3 modernizing the use of the title insurance to
4 expedite land acquisitions.

5 But when I look at Part TT that's
6 before us, it looks like that's been wholesaled,
7 it's been completely wiped out and now it's
8 talking about something about a mansion tax. Can
9 you tell me what happened to streamlining and
10 modernizing?

11 SENATOR MAY: Through you,
12 Mr. President. I'm grateful for the question,
13 because as you said, this has been a big priority
14 for me.

15 It's true that many of the land
16 trusts have been holding on, they've committed
17 their funds to these transactions and it's taking
18 years and years and years for the transactions to
19 be finalized, which means then they can't use
20 that money for additional transactions.

21 And we have our 30 by '30 goals of
22 conservation land, so we're not anywhere close to
23 meeting that. So I've been working very hard to
24 try to make this happen.

25 I will say that negotiations didn't

1 result in language in the budget, but I just
2 heard from the Attorney General's office that the
3 negotiations are now at the Attorney General to
4 the Governor level, and they are committed to
5 finding a solution to this. And I will continue
6 to work with them on that.

7 SENATOR HELMING: Thank you.

8 Through you, Mr. President, just
9 quickly on this bill.

10 ACTING PRESIDENT COONEY: Senator
11 Helming on the bill.

12 SENATOR HELMING: It's sad to hear
13 that we couldn't come to an agreement on things
14 that are so critically important to our economic
15 development, to our upstate communities, to all
16 of us, really, who eat or wear clothing or
17 anything else. That farmland protection plans
18 weren't a priority, that streamlining a process
19 that is so time-consuming and costly and
20 absolutely unnecessary, but the AG's office has
21 refused to address it for years -- that they just
22 weren't priorities that got captured in this
23 budget.

24 But through you, Mr. President, if
25 the sponsor will continue to yield on Part NN.

1 ACTING PRESIDENT COONEY: Who is
2 speaking to Part NN, and will that sponsor yield?

3 Senator Krueger.

4 SENATOR KRUEGER: Thank you.

5 ACTING PRESIDENT COONEY: Senator
6 Krueger, will you yield on Part NN?

7 SENATOR KRUEGER: I will, but are
8 we saying M as in Mary or N as in Nancy?

9 SENATOR HELMING: N as in Nancy.

10 SENATOR KRUEGER: Thank you.

11 SENATOR HELMING: Nancy Nancy.

12 SENATOR KRUEGER: Nancy Nancy.

13 ACTING PRESIDENT COONEY: Senator
14 Krueger yields.

15 SENATOR KRUEGER: Captive
16 insurance, yes indeed, Senator. I'm happy to
17 answer questions.

18 ACTING PRESIDENT COONEY: Senator
19 Helming.

20 SENATOR HELMING: So on the matter
21 of captive insurance for public benefit
22 corporations, my understanding is that forming a
23 peer captive with respect to a private insurer,
24 it's a risk-management strategy that's used when
25 you have hard-to-insure risks and need like the

1 ultimate flexibility, right?

2 SENATOR KRUEGER: Yes.

3 SENATOR HELMING: But these
4 captives require substantial capital investment
5 to work. So my question is, who is providing the
6 initial capital for this peer captive? Which I
7 should have mentioned is the New York Convention
8 Center.

9 SENATOR KRUEGER: Through you,
10 Mr. President, yes, this only applies to the
11 Javits Center in Manhattan. And they would be
12 responsible for the cost. And they're --

13 SENATOR HELMING: They're providing
14 the capital?

15 SENATOR KRUEGER: -- a public
16 authority. I'm sorry, yes.

17 SENATOR HELMING: I'm sorry.

18 Through you, Mr. President, if the
19 sponsor will continue to yield.

20 ACTING PRESIDENT COONEY: Will the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR HELMING: So

1 Senator Krueger, just so I understand, it's the
2 Javits Center who will be providing the initial
3 capital?

4 SENATOR KRUEGER: Well, it's not
5 capital, it's -- they have to put a certain
6 amount of money aside to be their own captive
7 insurance company. And they've requested this
8 because in fiscal year '24 the Javits Center has
9 seen the cost of its insurance program increase
10 from 2.5 million to 7.1 million, a 183 percent
11 increase, and they cannot find any other
12 insurance coverage at lower cost on the market.

13 So they are a, again, a public
14 authority. They are obviously not as big as the
15 New York Power Authority or the MTA, which also
16 use captive insurance. But we've been advised
17 and have agreed that they have adequate resources
18 to cover these costs themselves.

19 SENATOR HELMING: Thank you.

20 Through you, Mr. President, if the
21 sponsor will continue to yield.

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR HELMING: Senator Krueger,
3 can you tell me -- you mentioned the number
4 there, losses they've had to pay out. What kind
5 of hard-to-insure risks are prompting the need
6 for this captive to be formed?

7 SENATOR KRUEGER: I don't know that
8 I said it was their payout, it was actually the
9 annual cost of insurance was jumping 183 percent
10 over fiscal year 2024, which is sort of a
11 shocking, I think you might agree, increase in
12 insurance costs.

13 So that what this would -- this is
14 just general insurance for them, property and
15 casualty. Through you, Mr. President.

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

19 ACTING PRESIDENT COONEY: Will the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT COONEY: The
23 sponsor yields.

24 SENATOR HELMING: What is driving
25 that massive increase in cost?

1 SENATOR KRUEGER: I am told it is a
2 combination of basic market pressures,
3 development in the Hudson Yards eating up certain
4 capacity in the area, and the fact that they
5 expanded in '21, increasing the facility from
6 2.1 million square feet to 3.3 million square
7 feet.

8 SENATOR HELMING: Through you,
9 Mr. President, if the sponsor 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 HELMING: Senator Krueger,
17 do you know why the language from the Governor's
18 proposal was removed, the language that said that
19 employees of the peer captive would not be deemed
20 employees of the authority? Wouldn't that have
21 helped to prevent conflicts of interest?

22 SENATOR KRUEGER: We wanted to make
23 sure that -- we changed the language from what
24 the Governor asked for because we wanted to make
25 sure that everyone remained under Public Officers

1 Law and Civil Service Law.

2 SENATOR HELMING: And through you,
3 Mr. President, one final question.

4 ACTING PRESIDENT COONEY: Will the
5 sponsor continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT COONEY: The
8 sponsor yields.

9 SENATOR HELMING: Senator Krueger,
10 it's my understanding that New York State
11 Insurance Law requires captive insurance
12 companies that are incorporated in our state to
13 have two out of three members of their board as
14 residents of the state.

15 Does this proposal require board
16 members to all be from New York?

17 SENATOR KRUEGER: Okay. Through
18 you, Madam President {sic}. This language
19 requires that the board of the captive insurance
20 company be the same as the board of the Javits
21 Convention Center.

22 Your next question to me might be,
23 do they all live in New York? And the answer
24 will be I don't know. We can try to find out.
25 Maybe you do know.

1 SENATOR HELMING: Through you,
2 Mr. President. Senator Krueger, I don't know.
3 But I do want to say my Apple Library can't find
4 that information either.

5 (Laughter.)

6 SENATOR KRUEGER: And aren't we all
7 dependent on these little boxes to answer our
8 questions? I can try to get back to you as soon
9 as possible, but I don't know.

10 SENATOR HELMING: Thank you. Thank
11 you, Mr. President. Thank you, Senator Krueger.

12 SENATOR KRUEGER: Thank you,
13 Senator Helming.

14 ACTING PRESIDENT COONEY: Thank
15 you, Senator.

16 Senator Ashby, why do you rise?

17 SENATOR ASHBY: Mr. President, will
18 the appropriate Senator for Section AAA yield?

19 ACTING PRESIDENT COONEY: Senator
20 Krueger, will you yield?

21 (Off the record.)

22 ACTING PRESIDENT COONEY: Senator
23 Krueger yields.

24 SENATOR KRUEGER: Okay, we're --
25 no, this is our first gathering today. Yes.

1 SENATOR ASHBY: Through you,
2 Mr. President. I noticed that Gold Star Family
3 license plates were rejected in this budget,
4 although being mentioned in the Governor's State
5 of the State and in her Executive proposal. Why
6 did they not make it into this budget?

7 SENATOR KRUEGER: Through you,
8 Mr. President. We were advised that DMV was
9 doing it administratively. Therefore, it wasn't
10 necessary for us to deal with it in the budget.

11 SENATOR ASHBY: Will the sponsor
12 yield.

13 ACTING PRESIDENT COONEY: Will the
14 sponsor continue to yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR ASHBY: In the
19 conversations that I had, Mr. President, DMV said
20 that they were open to this process, supportive
21 of the Governor's proposals. And in my
22 conversations with the legislators involved, that
23 they were supportive of this. To the point where
24 I noticed that a member of your conference,
25 Senator Harckham, recently put in legislation

1 nearly identical to mine.

2 Is -- are we still assuming that DMV
3 is going to do this administratively? Or are we
4 going to be supportive of Senator Harckham's
5 legislation? Or mine, for that matter.

6 SENATOR KRUEGER: (Conferring.)
7 Through you, Mr. President. It's my
8 understanding that DMV can handle the
9 administrative process but that there will need
10 to be legislation to handle the -- whether or not
11 there's any fee applied. And -- okay, and that
12 the cost will actually be covered -- the bonding
13 of cost will be handled by a private organization
14 who has come forward.

15 So the one part I can't answer for
16 you is whether we do need some kind of
17 legislation post-budget. I encourage you and
18 Senator Harckham to coordinate on that, because
19 I'm not familiar with either bill or whether they
20 have different language purposes.

21 SENATOR ASHBY: Will the sponsor
22 yield.

23 ACTING PRESIDENT COONEY: Will the
24 sponsor continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT COONEY: The
2 Senator yields.

3 SENATOR ASHBY: Given that there is
4 a financial concern, Mr. President, and this
5 question of bonding, wouldn't it be appropriate
6 to see that in the budget?

7 SENATOR KRUEGER: Through you,
8 Mr. President. I believe it's because it
9 wouldn't be the state bonding, it would be a
10 private organization picking up those costs,
11 therefore not a state Budget issue.

12 SENATOR ASHBY: Will the sponsor
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 ASHBY: Given that the
20 organization is the Gold Star Mothers
21 Association, don't you think it would be a good
22 idea for the state to perhaps take on that cost?

23 SENATOR KRUEGER: Through you,
24 Mr. President, I'm not sure how to answer that.
25 Apparently it's not at the moment in this budget.

1 SENATOR ASHBY: Thank you.

2 On the bill.

3 ACTING PRESIDENT COONEY: Senator
4 Ashby on the bill.

5 SENATOR ASHBY: Well, that's
6 telling, that at this moment we're Fort Drum Day
7 and Fort Drum, the soldiers of the 10th Mountain
8 incurred nearly 300 killed in action over the
9 course of the Global War on Terror, and we're
10 considering throwing the cost back on to
11 Gold Star families for license plates.

12 When we talk about priorities in
13 this chamber, when we talk about our support for
14 our veterans, I would hope that we would do
15 better than this.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator Ashby.

18 SENATOR GIANARIS: Mr. President,
19 we're just going to pause for a moment. The --
20 one of our colleagues who wishes to speak is
21 reentering the chamber.

22 ACTING PRESIDENT COONEY: Senator
23 Skoufis, why do you rise?

24 SENATOR SKOUFIS: Thank you,
25 Mr. President. I was just wrapping up a meeting.

1 I appreciate your patience.

2 I rise to speak on the bill. And,
3 you know, I'll start by saying I think it was a
4 month or two ago, a couple of months ago --

5 ACTING PRESIDENT COONEY: I'm
6 sorry. Senator Skoufis, you're speaking on the
7 bill?

8 SENATOR SKOUFIS: On the bill.

9 ACTING PRESIDENT COONEY: On the
10 bill.

11 SENATOR SKOUFIS: A couple of
12 months ago there was a -- from my perspective, a
13 somewhat comical news article, I think it was in
14 City & State, that mentioned possible
15 replacements or new Lieutenant Governor options
16 for the sitting Governor. And I somehow found my
17 way on that list. And I joked with my staff that
18 whoever wrote that article must not have seen my
19 budget remarks from last year. Any reporters or
20 anyone that has this misconstrued perception that
21 somehow I might be considered for Lieutenant
22 Governor certainly won't after today's remarks.

23 So, you know, there are a lot of
24 issues that I intend to opine about and speak
25 about later on in debate as they come up in their

1 respective budget bills. And, you know, they
2 certainly range from discussing the money pit
3 that is the MTA and how Orange County is going to
4 be extracted for an additional net \$10 million
5 from the increased payroll mobility tax, despite
6 the fact that we don't have any service actually
7 into New York City. We have service to
8 New Jersey; we have no one-seat ride. At a
9 certain point of each and every single day
10 there's a six-hour window with zero trains out of
11 Orange County into New Jersey.

12 And how the proposed capital plan
13 for the next five years contains exactly zero
14 improvements for Orange County. So you're going
15 to be taking even more money out of the county
16 that you already provide virtually no service
17 for. And despite the fact that Janno Lieber
18 publicly acknowledged that service, quote,
19 unquote, stinks West of Hudson, he's proposing to
20 do nothing about it.

21 Furthermore, there's no conversation
22 about the -- in this budget from the Governor,
23 the outmigration crisis. She has put forward
24 these now \$2 billion -- it was \$3 billion -- I'll
25 call it a scam, to get her big signature on

1 checks into every household in New York State
2 that will do nothing to address affordability. I
3 may speak about that later on.

4 And I may speak about the fact that
5 there's no UPK expansion in this budget,
6 something that actually would have addressed
7 affordability in this state. My family just went
8 through a UPK lottery. There are certain
9 families that have to hit a lottery jackpot to
10 get an education in this state. We found
11 \$800 million for the film industry, but we
12 couldn't find any money for 4-year-olds in this
13 budget thanks to the Governor.

14 I'll be talking about a lot of those
15 issues later on in this debate. I want to focus
16 my remarks right now on the process and how we
17 got here.

18 And I'll start with -- I'm going to
19 agree with both Senator Gianaris and the Minority
20 from I think it was yesterday, that it's patently
21 absurd we're here hours after printing final
22 bills, debating and contemplating votes, never
23 mind if you're actually out in the public. We're
24 37 days late, the longest in 15 years. And why
25 it's an emergency now that requires a message of

1 necessity but it wasn't an emergency yesterday or
2 the day before or the day before, or any of the
3 previous 37 days, I don't quite understand. It
4 wasn't right when the Republicans did it when
5 they were in the majority, and I don't think it's
6 right now.

7 I want to quote a Court of Appeals
8 opinion from February 18th of this year. This
9 was the Cuomo vs. COELIG decision that they
10 handed down in favor of COELIG. I think it was a
11 4-to-3 decision. In the majority opinion, they
12 mention Madison and Federalist No. 47.

13 It's quoted as: "The 1777
14 Constitution of New York contains no declaration
15 on this subject" -- being the separation of
16 powers -- "but appears very clearly to have been
17 framed with an eye to the danger of improperly
18 blending the different departments."

19 "This court" -- meaning the Court of
20 Appeals -- "has explained that 'The concept of
21 the separation of powers is the bedrock of the
22 system of government adopted by this state in
23 establishing three coordinate and coequal
24 branches of government, each charged with
25 performing particular functions.'"

1 I stress "coequal."

2 I want to thank the Majority Leader
3 and I want to thank staff here in the Senate
4 for -- despite having to operate in what I'll
5 further describe later in my remarks as a rigged
6 system, a very unequal system, especially as it
7 relates to the budget -- fought as hard as they
8 could, as much as they could, on the values and
9 the issues that many of us prioritize and care
10 about here in this chamber.

11 That said, I do not believe, I
12 strongly do not believe that this budget, as it
13 sits before us -- we have a couple of bills,
14 there will certainly be more today and
15 tomorrow -- that this budget is in any way a
16 reflection of a functioning democracy.

17 This, today and tomorrow, is what I
18 would characterize as a disgraceful close to this
19 process, an authoritarian process. And we talk a
20 lot about -- and we may disagree, we will
21 disagree on opposite sides of the aisle here. We
22 talk a lot about, I talk a lot about the
23 authoritarianism that we see every single day in
24 Washington. And it's a different form than what
25 is happening here.

1 Here, it is a slow creep over the
2 years that has been chipping away at that
3 coequalness that no longer exists in any way,
4 shape or form. The Governor in January -- this
5 January, every January -- in what is now a
6 \$254 billion budget, started a little bit less
7 several months ago, is able to add billions and
8 billions and billions and billions and billions
9 of dollars in new programs and new initiatives
10 and flashy-headline-grabbing funding. You know
11 what we're afforded this last week as a
12 Legislature in a \$254 billion budget? Three
13 hundred and seventy-five million dollars. That's
14 what the Legislature gets. One-tenth of
15 1 percent.

16 The balance? Over the past four
17 months, we've been talking about this. We are
18 relegated to offering suggestions. That is our
19 role in the Legislature. The Governor has the
20 ability, the never-ending ability to offer
21 demands. We have the ability to offer
22 suggestions beyond one-tenth of 1 percent of
23 budget -- the vast majority of which, by the way,
24 are simple restores of things that we have funded
25 in previous years.

1 This budget further concentrates
2 fiscal policy power into the Executive -- it's
3 not in this budget bill, we'll see it later --
4 where if less than 2 percent of our tax revenues
5 drop, our projected tax revenues, the Governor
6 will be able to unilaterally advance cuts.

7 Yes, we'll have 10 days to come
8 back. We also had days to come back during the
9 myriad of executive orders during the pandemic.
10 We had that ability; we never once utilized it.

11 Otherwise, she has the unilateral
12 authority to propose cuts. A further
13 concentrating of that power, a further
14 deteriorating of that coequality that no longer
15 exists.

16 This budget process I believe ought
17 to serve as a clarion call -- regardless of what
18 side of the aisle you're on, regardless of what
19 house, what chamber you are in in this
20 Legislature -- that we need to restore checks and
21 balances in this state government. And yes, as
22 it relates to the budget, that predominantly
23 means addressing the constitutional issues that
24 we are up against. It is long past time -- and
25 it's a lengthy process, but it's long past time

1 that we begin that process.

2 The Governor, when she took office,
3 was quoted as saying "The days of governors
4 disregarding the rightful role of this
5 Legislature are over."

6 Someone earlier today told me, I
7 quote: "I don't know what happens when people
8 get to the Governor's office," meaning they
9 become different people. There are probably, in
10 this chamber, out of 63 of us, you can probably
11 count on one hand how many of us the Governor
12 reached out to over the past four months to talk
13 about anything except for her three or four top
14 priorities. And I remind people of that quote
15 from just several years ago. Also, quote, a new
16 era of transparency.

17 I find it deeply offensive that this
18 broken system allows for some new college
19 graduate hired by the second floor at 21 years
20 old, who had a C average at, let's say, SUNY
21 Binghamton, and they are in the negotiating room
22 with veto power over our proposals. We should be
23 outraged that that is the system that is in
24 place. Any self-respecting lawmaker who is
25 elected in this body by over 300,000 people or

1 300,000 constituents, a fraction thereof who
2 elect us, should be outraged that that's the
3 system.

4 Over the next month we have the
5 ability to begin to address this imbalance.
6 These are things that I've been talking about for
7 quite some time over my decade-plus up here. I
8 will be banging this drum very hard and
9 consistently and loudly over the remaining time
10 we have of session.

11 We have two tools at our disposal to
12 hold the Executive accountable at any time:
13 overrides and oversight. As chair of
14 Investigations, I assure you we'll be doubling
15 down in the coming days and weeks with some
16 announcements on the oversight front. And
17 certainly I look forward to partnering with
18 like-minded colleagues on some of the issues.

19 But over the past several years,
20 there have been 221 instances of a bill
21 unanimously passing this chamber -- unanimously,
22 zero votes against -- that have been vetoed by
23 this Governor. Not one single override. Not
24 even in the back of her head does she have to
25 wonder, if I veto this, might they, maybe. No.

1 Not once.

2 And we don't have a supermajority on
3 this side of the aisle anymore. So if we were to
4 ever override, it requires votes on that side of
5 the aisle. And I hope there is not a valid
6 excuse that simply because we are no longer in
7 the supermajority on this side of the aisle, that
8 there are not good-minded, like-minded
9 individuals on that side -- I know there are --
10 who on some of these bills that are
11 uncontroversial, that passed unanimously or near
12 unanimously, would not supply votes to help
13 override those vetoes.

14 And whether it be by a show of hands
15 or an articulation, I hope that members across
16 that aisle at some point soon communicate that
17 those votes will not need to be bought. There
18 will not need to be a political extraction for
19 those votes. And that we can, in a bipartisan
20 way, do the right thing and exert our authority
21 as a coequal, on paper, branch of government.

22 Part of that process requires us to
23 send bills now to the Governor. There has been
24 this unwritten courtesy that exists whereby we
25 wait for the Executive to ask for bills to be

1 sent to her.

2 If you couldn't tell, Mr. President,
3 I am well past courtesies. We control when bills
4 are sent to the Governor, and we set ourselves up
5 to fail when we wait to send legislation to the
6 Governor while we are all observing Christmas and
7 Hanukkah and December holidays with our families
8 and she is able to veto them while we are out of
9 session, under the cloak of darkness, during
10 those holidays at the very end of the calendar
11 year.

12 We should send her bills this week,
13 next week, the following week while we were in
14 session, and override those vetoes that we deem
15 suitable for override.

16 This Governor seems to think that
17 she is a monarch of sorts. She seems very
18 empowered with a budget that's 37 days late. The
19 great news here is that we don't have to take up
20 arms in a revolution to break the shackles from a
21 monarchy here. No one has to throw tea overboard
22 into a harbor. We just have to have the guts to
23 stand up for ourselves as a Legislature.

24 This process is undemocratic. It is
25 deeply, deeply broken. It is not in the process

1 of being broken, it is not on the verge of being
2 broken, it is broken. And we can do something
3 about it. And so I hope we'll all get to work on
4 fixing our democracy here in New York after
5 today.

6 Thank you, Mr. President.

7 ACTING PRESIDENT COONEY: Thank
8 you, Senator Skoufis.

9 Senator Lanza, why do you rise?

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

12 Mr. President, I'd written down some
13 closing remarks. Unfortunately, I left them in
14 Senator Skoufis's office.

15 (Laughter.)

16 SENATOR LANZA: I was wondering if
17 I could have a minute to retrieve them.

18 (Laughter.)

19 SENATOR LANZA: Mr. President, I
20 certainly want to associate myself with the
21 remarks concerning the MTA with Senators Weber,
22 Martins and Skoufis. I think any honest person
23 understands how miserably they are failing the
24 people of this great state.

25 Thank you, Mr. President.

1 ACTING PRESIDENT COONEY: Thank
2 you.

3 Senator Lanza on the bill.

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

6 Senator Mattera, why do you rise?

7 SENATOR MATTERA: Thank you,
8 Mr. President.

9 And I want to thank Senator Skoufis
10 for really -- guess what, come on over. I got to
11 tell you --

12 (Laughter.)

13 ACTING PRESIDENT COONEY: Senator
14 Mattera, are you on the bill?

15 SENATOR MATTERA: No, no, this is
16 on the bill.

17 ACTING PRESIDENT COONEY: Senator
18 Mattera on the bill.

19 (Overtalk.)

20 SENATOR MATTERA: So I guess
21 nothing left to say except to really say ditto to
22 what's going on with this. You know, this MTA,
23 what's been happening, it's just nothing but a
24 money pit. And we're allowing this. And this is
25 going to pass.

1 This is such -- you know, congestion
2 pricing, we're just gouging everybody.
3 Construction workers right now that are driving
4 into the city are getting gouged because they
5 cannot take the train in. They can't bring in
6 tools and equipment, nothing. And there we are,
7 we're sitting here right now with \$6 billion
8 more. It's nothing but a money pit.

9 You know, the MTA tax, we're going
10 to be obviously going along with that moving
11 forward. And that's going to be another gouge.
12 We are nothing but an ATM machine, especially
13 here on Long Island. And all my constituents are
14 sick and tired of it. I'm sick and tired of it.
15 It's mismanagement. It has nothing to do with
16 the workers. It's just mismanagement.

17 Drugged driving laws. We reject
18 that? We're driving all down the roadways and
19 that's all we do, I drive down the Thruway, I
20 drive down the Expressway. And you know what we
21 did? We passed cannabis laws. And look what
22 happened. You really, really don't think it's
23 another gateway to drugs? Yes, it is. It's a
24 total disaster. I said it on this floor when I
25 first started here that it's a total disaster

1 what it's doing to the youth and to the people of
2 our State of New York. Generating what? The
3 black market is running rampant with this, what's
4 happening right now.

5 You know, Gold Star families, their
6 license plates -- and I thank my colleague for
7 getting up. And that's what we do when you
8 reject something like that. How do we do that?
9 Especially on a day like today, that there we are
10 celebrating, and the next thing you know, we
11 reject things like this? How is that possible,
12 anybody in this chamber?

13 So you know what? I'm going to be
14 proudly voting no on this because I have no idea
15 how we are moving forward with our great State of
16 New York by just gouging everybody when a
17 \$254 billion budget -- more than Texas, Florida,
18 I think the Dakotas combined. And we have no
19 idea where we're going with this just gouging
20 everybody. And to make sure that we're going to
21 have more people that are leaving our great State
22 of New York. Over 2 million people since 2020
23 have left our great state because all we're doing
24 is gouging them. And this budget is proving
25 that.

1 So I will be proudly voting no on
2 this. Thank you so much, Mr. President.

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator.

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

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

9 Read the last section.

10 THE SECRETARY: Section 13. This
11 act shall take effect immediately.

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Senator
16 Gianaris to explain his vote.

17 SENATOR GIANARIS: Thank you,
18 Mr. President.

19 I listened with great interest to
20 all my colleagues so outraged about the spending
21 by the MTA and on the MTA in the state budget,
22 particularly my colleagues from Long Island.
23 But, you know, it's easy to get up and scream
24 about an agency that is relatively anonymous to
25 the people of this state. It's an easy political

1 target.

2 But let's talk about the facts. Do
3 you know what the most subsidized part of the MTA
4 system is, by far? The LIRR. Only 15 percent of
5 the LIRR's operating budget comes from the
6 farepayers who use the LIRR. Grossly
7 disproportionate to the New York City subway
8 system, disproportionate to Metro-North.

9 So if you want to cut funding from
10 the MTA, guess what's going to happen? Because
11 that money we're allocating disproportionately
12 goes to Long Island for your suburban rail. If
13 we don't provide that money, the people of
14 Long Island will be paying higher fares, because
15 those trains have to run. And it's very
16 expensive to run the largest mass transit system
17 in the world.

18 So spare me. Or at least tell your
19 constituents what you're really advocating for --
20 either no LIRR service or higher fares for them.

21 I vote yes, Mr. President.

22 ACTING PRESIDENT COONEY: Senator
23 Gianaris in the affirmative.

24 Senator Krueger to explain her vote.

25 SENATOR KRUEGER: Thank you,

1 Mr. President.

2 You know, one thing when you have
3 the assignment I have, which is to answer lots
4 and lots of questions on a bill, you don't
5 necessarily get to speak that much on the bill.

6 So Senator Gianaris pointed out a
7 fact that I wanted to reemphasize, but I won't.
8 But I also was asked about what are they doing to
9 decrease their operating costs and their
10 efficiencies? Because we bailed them out on
11 operating in 2023. And the answer is they
12 actually have identified 500 million in savings
13 and efficiencies since we made that demand of
14 them.

15 And I won't read the report, but I
16 reference the report that was put out by the MTA,
17 and the highlights, and it lays out how they've
18 saved that money. With another hundred million
19 then after the report, in addition, to hit the
20 600 million mark.

21 And again, to also just highlight
22 the MTA, yes, it's huge. It's expensive. It's
23 an old system which has a lot of work that needs
24 to be done to keep it going. But you know what?
25 It's in better shape than almost any other public

1 transit system in the country. And the cost for
2 travelers on it is lower than almost any other
3 system in the country.

4 So we'd we all like to complain and
5 say it's too expensive and why, why, why. And we
6 all want efficiencies and we all want
7 accountability, and we should. I feel like
8 saying, Yo, they're doing a pretty damn good job
9 with an enormous set of problems and
10 responsibilities. And we keep piling on more
11 costs to them, by the way. We pass laws saying
12 they have to do this, they have to do that. And
13 then we wonder why it's expensive. Well, we sort
14 of make it expensive.

15 But I'm very proud of our MTA and
16 what they've accomplished. And again, whether
17 you like them or you don't like them, as Senator
18 Gianaris just pointed out, we're all in a lot of
19 trouble if they're not there doing what they need
20 to do and getting us to and from wherever in the
21 State of New York we need to go.

22 Thank you. I proudly vote yes.

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

25 Senator Martins to explain his vote.

1 SENATOR MARTINS: Thank you,
2 Mr. President.

3 You know, statistics and figures are
4 interesting things. Eventually you have to
5 actually go down to facts, come up with numbers.
6 You know, there were percentages relayed here on
7 the floor. So let's deal with facts. The Long
8 Island Rail Road's annual budget is just over
9 \$2 billion -- \$2 billion, Mr. President. And so
10 15 percent of \$2 billion is about \$300 million.

11 Now, if we understand that there are
12 over 250,000 people who ride the Long Island
13 Rail Road, including those of us in
14 Nassau County, our friends in Suffolk County, and
15 even some of our colleagues who represent
16 Queens County and Kings County -- even our Deputy
17 Majority Leader, who has a district in
18 Queens County -- 15 percent, \$300 million, is not
19 what is gained from the farebox at the
20 Long Island Rail Road.

21 So let's stick to facts.
22 Fearmongering and finger pointing is not going to
23 get us anywhere. Our communities are
24 disproportionately impacted by this proposed
25 payroll mobility tax. It is absolutely going to

1 be disproportionately impacted by congestion
2 pricing. Our constituents continue to be
3 concerned. Although they need the Long Island
4 Rail Road and they need the MTA -- and I've said
5 it before, we wish for their success -- there is
6 a point where we should not just continue to feed
7 the beast. Facts matter, especially when we talk
8 here on the floor.

9 I'll be voting no for all the
10 reasons that I discussed before. But please,
11 where we are in the chamber, please don't point
12 at us in Nassau County or our friends in
13 Suffolk County, or even your own constituents in
14 Queens and Kings County or in the Hudson Valley
15 when you look at the dysfunction of the MTA. We
16 should be able to do more in this chamber.

17 I'll be voting no.

18 ACTING PRESIDENT COONEY: Senator
19 Martins to be recorded in the negative.

20 Senator Murray to explain his vote.

21 SENATOR MURRAY: Thank you,
22 Mr. President.

23 And actually I'd like to thank
24 Senator Krueger, Senator Gianaris, for pointing
25 out and giving us the information. I'd like to

1 also remind you the LIRR is under the MTA
2 umbrella. Metro-North, under the MTA umbrella.
3 The MTA is the parent company there.

4 But the point is this. And I fear
5 that many times the point is lost. We get
6 into -- as Senator Martins said, we get into the
7 numbers and everything and we get lost a little
8 bit. There's nothing I want more -- if someone
9 were watching and listening to some of the
10 debates, they'd think I just -- I hate the MTA.
11 That could not be further from the truth.

12 I want the MTA to be great. We have
13 the capability of having the greatest transit
14 system in the world. I speak to some of the
15 workers at the MTA, and some of them, they're
16 ashamed to say where they work. That in itself
17 is a shame. And that's because of the public
18 perception.

19 So we can get lost in the numbers,
20 but the perception is exactly what we say: They
21 are a black hole for money. It just goes and
22 disappears. So when we're talking about this,
23 what we want more than anything -- I don't mind
24 spending the money if the system were working
25 properly. I wouldn't mind if they were being

1 efficient and we had the confidence that they
2 were being efficient.

3 But I'll give you an example. And I
4 know I rail on this all the time, no pun
5 intended. But the fare and toll evasion. My
6 point is this. If you look at the numbers from
7 2017, they lost \$150 million. Now, again, I say
8 year after year after year, they're coming saying
9 give us more, give us more, give us more. We
10 have the MTA payroll tax. We have congestion
11 pricing. There's always another scheme or a
12 gimmick or something to raise more.

13 Now, toll and fare evasion, the
14 tolls and the fares, that's money that they just
15 have to collect. They're providing the service,
16 and they're supposed to be paid for it. All they
17 have to do is collect it.

18 ACTING PRESIDENT COONEY: Senator
19 Murray, how do you vote?

20 SENATOR MURRAY: I'm sorry, that's
21 right, it was two minutes, wasn't it?

22 ACTING PRESIDENT COONEY: Two
23 minutes.

24 SENATOR MURRAY: I vote in the
25 negative. Thank you.

1 ACTING PRESIDENT COONEY: Senator
2 Murray to be recorded in the negative.

3 Senator Rhoads to explain his vote.

4 SENATOR RHOADS: Thank you,
5 Mr. President.

6 It's always tough to get up after
7 Senator Murray and Senator Martins, who speak so
8 eloquently on the issue.

9 But I want to commend
10 Senator Krueger for mentioning two words:
11 Efficiency and accountability. Right? It's
12 something that we do all want, but it's something
13 that we do nothing to obtain. And that's part of
14 the issue.

15 We have been calling on this side of
16 the aisle for a forensic audit of the MTA so that
17 we can find out where the money goes.

18 Every person that's a parent in this
19 chamber, when you give your kid an allowance and
20 they come back to you two days later and they ask
21 for more money, the first question out of your
22 mouth is, Well, what happened to the \$20, \$50
23 that I gave you two days ago?

24 Yet we never ask the MTA that
25 question: What happened to the money that we

1 already gave you? Why is it that you continue to
2 come back to us for more and more and more?

3 So until we finally demand fiscal
4 accountability from the MTA, until we finally get
5 the forensic audit that we've been desperately,
6 desperately seeking now for the two-plus,
7 three-plus, five-plus years that I've been in
8 this chamber, I will continue to vote no on this
9 budget.

10 Thank you, Mr. President.

11 ACTING PRESIDENT COONEY: Senator
12 Rhoads to be recorded in the negative.

13 Senator Comrie to explain his vote.

14 SENATOR COMRIE: Thank you,
15 Mr. President.

16 I've been amused at the conversation
17 today regarding what's happened with the MTA.
18 For the record, it wasn't until 2019 that the
19 first forensic audit was requested, after I
20 became chair of Corporations. It wasn't until
21 2021 that we got the first audit. We've been
22 asking for a forensic audit every year since I've
23 been chair. Every year.

24 We've been -- my whole theme has
25 been to push the MTA to be more transparent, to

1 create opportunities to make sure that ridership
2 understands what's happening with the MTA.

3 I'm not going to sit up here, stand
4 up here today and defend the MTA, that everything
5 they're doing is right, because it's not. But
6 we've been pushing to try to make the MTA a more
7 responsible agency since we've taken over in the
8 Majority. Before then, we had Summers of Hell.
9 We've had summers where the MTA was defunded when
10 we were not in the Majority. We had summers
11 where -- and we still had times where the
12 previous administration defunded the MTA's
13 capital budget, creating a larger problem than we
14 have now, that we're trying to make up for.

15 So this is just all an opportunity
16 to just -- if you want to state facts or state
17 historical facts, if you want to talk about what
18 happened with the MTA under previous
19 administrations when they were underfunded, do we
20 want a good system that's transparent? We
21 desperately need a good system that's
22 transparent. We desperately need a forensic
23 audit from the MTA. We desperately need the MTA
24 to show ridership that they can be safe. We
25 desperately need the MTA to make sure that they

1 are putting in systems to reduce fare evasion,
2 which they claim they do. They claim they have
3 six different systems to do that, and they've
4 reduced fare evasion by \$30 million this year so
5 far.

6 But we have to keep pushing. I
7 agree with all my colleagues, we've got to make
8 sure that that idea of a black hole is eliminated
9 by making sure that we push as a legislative body
10 in every way and shape and form to ensure that
11 the MTA, which is the largest agency in terms of
12 spending dollars, is more transparent.

13 But I will tell you that they do
14 have the best -- and we're still pushing to make
15 it even more -- even easier for people to use, is
16 a dashboard which shows how they're spending
17 their money. So we want --

18 ACTING PRESIDENT COONEY: Senator
19 Comrie, how do you vote?

20 SENATOR COMRIE: I didn't hear you,
21 I'm sorry.

22 (Laughter.)

23 ACTING PRESIDENT COONEY: How do
24 you vote, Senator Comrie?

25 SENATOR COMRIE: I vote aye. I

1 vote aye.

2 ACTING PRESIDENT COONEY: Senator
3 Comrie votes aye, in the affirmative.

4 Senator Fahy to explain her vote.

5 SENATOR FAHY: Thank you,
6 Mr. President. I rise to support this
7 legislation, but with serious reservations which
8 I want to explain.

9 I first want to start by thanking
10 the Majority Leader and many who included a whole
11 host of pieces that I do support, including the
12 ban on PFAS with firefighter equipment, the
13 consumer protections, as well as the work speed
14 zones. This is not a reservation on the MTA, but
15 I do share my colleagues' concerns about a number
16 of broken promises and the broken process.

17 I do have, as mentioned, one serious
18 reservation on this bill, and that is the fact
19 that a bill I carry, S1613, to allow for
20 mixed-use development on Harriman Campus, the
21 seven acres which is part of the 27-acre
22 Wadsworth Lab project, up on Harriman I had a
23 bill to allow for development there that has --
24 was in the Senate one-house, but a proposal that
25 failed to be included.

1 I think this is a very serious
2 missed opportunity that will impact this
3 Capital Region for decades, because it is the
4 largest single investment, public investment, in
5 decades in this region.

6 While I support the Wadsworth Lab
7 and have advocated 10 years in support of those,
8 I do think that the external design there is an
9 incredibly missed opportunity. And it is a place
10 where we could add more housing, commercial and
11 retail.

12 We have had 75 elected officials,
13 community leaders, labor unions, neighborhood
14 associations, everyone support this redesign of
15 the seven acres which are, again, part of the
16 27 acres. I worry we're heading back to the
17 Robert Moses era of cars before people and
18 highways before communities.

19 So with that, I do vote in the
20 affirmative, but with my very serious
21 reservations, and hope to continue the work
22 there.

23 Thank you, Mr. President.

24 ACTING PRESIDENT COONEY: Senator
25 Fahy to be recorded in the affirmative.

1 Senator Canzoneri-Fitzpatrick to
2 explain her vote.

3 SENATOR CANZONERI-FITZPATRICK:
4 Thank you, Mr. President.

5 I will be voting in the negative,
6 but there's two things I wanted to highlight as
7 to why.

8 The drugged driving laws, we've
9 missed an opportunity, in my opinion, to make
10 some corrections. Because the current law,
11 unless we really say that someone's drunk on
12 alcohol, but specifically say it's whiskey or
13 vodka or gin -- that's what we've done with our
14 drugged driving laws. And we can't do that with
15 specificity even though we know that somebody is
16 clearly impaired.

17 Regarding the MTA, which is getting
18 a lot of attention here, yes, we need the Long
19 Island Rail Road and the MTA to succeed. But
20 they are wasting money. And unless we stop
21 funding them, they will continue to waste money.

22 And I want to give some examples.
23 Nine hundred million dollars in consultants for
24 the Second Avenue subway wasn't enough, because
25 it's estimated that it's going to cost

1 \$2.6 billion for the first phase and 4.3 billion
2 per mile for the second phase.

3 We have LA building their Purple
4 Line for 800 million per mile, the Madrid subway,
5 320 million per mile, and the Paris subway, 160
6 million per mile. And that gives you perspective
7 to understand that we have inefficiencies with
8 the MTA. They need to do better.

9 They haven't gone after the fare
10 evaders the way they should. And we need to make
11 them close their gap and provide the service to
12 the people that they're not providing it to so
13 that we as a state are funding a system that
14 truly is the greatest. And I just think we're a
15 long way from making sure that they're spending
16 their money wisely.

17 Thank you, Mr. President.

18 ACTING PRESIDENT COONEY: Senator
19 Canzoneri-Fitzpatrick to be recorded in the
20 negative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 967, voting in the negative are
24 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
25 Chan, Gallivan, Griffo, Helming, Lanza, Martins,

1 Mattera, Murray, Oberacker, O'Mara, Ortt,
2 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
3 Weber and Weik.

4 Ayes, 40. Nays, 22.

5 ACTING PRESIDENT COONEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 966, Senate Print 3005C, Budget Bill, an act to
9 amend Chapter 887 of the Laws of 1983.

10 ACTING PRESIDENT COONEY: Senator
11 Helming, why do you rise?

12 SENATOR HELMING: Thank you,
13 Mr. President. If the sponsor will yield for a
14 few questions.

15 ACTING PRESIDENT COONEY: Senator
16 Salazar, do you yield for some questions?

17 SENATOR SALAZAR: Yes.

18 ACTING PRESIDENT COONEY: Senator
19 Salazar yields.

20 SENATOR HELMING: Thank you,
21 Senator Salazar.

22 This bill makes several changes to
23 retirement benefits for a wide variety of state
24 employees. Does it provide any improvements to
25 the retirement options available to our

1 corrections officers?

2 SENATOR SALAZAR: Through you,
3 Madam President, I do not believe that this bill
4 makes any changes to retirement benefits for
5 correction officers.

6 SENATOR HELMING: Through you,
7 Madam President, if the sponsor will continue to
8 yield.

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

11 SENATOR SALAZAR: Yes.

12 ACTING PRESIDENT MAYER: The
13 sponsor yields.

14 SENATOR HELMING: So given the
15 current staffing crisis that we have within our
16 correctional facilities, and all of this -- the
17 shortages, have there been any discussions or was
18 there any consideration to improving the
19 correction officers' retirement benefits to help
20 us attract new COs and to retain those that we
21 already have?

22 SENATOR SALAZAR: Through you,
23 Madam President. To my knowledge, there has not
24 been a discussion with the Executive about
25 modifying the retirement benefits for correction

1 officers.

2 SENATOR HELMING: Thank you.

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

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

7 SENATOR SALAZAR: Yes.

8 ACTING PRESIDENT MAYER: The
9 sponsor yields.

10 SENATOR HELMING: Senator Salazar,
11 I'm sure you realize this, but currently in our
12 state the vast majority of law enforcement
13 members have a 20-year retirement plan.

14 Given the lack of consideration for
15 granting a similar retirement benefit to
16 corrections officers, is it the Majority's
17 position that corrections officers are not
18 deserving of a similar retirement option to other
19 law enforcement personnel in our state?

20 SENATOR SALAZAR: Through you,
21 Madam President. No, that is not the Senate
22 Majority's position.

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

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR SALAZAR: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR HELMING: If it's not a
7 consideration, why isn't something in this
8 budget?

9 SENATOR SALAZAR: Through you,
10 Madam President. I would suggest that there are
11 many things in this budget that members of the
12 Legislature and the Senate Majority -- there are
13 many things that we support that are in this
14 budget. There are many things that we don't
15 support. And certainly there are many things
16 that we do support collectively or individually
17 that are omitted from the Executive Budget.

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

21 ACTING PRESIDENT MAYER: Do you
22 continue to yield?

23 SENATOR SALAZAR: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR HELMING: Senator Salazar,
2 does the Senate Majority support a 20-year
3 retirement for corrections officers?

4 SENATOR SALAZAR: Through you,
5 Madam President, I cannot say if the Senate
6 Majority supports any particular retirement
7 benefit for correction officers.

8 SENATOR HELMING: Through you,
9 Madam President, if the sponsor will continue to
10 yield.

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

13 SENATOR SALAZAR: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR HELMING: Senator Salazar,
17 throughout -- well, prior to the wildcat strike
18 at our prisons we had heard over and over again,
19 years and years, from people who work within our
20 prison facilities, people who are incarcerated
21 there, about a number of safety issues.

22 And we also heard that there was a
23 need to reform or to amend the HALT Act. Is
24 there anything in this budget bill that does
25 that, that makes any changes to HALT?

1 SENATOR SALAZAR: Through you,
2 Madam President, the HALT solitary confinement
3 law is not affected or changed in any way by this
4 budget.

5 SENATOR HELMING: Through you,
6 Madam President, if the sponsor will continue to
7 yield.

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

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR HELMING: I'm wondering,
14 does this budget bill contain any provisions that
15 limit the introduction of contraband in our
16 prisons?

17 SENATOR SALAZAR: Through you,
18 Madam President, this bill, PPGG, does not
19 include any provisions related to regulating or
20 preventing contraband from entering jails or
21 prisons.

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

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR HELMING: Senator Salazar,
6 this is the Public Protection/General Government
7 bill. It's supposed to be a good-government
8 bill. What I hear from my constituents and
9 actually from New Yorkers across the state over
10 and over again is that we need to do something to
11 address giving judges, the courts, the ability to
12 determine if someone should be held pretrial if
13 they're a danger to themselves, to another person,
14 or to the community.

15 Is there any language in this bill
16 that does that?

17 SENATOR SALAZAR: Through you,
18 Madam President, this legislation does not modify
19 that part of New York State law.

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

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

24 SENATOR HELMING: As I said,
25 Madam President, the Public Protection/General

1 Government bill that's before us, it's supposed
2 to be a good-government bill. However, this bill
3 fails to provide any adequate measures to improve
4 public safety, the real commonsense changes that
5 are needed to make our cities, our neighborhoods,
6 our communities safer -- like allowing the courts
7 to consider public safety when determining
8 whether or not someone should be held pretrial
9 based on their propensity to be a danger to
10 themselves or to others. It's not included
11 anywhere in this bill language. It's
12 intentionally not included by the Governor or by
13 the Majority.

14 Also missing from this so-called
15 public protection bill are the needed changes to
16 the HALT Act to make sure that our state
17 prisons are safer for everyone, for everyone.

18 And there are no changes to the Less
19 is More legislation that has tied the hands of
20 our probation officers.

21 As I said, my constituents and
22 people from across the state, they have said
23 enough is enough. They want convicted criminals,
24 especially repeat offenders, held accountable for
25 their actions. They want safer streets.

1 For these reasons and so many more,
2 Madam President, I vote no.

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator Helming.

5 Senator Stec, why are you rising?

6 SENATOR STEC: I'm rising because I
7 would like to debate this bill regarding
8 corrections in general, I think right now.

9 ACTING PRESIDENT MAYER: Are you
10 asking if the sponsor would yield or --

11 SENATOR STEC: If the sponsor would
12 yield.

13 ACTING PRESIDENT MAYER: Senator
14 Salazar, do you yield?

15 SENATOR SALAZAR: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR STEC: All right. Through
19 you, Madam President. Are you familiar with the
20 corrections officers wildcat strike that occurred
21 earlier this year?

22 SENATOR SALAZAR: Through you,
23 Madam President, yes, I am.

24 SENATOR STEC: If the sponsor would
25 continue to yield. What is your understanding of

1 the reason for the strike? What was the strike
2 about?

3 SENATOR SALAZAR: Through you,
4 Madam President. The officers who chose to
5 participate in the unauthorized strike gave
6 various reasons to justify their failure to
7 report to work. I would not attempt to speak for
8 any of them. I think that they spoke for
9 themselves.

10 SENATOR STEC: Madam President,
11 will the sponsor continue to yield?

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR SALAZAR: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR STEC: All right, I'll make
18 my question a little more direct, a little
19 simpler.

20 If you had to pick between the
21 reason being money or safety, the gist you got
22 from the number of correctional facilities that
23 you visited and all the COs you spoke to and the
24 news reports that dominated for three months, was
25 it about money or was it about safety?

1 SENATOR SALAZAR: Through you,
2 Madam President. I heard grievances from
3 correction officers regarding their workplace
4 conditions in general, including concerns about
5 safety.

6 SENATOR STEC: Will the sponsor
7 continue to yield.

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

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR STEC: All right, so the
14 strike started on February 17th and it ended on
15 March 10th. It lasted 22 days. Prior to that,
16 the last corrections strike occurred in 1979 --
17 before Senator Salazar and I suspect many of our
18 colleagues were born. I was 10 years old -- and
19 it lasted 16 days.

20 This strike was driven by safety
21 concerns, whether it was about the policies of
22 HALT, the lack of action on fighting contraband,
23 or staffing levels -- that we've been obsessed
24 with in other areas but apparently not when it
25 comes to corrections. Staffing levels where

1 they're mandated 24, 36 hours routinely across
2 our state in all of our facilities. That's been
3 the common theme.

4 The data is clear. Assaults on
5 staff and inmates have skyrocketed since HALT was
6 implemented a couple of years ago. My question
7 is, does this bill contain any provisions
8 regarding amending or reforming the HALT Act --
9 that I submit, and I think easily defendably so,
10 was the main purpose that motivated thousands of
11 corrections officers to walk off the job despite
12 the hammers that are in the Taylor Law that
13 punish them for doing so?

14 SENATOR SALAZAR: Through you,
15 Madam President, a few things. One, this bill,
16 as I mentioned previously, does not amend the
17 HALT solitary confinement law.

18 I think it's important for all of us
19 to know that while we want correction officers to
20 have a safe workplace environment, we do not want
21 them to be working exceedingly long hours or
22 double or triple shifts. The ratio of
23 incarcerated individuals to staff, to correction
24 officers, specifically in New York State is lower
25 than 30 other states. It is far below the

1 national average, thankfully. This is a good
2 thing.

3 Additionally, in the context of
4 speaking about this strike, I was casually
5 reading the Taylor Law the other day, as one
6 does, and --

7 (Laughter.)

8 SENATOR SALAZAR: That's Chapter 7,
9 Article 14 of the Civil Service Law, Section 210,
10 for anyone who's wondering. And it says that no
11 public employee shall engage in a strike, and no
12 public employee or employee organization shall
13 cause, instigate, encourage or condone a strike.

14 I just wanted to share that.

15 But again, to Senator Stec's
16 question, there is nothing in this bill that
17 modifies the HALT solitary confinement law.

18 SENATOR STEC: Thank you. If the
19 sponsor would continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR STEC: All right. That was

1 a roundabout way to give me what could have been
2 a one-word answer: No, it doesn't do anything to
3 affect HALT.

4 And again, my -- as -- before I roll
5 into the next question, the purpose of that
6 question and this line of questioning is to point
7 out that despite it being an illegal strike and
8 all the personal risk and obvious fallout that
9 these COs have seen, their concerns were so great
10 that that's the level that this took, that should
11 get everyone's attention in this chamber that
12 there's a problem here. It's a problem that's
13 gotten so bad that thousands of people are going
14 to do something that's illegal, that is going to
15 harm them financially, because they've been
16 ignored for years.

17 So in that same vein, my next
18 question. In January of this year, over 25 staff
19 from Upstate Correctional Facility in my district
20 went to the emergency room because of some
21 unknown chemical contraband exposure. It started
22 with an inmate, and by the end of the incident,
23 two dozen people went to the emergency room.

24 This isn't an isolated thing just to
25 Upstate; this has been going on for months, and

1 it's continued at Upstate since. No one seems to
2 be able to figure out what the chemicals are
3 that's getting in there or how they're getting in
4 there. And in 2024, last year, there were seven
5 inmate deaths due to overdoses in our prisons.

6 They're not growing poppies in
7 prison. This is contraband. And it is a major,
8 unanswered, and frankly ignored problem in DOCCS.
9 Just a few years ago we mandated body scanners be
10 purchased, but we made them optional for use.
11 I'm not sure of the wisdom of that law, but that
12 was done in the budget in 2023.

13 Does this bill contain any
14 provisions that would limit the introduction of
15 contraband in our prisons?

16 SENATOR SALAZAR: Through you,
17 Madam President. Regarding the body scanners
18 that were authorized in a previous state budget,
19 they -- while the use of the body scanners is
20 optional for visitors to the facility, for people
21 entering the facility, if they choose not to be
22 subject to the body scanner, they are subject to
23 another form of invasive search. Or if they
24 refuse to be searched, they be can denied access
25 to the facility.

1 Staff in correctional facilities --
2 that is correction officers -- are not required
3 to go through the body scanners. And I think
4 that's important for us to consider when we
5 realistically think about how contraband enters
6 correctional facilities, which is not exclusively
7 through incarcerated individuals or visitors.

8 There is nothing in this bill that
9 changes the policy regarding body scanners or
10 directly addresses the issue of contraband.

11 SENATOR STEC: On the bill briefly.

12 ACTING PRESIDENT MAYER: Senator
13 Stec on the bill.

14 SENATOR STEC: The purpose of a
15 budget is to address the needs and issues and
16 problems of the entity, in this case the state.
17 And in this particular bill, public protection.
18 All right?

19 We have about 32,000 inmates. We've
20 got currently about 11,000 corrections officers.
21 Their safety is important to all of us. We have
22 a responsibility to that, we had an opportunity
23 to address two things that we are well aware of,
24 DOCCS is well aware of, Commissioner Martuscello
25 is very aware of the contraband issue that we

1 have.

2 And again, we did -- we made the use
3 of body scanners, which is mandated if you want
4 to get on an airplane in this country, we made it
5 optional. We told them you're going to buy it,
6 we bought them, and then we made it optional.
7 That's absolutely crazy.

8 DOCCS had proposed, Well, we'll just
9 limit contact visits. You don't want to get a
10 scan, you don't have a contact visit, you do the
11 plexiglass thing like we did for COVID. That's
12 not in there.

13 We've done nothing, this bill's done
14 nothing to address contraband. Seven inmate
15 deaths last year to overdose. It's done nothing
16 to address the body scanners.

17 And yes, it isn't just coming in
18 with inmates and visitors. But you know what?
19 You do what you can. You make an effort. This
20 bill does nothing. It's an opportunity lost.

21 If the sponsor would continue to
22 yield for some more questions. Actually, a
23 question for Senator Krueger. But I know she can
24 handle this one because it's about a previous
25 conversation we had. If she would yield, please.

1 ACTING PRESIDENT MAYER:

2 Senator Krueger, do you yield?

3 SENATOR KRUEGER: Absolutely.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR STEC: Thank you,
7 Madam President. Thank you, Senator Krueger.

8 Do you recall during debate on the
9 first or maybe it was the second extender bill a
10 month or so ago I asked about the statement made
11 by then -- I didn't identify him at the time, but
12 it turned out it was Budget Director Blake
13 Washington, that said that the strike is costing,
14 quote, over a million dollars per month. And you
15 found that number surprisingly high.

16 I was just wondering if you had had
17 any more research or information about that
18 number and whether or not it's accurate and where
19 we might be today. Because it's a month later,
20 and maybe it's not over a hundred million dollars
21 a month.

22 SENATOR KRUEGER: It's \$168 million
23 per month.

24 SENATOR STEC: A hundred and
25 sixty -- I'm sorry, Madam President, I want to

1 make sure I heard that correctly.

2 SENATOR KRUEGER: For that month,
3 excuse me. One hundred sixty-eight million.

4 SENATOR STEC: For the past month?

5 SENATOR KRUEGER: The month of the
6 strike. Which I think was a little longer
7 than -- we're told is a \$168 million cost.

8 SENATOR STEC: Thank you.

9 Madam President, would the sponsor
10 continue to yield.

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

13 SENATOR KRUEGER: Yes, I'm enjoying
14 the young people extending up above you. I
15 wasn't sure it was in response to you.

16 SENATOR STEC: No worries.

17 Do you have an idea of what that
18 monthly number -- again, it was Blake Washington
19 was talking about a monthly number, and he said
20 it was over a hundred million a month. I imagine
21 that we've drawn down.

22 Do you know what the currently
23 monthly number might be or -- and then the
24 follow-up question would be, do you know the
25 number of National Guard people that are deployed

1 in our prisons today compared to back in February
2 when that number was so high?

3 SENATOR KRUEGER: Right now it's
4 3,115 National Guard working in our prisons.

5 SENATOR STEC: Thank you. If the
6 sponsor -- actually, I think it's if Senator
7 Salazar would yield now.

8 Thank you, Senator Krueger.

9 SENATOR KRUEGER: Thank you.

10 ACTING PRESIDENT MAYER: Senator
11 Salazar, do you yield?

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR STEC: Thank you,
16 Senator Salazar. And again, thanks to
17 Senator Krueger.

18 I asked that question because,
19 again, I thought that 100-plus million dollars a
20 month number was an awfully high number.

21 I noticed in the budget there's a
22 line, \$535 million for emergency response -- for
23 emergency response for correctional facility
24 emergency response. Is that 535 million
25 allocated to cover above and beyond costs like

1 the National Guard costs?

2 SENATOR SALAZAR: Through you,
3 Madam President. My understanding is that that
4 appropriation is related to costs incurred as a
5 result of the unauthorized correction officers
6 strike, including costs related to the
7 National Guard.

8 SENATOR STEC: All right. If the
9 sponsor would continue to yield.

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

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR STEC: I mean, the
16 \$535 million to cover, you know, correctional
17 facility emergency response is just an astounding
18 number to me. You know, it's almost as much as
19 the \$598 million a year that we allocated last
20 year for CHIPS, our local highways, to cover
21 almost a hundred thousand miles of local roads in
22 the state. That's a lot of money.

23 My next question will be, do you
24 have any idea how many fewer COs we have in our
25 employ today compared to, say, you know,

1 January 1st? Pre-strike to current strike, do
2 you know what that number of COs has done?

3 SENATOR SALAZAR: Through you,
4 Madam President, it is at least 2,000 fewer
5 officers. As of May 1st, there are 11,359 CO
6 sergeants and lieutenants who are employed by
7 DOCCS.

8 SENATOR STEC: If the Senator will
9 continue to yield.

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

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR STEC: So my numbers,
16 DOCCS' numbers, in January there was about 14,000
17 correction officers. Today there's just a smidge
18 under 11,000. Bringing back 2,000 fired
19 corrections officers that are trained -- and
20 again, whose only sin was that they went on
21 strike because they were concerned for their own
22 safety being ignored for years by the State of
23 New York, its employer, any other employer would
24 be in court defending itself -- would cost about
25 \$20 million a month, a far cry from \$100 million

1 a month that Blake Washington said.

2 Does this bill work to rehire any of
3 the fired corrections officers?

4 SENATOR SALAZAR: Through you,
5 Madam President. No, this bill does not rehire
6 correction officers who violated the
7 Civil Service Law.

8 SENATOR STEC: Would the sponsor
9 continue to yield.

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

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR STEC: Thank you.

16 Does this budget bill authorize the
17 closure of any prisons? If so, how many?

18 SENATOR SALAZAR: Through you,
19 Madam President. This bill authorizes the
20 Governor to direct the closure of up to three
21 prisons in the next fiscal year.

22 SENATOR STEC: Will the sponsor
23 yield?

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR SALAZAR: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR STEC: Does this bill lay
5 out any criteria which the Governor must use when
6 determining which prisons to close?

7 SENATOR SALAZAR: Through you,
8 Madam President. No, this bill does not lay out
9 any criteria for determining which facilities the
10 Governor may decide to close.

11 SENATOR STEC: Will the sponsor
12 yield?

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

15 SENATOR SALAZAR: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR STEC: All right, thank
19 you. The current law requires a 12-month process
20 to close a prison, involving studies, discussion
21 with the affected community, and in short, an
22 analysis and report.

23 Does this bill require a similar
24 process or does it give the Governor unilateral
25 authority to close up to three prisons with only

1 90 days notice?

2 SENATOR SALAZAR: Through you,
3 Madam President. While this bill does allow for
4 the Executive to close up to three facilities
5 with at least 90 days notice, shorter than the
6 notice otherwise required in law, it does not
7 change the other requirements in statute when it
8 comes to notice, reporting details about staff
9 relocation, or anything else in statute required
10 in order to close a correctional facility.

11 SENATOR STEC: Will the sponsor
12 continue to yield for a few more questions?

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

15 SENATOR SALAZAR: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR STEC: All right, thank
19 you.

20 So does this bill provide any
21 oversight on this decision-making process that
22 the Governor is going to go through?

23 SENATOR SALAZAR: Through you,
24 Madam President. For example, the proposal in
25 this bill would require reporting details about

1 staff relocations to the Senate and the Assembly
2 within 60 days after closure.

3 SENATOR STEC: Will the sponsor
4 yield?

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

7 SENATOR SALAZAR: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR STEC: Thank you.

11 Once the Governor decides which
12 prison to close, is there any mechanism for the
13 community that hosts the prison or the staff that
14 work within the prison to challenge the
15 Governor's decision?

16 SENATOR SALAZAR: Through you,
17 Madam President, no.

18 SENATOR STEC: Will the sponsor
19 continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR STEC: Is the Governor

1 required to have a reuse plan in place or a plan
2 to demolish the abandoned prison in place and
3 fund it so that any shuttered prisons don't
4 become blights on the communities, as so many of
5 the 26 prisons that the state has closed since
6 2011 have become?

7 SENATOR SALAZAR: Through you,
8 Madam President. That is not required. But I
9 will note that since 2022, the Prison
10 Redevelopment Commission has existed, and it
11 focuses on reimagining closed prisons for
12 innovative redevelopment opportunities, including
13 things such as affordable housing, economic
14 development. And it's tasked with engaging
15 stakeholders such as local communities when a
16 prison is closed, for feedback in assessing the
17 needs of the area around the facility.

18 SENATOR STEC: Will the sponsor
19 continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR STEC: Well, I'd be happy

1 to take the sponsor or anyone else in this
2 chamber to go visit several prisons that I think
3 anyone would have a great deal of difficulty
4 reimagining their use other than demolition.
5 That's what happens to buildings when you abandon
6 them for 10 years.

7 Is there any requirement that
8 requires any information regarding a prison
9 closure decision be made public? Is there any
10 requirement in this bill that would require that
11 the thought process, the data that was used to
12 decide, needs to be made available to the public
13 that might question it?

14 SENATOR SALAZAR: Through you,
15 Madam President. While this bill does not
16 require the Governor's decision regarding the
17 closure of a facility to be made public, it also
18 does not prohibit the decision from becoming
19 public.

20 I am certain that just as with the
21 closure of two prisons last year, if the Governor
22 were to use this authority to close up to three
23 prisons, that decision would certainly be made
24 public and promptly be made public.

25 SENATOR STEC: Madam President, on

1 the bill.

2 ACTING PRESIDENT MAYER: Senator
3 Stec on the bill.

4 SENATOR STEC: DOCCS's data. Last
5 year there were 2069 assaults on staff in our
6 prisons. There were 2,980 assaults on fellow
7 inmates. There's been a tremendous increase
8 since HALT went into affect. In 2021, these
9 numbers correspondingly were 1177 on staff, so
10 about half, and 1107 inmate-on-inmate assaults,
11 roughly a third.

12 That's the result, that's the --
13 there's correlation -- there's causation there.
14 HALT has made our prisons less safe for both our
15 staff and the incarcerated.

16 There were seven inmate deaths due
17 to overdose in 2024. They're not getting this
18 from the food that the State of New York is
19 sending in there. They're not growing the drugs
20 in the prison. This is contraband. Seven inmate
21 deaths. Where's the outrage? Where's the action
22 to do something? We don't do this like a lot of
23 other places. The budget is 36 days late. It's
24 been 58 days since the end of the strike. It's
25 been 79 days since the strike started.

1 If there was one silver lining to
2 these guys going on their illegal strike in the
3 dead of winter, it was that it was also
4 corresponded with the state's budget system or
5 the budget process, where a lot of the problems
6 in our prisons were created in past budgets.

7 And this budget is a monumental lost
8 opportunity to address the contraband issues, the
9 staffing issues, the overtime issues, the safety
10 issues that are well-documented by our own
11 Department of Corrections data.

12 For this, I will definitely be
13 voting against this bill.

14 ACTING PRESIDENT MAYER: Thank you,
15 Senator Stec.

16 Senator Tedisco, why do you rise?
17 Or are you -- do you intend to rise?

18 SENATOR TEDISCO: Yes, I intend to
19 rise. I have risen.

20 (Laughter.)

21 ACTING PRESIDENT MAYER: Glad to
22 hear.

23 SENATOR TEDISCO: Madam President,
24 I -- I'm going to eventually ask if the good
25 Senator Krueger would answer some questions and

1 we can have a little discussion. But I don't
2 want her to stand now because this is a grueling
3 process. I'm going to say a few things
4 beforehand, and then I'll ask her if I could ask
5 a few questions.

6 So I'll be on the bill --

7 ACTING PRESIDENT MAYER: Senator
8 Tedisco on the bill, and then you're going to ask
9 questions.

10 Senator Tedisco on the bill.

11 SENATOR TEDISCO: Yeah, it will
12 lead into the questions.

13 Senator Krueger, this has been quite
14 an adventure, and I don't mean that in the best
15 of ways. The good news is we have a budget
16 started and we're going to finish it. The bad
17 news is we have this budget started and we're
18 going to finish it.

19 And I say this in deference to you.
20 The reason why I don't want you to stand up and
21 hear me lead into the questions I'm going to ask
22 is because you do a phenomenal job. I mean, I
23 don't think anybody on that side can match you.
24 You're the only person I know that could defend
25 the indefensible. You make it sound like it's

1 right. Okay? And that's a skill and a talent.
2 And you're very well liked. No matter what
3 answer you give me, I know I'll still like you.

4 But the fact of the matter is if
5 this budget, the last seven years, four years
6 late with budgets. This is the latest budget in
7 15 years, \$10.8 billion in more spending.

8 You know we get that little book in
9 the mail and it compares all 50 states? You
10 might have got it last week or a week before. I
11 didn't really have to look into it, Senator, but
12 I did look into it. We were number one in taxes,
13 basically close to number one in spending. And
14 recently you might have seen a local poll from
15 Siena College that said in this beautiful
16 state -- and I only can confirm because of the
17 agenda that's been in place the last seven years
18 because, let's face it, all levers of power have
19 been controlled by your majority, the Democrats
20 in the Senate and the Assembly, and we had a
21 Governor of the same affiliation.

22 Thirty-two percent of New Yorkers
23 say they intend on leaving the State of New York.
24 This year, this was kind of less a budget process
25 than a scavenger hunt. Because about seven or

1 eight days ago the Governor came out and said, We
2 have a budget, we have a budget. And she
3 outlined a whole bunch of things, the media
4 printed a whole bunch of things. And a scavenger
5 hunt has things you can find. For the last
6 seven, eight days we couldn't find any parts of
7 that budget. So she kind of jumped the gun.

8 And it's a terrible impression to
9 give to our constituents who expect us, at least
10 my district, they go to work, they sit there,
11 they do their job. And they expect if they don't
12 do the job, as I said before, if they don't come
13 back to work the next day, they're usually fired.

14 So really what I want to talk about,
15 a part of this bill. And if you would stand now,
16 I would like to ask her to yield now if that's
17 possible.

18 ACTING PRESIDENT MAYER: Senator
19 Krueger, do you yield for a question?

20 SENATOR KRUEGER: I'm always happy
21 to answer the questions of Senator Tedisco. I
22 think I was told you're going to ask about
23 campaign finance.

24 SENATOR TEDISCO: Yeah, OO.

25 SENATOR KRUEGER: Right. So I'm

1 actually going to redirect his questioning to
2 Senator Kristen Gonzalez, the appropriate chair.

3 ACTING PRESIDENT MAYER: Senator
4 Gonzalez, are you ready to answer a question?

5 SENATOR GONZALEZ: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR TEDISCO: Thank you,
9 Senator. I missed the opportunity to get your
10 joint answers to my questions.

11 SENATOR KRUEGER: (Inaudible.)

12 SENATOR TEDISCO: Okay, Senator,
13 you're on the lead in this.

14 When I said we had an adventure,
15 this budget was an adventure, not in a good way.
16 Over the last two years we've had another
17 adventure, and it was not in a good way, I don't
18 think. It might have partially worked in some
19 sense, but not fully. And that's what we're
20 going to talk about now, the public campaign
21 finance proposal that was put in place.

22 And it was kind of like a moving
23 target for me. I don't know what it was like for
24 the rest of you who were involved with that. On
25 one day they would say to us, You can't use

1 matching funds for that, that's the wrong way to
2 expend matching funds. Got to take the money
3 back or do something else.

4 The next day they said, Oh, yeah,
5 you can use that for matching funds. One day
6 they're saying the other funds that were not
7 matching, you cannot use those for what you've
8 done for elections. The next day you could use
9 them. You can't transfer, then you could
10 transfer. So it was a moving, moving target.

11 But I don't want to dwell on that.
12 What I want to dwell on, and the first question I
13 want to ask you, I thought the reason for this
14 campaign matching funds using taxpayers' dollars
15 to fund campaign elections for people who run,
16 become candidates for the New York State
17 Legislature, was to diminish big money and its
18 impact on campaigns, get more people, more
19 voters, more citizens involved in their
20 representative democracy, and get our smaller
21 donors involved. And by getting smaller donors
22 involved, get more of our constituents, more of
23 New Yorkers involved.

24 Now, I will ask you, is that close
25 to the right definition of why the Majority for

1 the most part in both houses who control all
2 levers of power, and the Governor, put this
3 matching funds in place the way it is right now,
4 I mean. Was that the reason?

5 SENATOR GONZALEZ: Through you,
6 Madam President, our public campaign finance
7 system was an important step towards ensuring
8 that small dollar donors were heard in elections.
9 We've had unprecedented spending in our local
10 elections and our state elections.

11 And so my understanding is that in
12 creating this program we were ensuring that we
13 were equalizing the playing field between
14 high-dollar donors and those smaller donors. And
15 what I'm really excited to share is that in the
16 last year, the last cycle that we've had this
17 program, donations from 50,000 New Yorkers came
18 into the amount of \$250 and under, and last cycle
19 those under \$250 donations leaped from 5 percent
20 of what our campaigns were running on, to
21 45 percent.

22 So not only are we seeing tens of
23 thousands of small-dollar donors now participate
24 in this program, but we're also seeing the impact
25 of those donations on our campaigns.

1 SENATOR TEDISCO: Would the Senator
2 yield for another question.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR GONZALEZ: Through you,
6 Madam President, I do.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR TEDISCO: Well, that's
10 fantastic. Now I want to ask you this question.

11 What are the basic changes -- new
12 requirements, new mandates, that are in this
13 budget bill that are going to lead us to continue
14 to get those small donors, enhance it,
15 incentivize more small donors to donate and to be
16 involved in their representative democracy. What
17 are the changes here which will expand more small
18 donors?

19 SENATOR GONZALEZ: Through you,
20 Madam President. We certainly shared in some of
21 the frustration from a new program. I know that
22 the Senator had mentioned what some of your
23 firsthand experiences had been. And in
24 understanding that there were changes that needed
25 to be made to address some of the frustrations we

1 collectively felt, we made some changes to
2 contributions, some structural reforms, changes
3 in eligibility.

4 What I'll say is a lot of these are
5 common sense. They make the program easier for
6 us to participate in. But the spirit of the
7 program -- again, that prioritizes small-dollars
8 donors, that's something that hasn't changed.

9 And in these changes, I would say
10 for the most part it is always better for
11 democracy when we make it easier for campaigns to
12 account for these dollars, make it easier and
13 clearer to have transparency and oversight. That
14 is the spirit of these.

15 But again, I would not necessarily,
16 you know, characterize this specific list of
17 changes as, you know, any difference to what our
18 goal has always been, which is, you know, a
19 system that prioritizes small-dollar donors.

20 SENATOR TEDISCO: Okay. Would the
21 Senator yield for another question.

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

24 SENATOR GONZALEZ: Yes, I do.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR TEDISCO: Could you tell me
3 what the highest donation is now that you can get
4 matched as a candidate for the Senate or the
5 Assembly?

6 SENATOR GONZALEZ: Through you,
7 Madam President. In the current program
8 donations up to \$250 are considered matchable.

9 Previously, if you donated a dollar,
10 for example, over that 250 cap, then your entire
11 \$251 donation was not going to be matched.

12 According to the changes here, the
13 first \$250 of any donation from a specific
14 individual donor in our districts would qualify
15 for matching up to a thousand and fifty dollars.
16 And that makes it easier for us to ensure that we
17 are matching those small-dollar donors and
18 certainly making it easier on a lot of our
19 campaigns to then go through that accounting
20 process, which I believe was one of the issues
21 that your campaign had as well.

22 SENATOR TEDISCO: Would the Senator
23 yield.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR GONZALEZ: I do.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR TEDISCO: So the purpose of
5 it initially was to get big money out of it. And
6 the way it works now is \$250 is the limit, but
7 now we're going to get more people involved with
8 lower donations by allowing them to donate a
9 thousand dollars? Isn't that kind of
10 hypocritical of what the initial program was all
11 about? You're actually going up 300 percent of
12 what -- does that not become a small donation
13 anymore? You're matching 250 and then you're
14 allowing a person to provide another \$750.
15 That's a thousand dollars -- I think it's \$1050,
16 as I read it here. It says that the purpose was
17 to empower small donors.

18 Why does this bill allow donations
19 up to 1050? You've actually diminished the
20 ability to keep donations smaller. Why would you
21 do that?

22 SENATOR GONZALEZ: Through you,
23 Madam President, I would not agree with that
24 characterization of the program. We're still
25 only matching the first \$250 of that individual's

1 donation.

2 And I will say there is a difference
3 between a donor that can donate hundreds of
4 dollars versus a donor who can donate thousands
5 of dollars, which helps explain why a thousand is
6 a reasonable number to have put into this bill.

7 I will also say that in this effort
8 we were not necessarily encouraging a difference
9 or increase in this number of donors. That is
10 always left to the individual campaigns. So I do
11 not think that we are changing the nature or
12 intent of this program by simply, you know,
13 qualifying again up to \$1050.

14 SENATOR TEDISCO: Would the Senator
15 yield.

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

18 SENATOR GONZALEZ: I do.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR TEDISCO: You had several
22 groups, good-government groups which supported
23 this program. Do they support these amendments
24 to the program?

25 SENATOR GONZALEZ: Through you,

1 Madam President, I don't speak for individual
2 groups. I know that we've worked closely with a
3 lot of advocacy organizations that were invested
4 in this program and collected feedback, some of
5 whom did feel that these were reasonable changes.

6 But again, you will have to ask
7 those specific groups, as I'm speaking on behalf
8 of our body today.

9 SENATOR TEDISCO: Would the Senator
10 yield again.

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

13 SENATOR GONZALEZ: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR TEDISCO: So as I see it
17 now, you could donate \$250, and that's multiplied
18 to the point of \$2300. I think that's the
19 highest matching right now.

20 SENATOR GONZALEZ: Yes. If someone
21 has donated \$250, then they will be receiving
22 \$2300. But --

23 SENATOR TEDISCO: I think that's
24 what I just said, yeah.

25 SENATOR GONZALEZ: Yes.

1 So my question is, now in a primary
2 you can get a donation, if you have a primary, of
3 \$250 -- by the way, I want her to yield. Is that
4 okay if I can --

5 ACTING PRESIDENT MAYER: Yes,
6 understood. The Senator yields.

7 SENATOR TEDISCO: So now you're
8 going to increase it that in a primary it's 250,
9 and then it's 2300, and also you can get a
10 donation in the general. Doesn't that double the
11 amount that can be donated, which was not in
12 place before? So doesn't that continue to defeat
13 the purpose of small donations?

14 SENATOR GONZALEZ: Through you,
15 Madam President. Again, I don't agree with that
16 characterization of the program.

17 And to clarify, in current law,
18 campaigns -- or Senate campaigns specifically --
19 could qualify for up to 375,000 in the primary
20 and 375,000 for the general.

21 Now, through these changes, for
22 example, if a Senate campaign was able to raise
23 enough to be matched for \$200,000 and they didn't
24 spend that \$200,000 of public dollars, the
25 remainder of what they have would be taken out of

1 the 375 they would qualify for for the general
2 election.

3 So actually it's I would say a
4 little bit of the opposite of what maybe was said
5 before. But I think it's an important
6 distinction because it's a clear effort to be
7 mindful about the public dollars that we are
8 giving campaigns, and to make sure that the cost
9 of the program isn't exorbitant.

10 SENATOR TEDISCO: Would the Senator
11 yield for another question.

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR GONZALEZ: I do.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR TEDISCO: Now, to qualify,
18 what are the numbers again of donations just to
19 qualify?

20 SENATOR GONZALEZ: Through you,
21 Madam President. To qualify it will depend on
22 what office you're running for. There are
23 statewide offices, there are Senate offices,
24 Assembly offices. So qualifications look
25 different based on the office you're running for.

1 In the case of the State Senate,
2 those qualifications for the most part remain the
3 same. You need 150 individual donors. And
4 depending on if your district is a high-earning
5 district or a lower-earning district, you'll need
6 to raise a minimum of \$8,000 or \$12,000 of --
7 again, in district donations in order to qualify
8 for the program.

9 SENATOR TEDISCO: Will the Senator
10 yield for another question.

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

13 SENATOR GONZALEZ: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR TEDISCO: As I read it in
17 OO, it says now we will allow -- this is an
18 adjustment -- for candidates to transfer their
19 surplus funds. What's the definition of surplus
20 funds?

21 SENATOR GONZALEZ: Through you,
22 Madam President. The definition of surplus
23 funds are private dollars that are raised. So
24 these are not dollars that were public, that were
25 received through the program.

1 And in these changes campaigns can
2 roll over \$50,000 of surplus and -- yeah, okay.

3 SENATOR TEDISCO: Would the Senator
4 yield again.

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

7 SENATOR GONZALEZ: I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR TEDISCO: I'm not quite
11 understanding what you said. How much of
12 matching funds -- does matching funds count as
13 surplus as well as legacy funds or what they call
14 outside the matching funds process?

15 SENATOR GONZALEZ: Through you,
16 Madam President, no. Matched dollars are not
17 part of the \$50,000 that is allowed in surplus.

18 SENATOR TEDISCO: Would she yield
19 again for another question, the Senator?

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR SALAZAR: I do.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR TEDISCO: So everything

1 other, up to \$50,000, if you have that left over,
2 you can keep --

3 SENATOR GONZALEZ: Through you,
4 Madam President, yes. Yes.

5 SENATOR TEDISCO: -- for the next
6 election.

7 ACTING PRESIDENT MAYER: Would you
8 repeat the question, Senator Tedisco?

9 SENATOR TEDISCO: Yeah. No
10 matching funds, but every donation that is not a
11 matching fund donation that you still have left
12 in your campaign, you can carry over to the next
13 election?

14 SENATOR GONZALEZ: Through you,
15 Madam President, yes. If it is not a matched
16 dollar and you have it remaining, yes, you can
17 carry it over.

18 SENATOR TEDISCO: Would the Senator
19 yield for another question.

20 ACTING PRESIDENT MAYER: Will you
21 continue to yield?

22 SENATOR SALAZAR: Yes, I do.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR TEDISCO: Do you have to

1 set up another -- close your campaign committee
2 and open up another campaign committee at the end
3 of our elections? Because that's what we had to
4 do in this particular case.

5 SENATOR GONZALEZ: Through you,
6 Madam President, I think a lot of our colleagues
7 will be excited to hear that we do not have to
8 open new campaigns under these changes. As
9 mentioned, of course, that is the current law.
10 But with this we can keep the same committee,
11 yes.

12 SENATOR TEDISCO: Now, it lists
13 here -- would the gentlewoman yield.

14 ACTING PRESIDENT MAYER: Are you
15 asking if she'll continue to yield? Senator, do
16 you yield?

17 SENATOR GONZALEZ: I do.

18 ACTING PRESIDENT MAYER: Yes, the
19 Senator yields.

20 SENATOR TEDISCO: I say it lists in
21 statute when a participating candidate shall be
22 considered opposed by a competitive candidate.
23 Previously, this was determined via regulation.

24 What's the difference between a
25 statute and a regulation?

1 SENATOR GONZALEZ: Through you,
2 Madam President, we are codifying -- I think what
3 you're referring is codifying into law the
4 competitiveness criteria.

5 Yeah, I think putting it in
6 regulation is an important step. And currently
7 in statute I think, you know, that is not
8 something that is codified, and that is what
9 we're doing here.

10 So happy to go back and do a 101
11 with Senator Tedisco.

12 SENATOR TEDISCO: (Inaudible.)

13 SENATOR GONZALEZ: But again, there
14 hasn't been changes to the competitive criteria.

15 But certainly we are ensuring that
16 now it is enshrined as part of our law.

17 SENATOR TEDISCO: Will the Senator
18 yield.

19 ACTING PRESIDENT MAYER: Will the
20 Senator continue to yield?

21 SENATOR GONZALEZ: I do.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR TEDISCO: What is the
25 definition of "competitive"? You're going to put

1 it in statute, so what is it?

2 SENATOR GONZALEZ: Through you,
3 Madam President, we have several criteria for
4 what is considered a competitive candidate in a
5 race. So I'm happy to list some of these.
6 Again, you know, I think it's an extensive list,
7 so if there are specific criteria that you're
8 interested in hearing about, you can always
9 follow up and ask for more.

10 But in our definition a candidate is
11 considered competitive if they had a previous
12 race with a margin of victory that was 20 points
13 or less, involving an opposing major party.

14 They are considered competitive if
15 they've received a statewide endorsement. So
16 that's an endorsement from someone who is holding
17 statewide office.

18 They are considered competitive if
19 they've received three or more endorsements from
20 local elected officials or if they've had a
21 family member in office in the last 10 years.

22 They can also be considered
23 competitive if they are self-funding their
24 campaign, if they themselves have previously held
25 office.

1 They can be also considered
2 competitive if an organization has endorsed them
3 with significant membership and if they -- within
4 the last eight years, they've received 25 percent
5 or more of a vote in an election in public office
6 in the area encompassing all or part of the
7 district that they are currently seeking to run
8 for.

9 SENATOR TEDISCO: Would the Senator
10 yield for another question.

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

13 SENATOR GONZALEZ: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR TEDISCO: And who makes the
17 decision, final decision, on that competition,
18 whether it is competitive or not? Who makes the
19 final decision?

20 SENATOR GONZALEZ: Through you,
21 Madam President. The Public Campaign Finance
22 Board makes this final decision. And I will just
23 emphasize this remains unchanged from the
24 previous cycle.

25 SENATOR TEDISCO: Will the Senator

1 yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR GONZALEZ: I do.

5 SENATOR TEDISCO: So what actually
6 constitutes that there's a primary taking place?
7 Because this said if my -- any of our opponents
8 are in a primary or we are in a primary, you'd be
9 able to get another donation of \$250, which again
10 increases to 500 when you're in the general
11 election.

12 Is it if they've signed up to run on
13 the same line, or is it they've gotten the
14 signatures and they're on the ballot and there's
15 a primary? When does that kick in where you
16 could get a donation for a primary, then later on
17 another donation of 250 for a general election?

18 SENATOR GONZALEZ: Through you,
19 Madam President, it's the latter. They have to
20 have made the ballot as a result of the
21 petitioning process.

22 SENATOR TEDISCO: Okay. Would the
23 Senator yield.

24 ACTING PRESIDENT MAYER: Will you
25 continue to yield?

1 SENATOR GONZALEZ: I do.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR TEDISCO: So we're going to
5 continue, I guess, to raise matching funds from
6 people and if they've sent me, let's say,
7 \$350,000 and I have \$100,000 left, that money
8 goes where that I have to give back? To the
9 General Fund, or to the board or ...

10 SENATOR GONZALEZ: Through you,
11 Madam President. In that scenario I would need a
12 few more specifics. But if you have \$100,000
13 left over after the primary, for example, and
14 those \$100,000 are all match funds -- I guess it
15 would depend. Some of them may not be matched.

16 I guess through you,
17 Madam President, I'd like to clarify with my
18 colleague if he means those 100,000 are matched
19 or unmatched.

20 SENATOR TEDISCO: I'm sorry, I
21 didn't hear what she said at the end.

22 ACTING PRESIDENT MAYER: Can you
23 repeat what you said, Senator Gonzalez?

24 SENATOR GONZALEZ: Through you,
25 Madam President, I'll just make it brief, and to

1 clarify.

2 For example, if I had a hundred
3 thousand dollars left over after my primary, and
4 50,000 of those dollars were public dollars, the
5 other 50,000 were my private funds, the 50,000 I
6 had left over would be subtracted from the
7 375,000 I would qualify for if I was advancing to
8 the general.

9 So for the general election I would
10 only be eligible for a maximum of 325,000 in
11 public dollars.

12 Now, again, it always matters what,
13 you know, is matched versus unmatched. If I was
14 in the general election and I was in the same
15 scenario, I had \$100,000 left over, if \$50,000 of
16 those dollars were public dollars, I would give
17 those back, right, as I am done with my general
18 election. And I'd be allowed, under these
19 changes, to keep the 50,000 in unmatched dollars,
20 my privately raised dollars, and roll those over
21 as surplus.

22 SENATOR TEDISCO: Would the Senator
23 yield again.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR GONZALEZ: I do.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR TEDISCO: Maybe it was
5 confusing the way I asked it. When we give it
6 back, who does it go to?

7 SENATOR GONZALEZ: Through you,
8 Madam President, the Public Finance Campaign
9 Board.

10 SENATOR TEDISCO: The public
11 campaign people.

12 SENATOR GONZALEZ: Correct, yes.

13 ACTING PRESIDENT MAYER: The
14 finance board.

15 SENATOR TEDISCO: The finance
16 board.

17 SENATOR GONZALEZ: Yes.

18 SENATOR TEDISCO: Thank you very
19 much, Senator. That's all I have.

20 But I'd like to -- on the bill.

21 ACTING PRESIDENT MAYER: Senator
22 Tedisco on the bill.

23 SENATOR TEDISCO: Yeah, I kind of
24 think these adjustments defeat the purpose of
25 what we were supposed to do. And all the

1 governmental -- good-government groups I see now
2 were opposed to raising -- providing higher
3 donations to reach the goal of what this was
4 supposed to be all about. And the goal was to
5 take big money out of campaigns.

6 Now what you've done is kind of
7 played the system here. It's kind of like deja
8 vu all over again. Two hundred fifty thousand
9 dollars was the top, and then you could get the
10 2300.

11 Now you're saying you can donate
12 \$250, but now I can donate \$750 more, and that's
13 a part of your campaign. It may not be matching
14 from the taxpayers, but that's bigger money. If
15 we're going to get big money out of campaigns,
16 you shouldn't increase the size of the donations.

17 My opponent maxed out, didn't have
18 any problem getting maximum funding with the
19 levels that we have right now. And I'm sure many
20 of you maxed out. And the fact that the
21 good-government groups are opposed to these
22 adjustments I think tells you that it's kind of
23 hypocrisy to increase the donation levels when
24 you're using the argument you want to take big
25 money out of government.

1 So I'm going to be voting against
2 this particular bill. And thank you,
3 Madam President.

4 ACTING PRESIDENT MAYER: Thank you,
5 Senator Tedisco.

6 Senator Palumbo, why do you rise?

7 SENATOR PALUMBO: Thank you,
8 Madam President. I'd like to ask a few
9 questions, if I could, on the new Part RR.

10 ACTING PRESIDENT MAYER: Part RR.

11 SENATOR PALUMBO: RR. And I do not
12 see our friends.

13 ACTING PRESIDENT MAYER: Senator
14 Hoylman-Sigal, do you yield?

15 SENATOR HOYLMAN-SIGAL: I do.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR PALUMBO: Good afternoon,
19 Senator Hoylman. Thank you for yielding.

20 Could you just explain to us what
21 this new Part RR does, briefly, please?

22 SENATOR HOYLMAN-SIGAL: Certainly.

23 It essentially decouples the
24 obligation of the New York State Attorney General
25 to conduct civil discovery on behalf of the

1 Executive and all of its numerous agencies when
2 the Attorney General is a plaintiff in a lawsuit.
3 As they were when they joined I think a dozen
4 other attorneys general in a lawsuit against a
5 number of social media companies, including Meta,
6 last year, really in furtherance of our Child
7 SAFE Data Protection Act, because of the argument
8 that these companies were making products that
9 were addictive to young people.

10 SENATOR PALUMBO: Would Senator
11 Hoylman-Sigal yield for another question, please.

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR HOYLMAN-SIGAL: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR PALUMBO: Thank you.

18 When you said we joined other
19 states, is this mirrored after some other similar
20 state statutes?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Madam President, yes. About a dozen other
23 states have a similar statute in place.

24 SENATOR PALUMBO: Through you,
25 Madam President, will the sponsor continue to

1 yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR PALUMBO: Senator, would
8 that non-obligation to provide discovery also
9 apply to counterclaims?

10 If there were, say, a claim brought,
11 an enforcement action brought by the Attorney
12 General, who has very broad ability to bring all
13 types of enforcement actions, would that also
14 apply to counterclaims where the
15 counter-plaintiff would not be able to access
16 these documents unless it was direct from the
17 agencies themselves?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Madam President. It's not specified in the
20 statute. So I would believe it would be up for
21 the court to decide.

22 SENATOR PALUMBO: Would the sponsor
23 continue to yield.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR HOYLMAN-SIGAL: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR PALUMBO: And further,
5 through you, Madam President, I pulled up another
6 Attorney General's -- I mean, on their website
7 they have all kinds of -- as we know, they have a
8 civil recoveries bureau, a claims bureau, a
9 litigation bureau, a real property, Medicaid
10 fraud, it goes on and on. Civil rights bureaus.

11 So those are all deemed, from what
12 I'm reading, as enforcement actions. So how
13 would a litigant ultimately get the so-called
14 discovery directly from these agencies?

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Madam President. The defendant, as you
17 describe, could seek a subpoena from the various
18 executive agencies that have the information the
19 defendant believes would be useful to their case.

20 SENATOR PALUMBO: Will the sponsor
21 yield.

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

24 SENATOR HOYLMAN-SIGAL: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR PALUMBO: Senator, in that
3 regard -- and this is something that I think
4 needs to be reconciled. Under the disciplinary
5 rules -- I forgot which one it was, I looked it
6 up -- 7-104, there's the no-contact rule where as
7 a lawyer it's unethical to contact your adversary
8 if they're represented by counsel.

9 And of course the enforcement is by
10 the Attorney General on behalf of, let's say, the
11 DEC for some environmental violations. So if
12 they actually have a lawyer for the DEC, can you
13 explain to me how we reconcile the no-contact
14 rule when you will actually go directly to their,
15 quote, client and be able to have free and full
16 access to them to make demands and speak with
17 them directly regarding disclosure?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Madam President. I think the point of this
20 and the dozen or so other states that have this
21 in statute is that when the Attorney General is,
22 as in the case against Meta and other social
23 media companies -- which, you know, resulted in
24 this proposal -- is that the Attorney General is
25 acting on her own and not on behalf of the

1 Executive in these cases.

2 So therefore it is not the
3 Attorney General's obligation to go to every
4 executive agency that may have the information
5 being sought by the defendant. That information
6 could be sought, as I said, by the defendant
7 through the normal course of issuing a subpoena.

8 SENATOR PALUMBO: Will the sponsor
9 continue to yield.

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

12 SENATOR HOYLMAN-SIGAL: Yes.

13 ACTING PRESIDENT MAYER: The
14 sponsor yields.

15 SENATOR PALUMBO: Thank you,
16 Senator.

17 So if I'm hearing you right, so the
18 Attorney General is the, quote, prosecutor of the
19 civil case. And the agencies that are underneath
20 it, all state agencies, are required on their
21 own -- they're not the agent, so to speak, on
22 behalf of those agencies. I just can't seem to
23 reconcile that when you have a district attorney
24 that acts as a prosecutor on behalf of the
25 agencies. Police officers are just witnesses.

1 Victims in a criminal cause are just witnesses.

2 So that agency, and under our
3 current rules -- ironically, the discovery
4 changes were rejected in the same bill. But for
5 discovery, if they don't provide every single
6 item, whether it's material or not, the district
7 attorney is imputed to have all the paperwork of
8 every police agency. How do we reconcile that on
9 a civil case where you have a state agency
10 bringing the action acting as the prosecutor?
11 Because that's what they really are, enforcing
12 these cases.

13 I just can't reconcile that, and I
14 just ask if you could possibly explain the
15 distinction and how we can go that far and cross
16 that bridge.

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Madam President. This is only when the
19 Attorney General is filing a claim or a lawsuit
20 on her own behalf. Remember, of course, that she
21 is duly elected independently of the Executive.

22 SENATOR PALUMBO: Will the sponsor
23 continue to yield.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR HOYLMAN-SIGAL: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR PALUMBO: Thank you,
5 Senator.

6 And I think for the purposes, then,
7 of legislative intent, I think we need to sort
8 out what exactly -- and when I read the statute,
9 a civil -- I think civil enforcement action
10 initiated by the Attorney General. That's I
11 think where my disconnect is. Because when I
12 think of a civil enforcement action, that's
13 almost everything they do -- Medicaid fraud,
14 suing corporations. I went on the website, I saw
15 a current president's name on every other action
16 that was filed, as amicus briefs or otherwise.

17 But, you know, all that being said,
18 they're bringing the lawsuit on behalf of not
19 necessarily information -- for example, if it's
20 an enforcement of an environmental regulation,
21 the DEC is the witness. The DEC brings that
22 information. The DEC is the complainant. The
23 Attorney General's just the lawyer.

24 So could you possibly explain -- I'm
25 sorry, this is kind of a convoluted question.

1 But it's very -- let me narrow it down to this.
2 What is an enforcement action under this statute
3 where this would apply that the Attorney General
4 does not need to provide any of that information?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Madam President. If DEC is bringing a
7 claim, then this provision of the bill, as it
8 were, would not apply.

9 SENATOR PALUMBO: Will the sponsor
10 continue to yield.

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

13 SENATOR HOYLMAN-SIGAL: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR PALUMBO: Can you give me
17 an example of an action, then, a civil
18 enforcement action where an Attorney General is
19 bringing the case and this statute would become
20 applicable?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Madam President. The Attorney General's
23 ability to pursue antifraud claims under her own.

24 And I mentioned at the beginning of
25 our conversation her lawsuit that she joined with

1 a dozen or so other attorneys general across the
2 country in suing social media companies for the
3 addictive feeds that they provide our young
4 people.

5 SENATOR PALUMBO: Would the sponsor
6 continue to yield.

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

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR PALUMBO: Okay, thank you.

13 Senator, just so I'm clear, this
14 would be their own investigative bureau that
15 comes up with these facts, they are the
16 witnesses, all the documents within their
17 control, of course, would have to be revealed.
18 But if it's another agency involved, they only
19 have to disclose their information and not the
20 other agencies' information, is that correct?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Madam President, I'm nodding yes.

23 SENATOR PALUMBO: Thank you,
24 Chairman.

25 SENATOR HOYLMAN-SIGAL: Thank you.

1 SENATOR PALUMBO: On the bill,
2 please, Madam President.

3 ACTING PRESIDENT MAYER: Senator
4 Palumbo on the bill.

5 SENATOR PALUMBO: Thank you,
6 Senator Hoylman-Sigal.

7 And I've got -- I do have a really
8 significant concern with this because I
9 understand what we're talking about, that the
10 Attorney General, just in these really narrow
11 circumstances, as if, for example -- and it's
12 easiest to relate it to a criminal case. If you
13 have a district attorney's investigators
14 ultimately put a case together, then the
15 district attorney's office would provide, through
16 disclosure, all of that information.

17 However, if this leaks somehow into
18 another agency, maybe a local police department,
19 maybe the IRS, maybe some other -- Tax and
20 Finance, maybe some other civil aspects of it or
21 some other agencies that really are still
22 considered agencies of the state or county, that
23 somehow they wouldn't have to disclose that
24 information.

25 That completely flies in the face of

1 the Civil Practice Law and Rules, where anything
2 material or necessary must be disclosed, because
3 you're now essentially putting the defendant at
4 an unfair disadvantage. Because if the agency
5 refuses to provide those documents, what's the
6 recourse? A civil subpoena would ultimately
7 result in a \$50 fine. Big deal. Who pays the
8 \$50?

9 So now you have a defendant who's
10 being prosecuted in a civil enforcement action by
11 the Attorney General and is not able to defend
12 themselves appropriately. And I think of this
13 example. In the -- I think in the -- as far as
14 civil enforcement division, I'll use Stony Brook
15 University Medical Center in my district.
16 They're prosecuting someone or they're coming
17 after someone for a hospital bill, a \$100,000
18 hospital bill that's not paid. They don't have
19 to provide any of SUNY Stony Brook's billing
20 information because, under this, they're not
21 deemed to have that in their possession. When
22 it's the exact opposite with our district
23 attorneys in the state, where they're imputed to
24 have everything. So this is completely inverted.

25 And when I read the legislative

1 findings, which are pages, it just kind of goes
2 on and on. And quite frankly, with all due
3 respect to whomever wrote it, possibly someone
4 who -- maybe staff who don't -- have never really
5 been in a court proceeding or involved with it,
6 this makes no sense to me. That (reading) the
7 Attorney General does not, in the ordinary
8 course, gain access to, or legal or practical
9 control over, state agency or entity materials
10 outside the Department of Law.

11 But that's their job. They're the
12 lawyer on behalf of the agency. So this I think
13 is not going to -- I don't think that this -- I
14 don't know if it's been tested in other states.
15 I can't imagine that the language is this
16 specific.

17 But to give an example, the example
18 of the hospital bill, how is that fair? I mean,
19 this is a body who's constantly talking about
20 defendants' rights over all else. And just
21 because you're a civil defendant and somebody's
22 coming after you for now for a hospital bill you
23 couldn't pay, you can't even get full disclosure
24 in a civil lawsuit in the Supreme Court? That
25 makes no sense to me, Madam President.

1 For those reasons, I'll be voting
2 no.

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator Palumbo.

5 Senator Martins, why do you rise?

6 SENATOR MARTINS: Madam President,
7 if the sponsor would continue to yield with
8 regard to this Part RR as well.

9 ACTING PRESIDENT MAYER: Senator
10 Hoylman-Sigal, do you continue to yield?

11 SENATOR HOYLMAN-SIGAL: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR MARTINS: Thank you,
15 Madam President. Through you.

16 Senator, can you tell us who
17 suggested this language be included in the
18 budget?

19 SENATOR HOYLMAN-SIGAL: Through
20 you, Madam President. The New York State
21 Attorney General.

22 SENATOR MARTINS: And
23 Madam President, through you, if the sponsor
24 would continue to yield.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR HOYLMAN-SIGAL: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR MARTINS: And, Senator, did
6 the Attorney General's office provide the
7 proposed language that was included in the budget
8 and what we're reading here, including
9 legislative intent and the language of the
10 proposed bill itself?

11 SENATOR HOYLMAN-SIGAL: Through
12 you, Madam President. As you know, most of
13 the -- what we are voting on today is the
14 collaboration among the three parties, the
15 Assembly, the Senate and of course the Governor's
16 office. They also provided input.

17 SENATOR MARTINS: Thank you.

18 Madam President, through you, if the
19 sponsor would continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR HOYLMAN-SIGAL: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR MARTINS: You know,

1 Senator, I appreciate you taking these questions
2 and understand the position you're in. But I do
3 have to echo some of my colleague's concerns.

4 And understanding that when there is
5 a civil enforcement action -- and I certainly
6 understand your example of the Attorney General
7 bringing an action against a very large
8 corporation, a multi-billion-dollar corporation
9 that has the resources to defend itself. But for
10 the most part, the Attorney General's office is
11 prosecuting cases against small companies,
12 sometimes individuals, and putting the weight of
13 the New York State government and its resources
14 behind that enforcement action.

15 And I want to be clear for the
16 record, because my concern lies with that, the
17 language that the Attorney General suggested.
18 And you know, as lawyers, we read these things
19 very literally. A civil enforcement action
20 encompasses more than what you described in
21 your -- frankly, in your description of what
22 would be impacted.

23 How do we -- how do we read this to
24 be narrower than the language that's here now?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Madam President. I mean, the language
2 speaks for itself. But -- so I don't think you
3 should offer any -- I don't have any alternative
4 interpretation of it.

5 But I will say that any documents or
6 information would be -- would remain discoverable
7 by a defendant through the routine subpoena
8 process.

9 SENATOR MARTINS: Madam President,
10 on the bill.

11 Thank you, Senator.

12 SENATOR HOYLMAN-SIGAL: Thank you.

13 ACTING PRESIDENT MAYER: Senator
14 Martins on the bill.

15 SENATOR MARTINS: You know,
16 Madam President, I can't stress enough how
17 troubling this is. You know, I would not have
18 thought, when I walked in here today and I had
19 read this earlier, and I did not think that this
20 had come from the Attorney General's office.

21 I honestly didn't, because I
22 wouldn't think that the Attorney General, in the
23 spirit of transparency and full disclosure and
24 giving the defendant the benefit of the doubt,
25 would entertain, let alone promote language that,

1 when read literally, as I've been suggested we
2 perhaps have to do, would exclude a defendant
3 from access to information, basic information,
4 when they are being sued by New York State.

5 And just think about this for a
6 second. Think about the small businesses back
7 home. Think about, you know, Senator Palumbo's
8 example of someone who's being sued for medical
9 treatment at a state university hospital. Think
10 about all of the instances where the
11 Attorney General would be enforcing the law, and
12 they show up and they provide that person with a
13 summons and complaint and then say, Go defend
14 yourself, I don't have to provide you with any of
15 the basis for which I am suing you, and I am
16 going to challenge your livelihood, I'm going to
17 force you to incur expenses, legal expenses. I'm
18 going to change your life forever, and I'm going
19 to bankrupt you. But I'm not going to provide
20 you with even the basis for why I'm suing you.

21 Think about how absurd that is in
22 2025, in New York State, that we as a body would
23 be considering disenfranchising everyone who is
24 prosecuted by the New York State Attorney
25 General. And by the way, at her request. How is

1 that possible?

2 And how is it possible that with a
3 Governor, an Assembly Majority and a Senate
4 Majority that it would pass all three houses and
5 it's actually here for us to discuss and debate
6 today?

7 The idea that you think that you can
8 subpoena this information and somehow it's going
9 to show up -- ladies and gentlemen, my dear
10 colleagues, understand what it is to subpoena
11 something and how hard it is to force a state
12 agency to honor a subpoena, while at the same
13 time you're defending yourself against charges
14 that may not actually be accurate.

15 Now, we know that the Attorney
16 General, when they put the summons and complaint
17 together, have to have some information, right,
18 Madam President? They have to have some
19 information in front of them in order to actually
20 prepare a complaint charging somebody with
21 something.

22 But this language, if you read it
23 literally, as our colleague has asked us to do,
24 says they don't even have to give you that. They
25 don't even have to give you, because they're not

1 deemed to even have that information, and so you
2 can't ask about them. All you have is a piece of
3 paper accusing you and potentially putting your
4 life savings, your business, and your family at
5 risk.

6 And why would we do this? Why in
7 the world would we not provide the opportunity
8 for that person to say, Okay, I understand what
9 I've been charged with, give me some information
10 so I can at least understand why you're bringing
11 this against me. Show me what it is that you're
12 charging me with. Give me something that I can
13 actually read and review and make an honest
14 decision on it.

15 What, I've got to go subpoena
16 Stony Brook University? Or Medicaid? Or the
17 State of New York or the DEC or any other agency?
18 How is that possible that in New York, in 2025,
19 we're being asked to vote on something like this
20 on at floor? And again, at the request of our
21 Attorney General. How? How do you do this?

22 Madam President, I'll be voting no.
23 And I urge all my colleagues -- on your behalf,
24 on your constituents' behalf -- to do the same
25 thing.

1 ACTING PRESIDENT MAYER: Thank you,
2 Senator Martins.

3 Senator Ashby, why do you rise?

4 SENATOR ASHBY: Thank you,
5 Madam President.

6 Would the appropriate Senator yield
7 for questions on Part L.

8 ACTING PRESIDENT MAYER: Part L.
9 Senator Myrie, do you yield to a
10 question?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT MAYER: Senator
13 Myrie yields.

14 SENATOR ASHBY: Thank you,
15 Senator Myrie.

16 Would you say the purpose of this
17 new language is to promote online safety for
18 children?

19 SENATOR MYRIE: Through you,
20 Madam President, yes.

21 SENATOR ASHBY: How will this bill
22 safeguard against the ambiguity and the age of
23 the depicted person? For example, the
24 AI-generated image obviously doesn't have a
25 birth certificate. So what stops a defendant

1 from claiming that they generated an image of an
2 18-year-old or someone they didn't personally
3 know?

4 SENATOR MYRIE: Through you,
5 Madam President. I don't think anything in this
6 statute would prevent the defendant from making
7 that argument. But this at least gives the
8 prosecutor the tool to bring the charge.

9 The purpose behind this change is to
10 modernize our criminal statutes to allow for us
11 to incorporate AI and other generative
12 intelligence mechanisms in the space of obscenity
13 as it relates to children and images. And so it
14 would allow for the court to make the
15 determination after the prosecutor has brought
16 the charge and the defendant has made their case.

17 SENATOR ASHBY: Will the sponsor
18 yield?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MYRIE: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR ASHBY: I notice
25 Senator Fernandez's bill, S3202, includes a

1 definition, "reasonably identifiable as a
2 specific person." Was this language considered?

3 SENATOR MYRIE: Through you,
4 Mr. President. We have, as you know, in the
5 Codes Committee considered Senator Fernandez's
6 bill. We look forward to having continued
7 conversations outside of the budget process to
8 advance a policy that is similar.

9 SENATOR ASHBY: Will the sponsor
10 yield?

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR MYRIE: Yes.

14 ACTING PRESIDENT BAILEY: The
15 Senator yields.

16 SENATOR ASHBY: So we obviously
17 agree that depicting a child in this context is
18 harmful. Would you agree that it's also harmful
19 for children to consume pornography?

20 SENATOR MYRIE: Through you,
21 Mr. President, yes.

22 SENATOR ASHBY: I'm curious --

23 ACTING PRESIDENT BAILEY: Senator
24 Ashby, are you asking the sponsor to yield?

25 SENATOR ASHBY: Yes. Will the

1 sponsor yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR MYRIE: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR ASHBY: I'm curious, why do
8 you believe that your colleagues on the
9 Internet and Technology Committee voted against
10 my legislation requiring adult websites to
11 age-verify?

12 SENATOR MYRIE: Through you,
13 Mr. President. My understanding is that we were
14 discussing Part L of the Public Protection and
15 General Government bill, and I will confine my
16 answers to questions on Part L.

17 SENATOR ASHBY: Will the sponsor
18 yield.

19 ACTING PRESIDENT BAILEY: Would the
20 sponsor yield?

21 SENATOR MYRIE: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR ASHBY: Part L has to do
25 with adult websites and the regulating of them.

1 I believe that this is germane to this, and
2 specific -- and specific to it. So we can stay
3 on this as well.

4 I mean, do you believe that these
5 websites should age-verify like websites for
6 tobacco and alcohol sales?

7 SENATOR MYRIE: Through you,
8 Mr. President, I'm going to respectfully disagree
9 with my colleague and continue to confine my
10 answers to the scope of Part L.

11 SENATOR ASHBY: On the bill.

12 ACTING PRESIDENT BAILEY: Senator
13 Ashby on the bill.

14 SENATOR ASHBY: Well, I appreciate
15 my colleague's determination on this. I think
16 you can -- I think this body can understand that
17 they missed an opportunity here. They missed an
18 opportunity to do what 20 other states, Democrat
19 and Republican, are doing to help ensure the
20 safety of our children and against the -- against
21 the advances of an industry that is having very,
22 very harmful effects on them.

23 And for what? What did we gain by
24 missing this opportunity, right? Passing the
25 buck. Right now children across our state will

1 continue to be harmed by this while we wait.

2 Wait for what?

3 Thank you, Mr. President.

4 ACTING PRESIDENT BAILEY: Thank
5 you, Senator Ashby.

6 Senator O'Mara, why do you rise?

7 SENATOR O'MARA: Thank you,
8 Mr. President. I have some questions on Part C.

9 ACTING PRESIDENT BAILEY: Senator
10 O'Mara has questions on Part C. Senator Salazar,
11 I believe, is -- would be the person that you
12 would be asking them to yield, if you are indeed
13 asking them to yield.

14 SENATOR O'MARA: Will the Senator
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR SALAZAR: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR O'MARA: Senator, this
22 section states that it removes the residency
23 requirement for state correction officers, right,
24 so they could live in Pennsylvania or New Jersey?
25 Is that what this is doing?

1 SENATOR SALAZAR: Through you,
2 Madam President, yes. Or Mr. President, excuse
3 me. Yes.

4 (Laughter.)

5 SENATOR O'MARA: All right. I
6 thought maybe I was wrong, because you hesitated.
7 I thought that was a pretty easy question.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT BAILEY: The
14 Senator yields.

15 SENATOR O'MARA: This applies to
16 state correction officers. It does not seem to
17 include New York City correction officers. Why
18 not?

19 SENATOR SALAZAR: Through you,
20 Mr. President. My understanding is the intent of
21 this proposal from the Executive was to address
22 the staffing challenges in New York State
23 correctional facilities, and therefore it impacts
24 only state correction officers.

25 SENATOR O'MARA: Mr. President, if

1 the Senator will continue to yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR O'MARA: Senator, I totally
8 understand that, and the need at our state
9 correctional facilities. But I've been advised
10 that New York City Corrections is -- basically
11 has half the numbers that they had in 2019 as far
12 as staff, and they have a significant shortage as
13 well.

14 So it seems the same logic of
15 applying it to state correction officers would
16 make sense to extend it to New York City
17 correction officers as well.

18 SENATOR SALAZAR: Through you,
19 Mr. President. I don't have a position on
20 whether or not New York City correction officers
21 should be required to live in New York City. I
22 imagine that is potentially an issue that the
23 City Council would address, or New York City
24 would address in their forthcoming city budget.

25 SENATOR O'MARA: Thank you.

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR SALAZAR: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR O'MARA: The section
9 regarding residing out of state for a correction
10 officer at a state correctional facility. If
11 that correction officer residing out of state was
12 to take the sergeants exam and move up to be a
13 sergeant rather than just a correction officer,
14 can that person continue to live out of New York
15 State?

16 SENATOR SALAZAR: Through you,
17 Mr. President, yes. My understanding is it would
18 still apply to that individual even if, you know,
19 they increased in rank as a correction officer or
20 became a sergeant, et cetera.

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR SALAZAR: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR O'MARA: It appears to be
5 there's no prohibition of a current correction
6 officer that resides in New York moving across
7 state lines, is that accurate?

8 SENATOR SALAZAR: Through you,
9 Mr. President, yes, I believe that is accurate.

10 SENATOR O'MARA: Okay. Thank you.

11 Mr. President, now I have some
12 questions on -- I guess they're probably related
13 to Parts YY, SS, regarding changes to law
14 enforcement retirement plans, basically.

15 ACTING PRESIDENT BAILEY: On
16 Part SS I think you would be asking
17 Senator Krueger to yield.

18 Senator Krueger, Senator O'Mara is
19 asking you to yield. Will you yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR KRUEGER: I'm just waiting
24 for a staff person.

25 SENATOR O'MARA: Okay.

1 SENATOR KRUEGER: Happy to answer
2 questions.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR O'MARA: Thank you,
6 Senator.

7 On these parts that are all new,
8 meaning they weren't in the Executive Budget or
9 30-day amendments or our one-house budget and
10 they've now been added at the last minute,
11 they're making changes to the various retirement
12 plans -- this goes from Part SS, TT, UU, changing
13 it for police and fire members of New York City,
14 changing it for members of the Division of
15 Military and Naval Affairs, changes and
16 enhancements to the retirements for NYPD and
17 state law enforcement, retirements for State Park
18 Police, Department of Environmental Conservation,
19 DEC Forest Rangers, and SUNY Police -- giving
20 them, in most of these circumstances, a 20-year
21 pension.

22 Why have state or New York City
23 correction officers not been included in these
24 changes?

25 SENATOR KRUEGER: Through you,

1 Mr. President. This list I think was primarily
2 in our one-house and/or the Assembly's one-house
3 and were negotiated with the Governor and were
4 successfully included in the budget, which is why
5 we're seeing them here.

6 As to why there is not something for
7 state correction officers, I don't know whether
8 those were even on the table, but they obviously
9 did not get included in the budget.

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

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR KRUEGER: I'm sorry, just
16 to clarify.

17 SENATOR O'MARA: Yeah.

18 SENATOR KRUEGER: There was a
19 request for the New York City correction officers
20 to be included, and that was not accepted by the
21 Executive.

22 ACTING PRESIDENT BAILEY: Senator
23 O'Mara -- Senator O'Mara is asking you to --

24 SENATOR KRUEGER: I'm sorry. Yes.
25 Yes. Yes. I will yield to the next question.

1 SENATOR O'MARA: Yeah. Were these
2 pension enhancements that were done for the
3 various entities that I mentioned, were they done
4 to help with recruitment efforts?

5 SENATOR KRUEGER: It could be
6 recruitment, but also very much retention. And I
7 know that Senator O'Mara and I have sat through
8 quite a few budget hearings where members of
9 these forces have come to us and said, We are not
10 going to be able to keep our members if you don't
11 change this.

12 And so I'm personally happy that
13 finally we are able to address many of the
14 concerns that do keep coming to us year after
15 year.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT BAILEY: The
23 Senator yields.

24 SENATOR O'MARA: I guess I just
25 don't understand, given the dire needs for

1 correction officers in this state, and these
2 pension changes for all variety of other law
3 enforcement entities to help with recruiting and
4 retention that's needed as much or more so in the
5 Department of Corrections for correction
6 officers -- and I think we've been asked for
7 years by NYSCOPBA and others to make improvements
8 to that pension system they have for these very
9 reasons.

10 SENATOR KRUEGER: So I think we are
11 trying to make progress, and that's reflected in
12 the inclusion of many of these unions' concerns
13 within this budget.

14 As I already answered, the Governor
15 was not open to expanding to more categories than
16 this year.

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

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR O'MARA: Senator, was

1 expanding the correction officers' pensions as
2 these other examples we have, was that brought up
3 and discussed and negotiated?

4 SENATOR KRUEGER: Yes. It was a
5 proposal that was not accepted.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR O'MARA: Can you tell us
14 who rejected that proposal? Was it the Governor,
15 was it the Senate, was it the Assembly?

16 SENATOR KRUEGER: It was the
17 Executive. Through you, Mr. President.

18 SENATOR O'MARA: Thank you. Thank
19 you, Mr. President. Thank you, Senator.

20 On the bill, please.

21 ACTING PRESIDENT BAILEY: Senator
22 O'Mara on the bill.

23 SENATOR O'MARA: It's kind of
24 insulting to our correction officers, who are
25 working under extremely horrendous and unsafe

1 conditions. And I don't oppose these
2 enhancements for all these other departments and
3 agencies and law enforcement officers, but it
4 just shocks my conscience that we're not
5 including correction officers in this to help
6 them with the recruitment and retention efforts.

7 It's nice that we're going to hire
8 people from out of state, and that will help open
9 up attraction, I hope. I know in my district the
10 Elmira Correctional Facility is like 9 miles from
11 the Pennsylvania border, so it's certainly --
12 hopefully there's a pool of recruitment efforts
13 down there.

14 But if we want to recruit and retain
15 correction officers and have quality correction
16 officers, they should be treated with I think the
17 same dignity and respect that all these other law
18 enforcement agencies are getting. So I just
19 really have a problem with that, considering that
20 in addition to not including the correction
21 officers in these enhancements, that there's
22 really no acknowledgment of the working
23 conditions that they went out on strike for.

24 They didn't go out on strike for
25 more money. They went out on strike because of

1 the dangerous and hazardous conditions that
2 they're working under in the Department of
3 Corrections. They deserve better, and they
4 deserve it now, with everyone else.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BAILEY: 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 closed. The Secretary will ring the bell.

12 Excuse me, there's a substitution at
13 the desk. The Secretary will read.

14 Substitution so ordered. The
15 Secretary will read.

16 THE SECRETARY: Senator Krueger
17 moves to discharge, from the Committee on
18 Finance, Assembly Bill Number 3005C and
19 substitute it for the identical Senate Bill
20 3005C, Third Reading Calendar 966.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect immediately.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Point of
4 privilege.

5 As the presiding officer, I'd like
6 to remind my colleagues of something that we
7 refer to colloquially as Roxie's Rules. We have
8 two minutes to explain our votes during the
9 budget process.

10 Senator Mayer to explain her vote.

11 SENATOR MAYER: Oh, thank you,
12 Mr. President.

13 I rise to explain my vote in favor
14 of this bill but also to clarify what I think are
15 misconceptions by my colleagues about Part RR,
16 the provision related to the Attorney General's
17 powers in a civil enforcement action.

18 And having spent 12 years in the
19 Attorney General's office, much of it bringing
20 affirmative actions on behalf of the people of
21 New York State, not on behalf of any agency, this
22 section deals with the *parens patriae*
23 jurisdiction of the Attorney General, not its
24 enforcement authority on behalf of an individual
25 agency. And that is clarified in the

1 introductory paragraph where it says: "In such a
2 civil enforcement action, the attorney general
3 does not act as an attorney representing the
4 governor, a state official, or a state agency."

5 It is in no way similar to an
6 enforcement action, for example, for an unpaid
7 bill by a person to a state agency or a state
8 authority. Nor is it anything like a criminal
9 action brought in which the defendant is entitled
10 to discovery of documents. This is a completely
11 different type of civil action that we want to
12 encourage our Attorney General to bring, and we
13 are pleased that our Attorney General wants to
14 bring, as she is empowered to bring, actions on
15 behalf of the people of the State of New York.

16 So I think my colleagues both
17 misinterpret the authority of the
18 Attorney General and the importance of this
19 provision, which, given our current situation in
20 Washington, we want to continue to empower our
21 Attorney General to bring actions on behalf of
22 the people -- not on behalf of an agency over
23 which she does not have direct control, nor on
24 behalf of the state as the plaintiff, but on
25 behalf of the people.

1 So I vote aye, but I thought it was
2 important to clarify what I believe was a
3 misunderstanding and a misstatement of the basis
4 for this provision, which I strongly support.

5 I vote aye.

6 ACTING PRESIDENT BAILEY: Senator
7 Mayer to be recorded in the affirmative.

8 Senator Chris Ryan to explain his
9 vote.

10 SENATOR CHRIS RYAN: Thank you,
11 Mr. President.

12 So I will certainly be voting aye on
13 this.

14 You know, what I've done to pass
15 some legislation here has been kind of
16 surrounding some worker protections, a couple of
17 bills that I've had, doing our very best to
18 support our state workers. And I'm really happy
19 that this is going to specifically expand the
20 pool of medical providers authorized to treat
21 workers' compensation patients and enabling
22 timely payments for care without requiring
23 initial determination of liability.

24 It really helps our workers. This
25 will go a long, long way.

1 And as far as the police pensions
2 and the reforms, understand, some are in, some
3 are out. But I think we owe those that were not
4 getting the pensions that have come before us who
5 so desperately needed to recruit and retain
6 members of law enforcement, including our Forest
7 Rangers, Park Police and SUNY Police.

8 So I'm going to vote aye, and I'm
9 happy these pensions are in there and I'm glad
10 they're changed, and like to see it continued.

11 Thank you.

12 ACTING PRESIDENT BAILEY: Senator
13 Chris Ryan to be recorded in the affirmative.

14 Senator May to explain her vote.

15 SENATOR MAY: Thank you,
16 Mr. President.

17 I wanted to call attention to one
18 part of this bill, Part YY, which didn't get a
19 lot of attention, but it is the product of years
20 of advocacy by the PBA of New York State and by
21 our conference. And it's a big step forward for
22 recruiting, retaining and just acknowledging the
23 hard work of our SUNY Police, our Park Police,
24 our rangers and our DEC enforcement police.

25 I have five SUNY campuses in my

1 district, and I know how hard those police work
2 and how complicated the work -- their jobs can
3 be, especially at Upstate University Hospital,
4 where the emergency room isn't just a place where
5 people come with medical emergencies, there are
6 often a whole lot of other emergencies going on,
7 and the police are often involved.

8 I also have a state park and
9 multiple lakes that require policing as well.
10 The job of park rangers got a whole lot more
11 complicated in the pandemic when people were
12 showing up completely unprepared to have a
13 wilderness experience and then found themselves
14 in situations where they needed the help of a
15 ranger or a police officer.

16 So I think they've struggled to
17 recruit additional people -- the people they
18 need, and I think this bill that gives them that
19 20-year retirement benefit will really make a
20 difference.

21 So I'm pleased that this is in here,
22 and I vote aye.

23 ACTING PRESIDENT BAILEY: Senator
24 May to be recorded in the affirmative.

25 Senator Palumbo to explain his vote.

1 SENATOR PALUMBO: Thank you,
2 Mr. President.

3 And without making reference to any
4 pop icons, I did want to just further comment on
5 that Part RR. And I forgot to mention this
6 earlier, that we don't want to conflate the
7 duties of the Attorney General and -- similar to
8 district attorneys.

9 And I do agree to an extent with
10 some of my colleagues, but disagree with one
11 comment. Just like a district attorney is
12 bringing cases on behalf of the people of the
13 State of New York, on behalf of a group, they
14 don't represent any agency, they don't represent
15 any victim, quite frankly.

16 In my days in the DA's office I
17 would make a decision on a case to dismiss or
18 reduce a case. The witnesses and the police had
19 zero ability to say that you couldn't do that.
20 This was entirely up to that agency.

21 And the Attorney General stands in
22 that same position. When someone sues, they
23 represent the state. So people are sued in their
24 official capacity, the Attorney General defends,
25 because they are not necessarily the lawyer for

1 the agency -- I do agree with that aspect of
2 it -- but they are certainly the attorneys
3 appearing on behalf of the state, which
4 encompasses all of those agencies and
5 individuals.

6 So quite frankly, I believe this
7 flies in the face of just basic fairness, and for
8 those reasons I'll be voting in the negative.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Senator
11 Palumbo to be recorded in the negative.

12 Senator Skoufis to explain his vote.

13 SENATOR SKOUFIS: Thank you very
14 much, Mr. President.

15 I'll be voting yes on this bill,
16 primarily because of the pension items that have
17 been discussed that are important to recruitment
18 and a valuable tool for retention.

19 I do want to voice my concern over
20 Part 00, however, which I view as a major missed
21 opportunity to fix a deeply flawed public
22 campaign finance program.

23 And in particular, now that we've
24 been through one cycle, although this was
25 predictable, in my opinion, what we saw -- and it

1 happens on both sides of the aisle -- we saw less
2 than credible candidates be able to rake in
3 hundreds of thousands of dollars to be spent
4 primarily on negative attack mailers and
5 television ads, by virtue of effectively passing
6 around a hat to town committee members, county
7 convention party members.

8 And this program was supposed to be
9 taxpayer funds for credible candidates who are
10 able to demonstrate that they have public
11 support.

12 We mentioned -- we heard some
13 specific data before about how there's a greater
14 percentage of small donors now in our system
15 contributing to campaigns. I'm willing to bet
16 there is a significantly greater number of party
17 committee members donating into the system than
18 before, and a significantly increased percentage
19 of spouses and other family members donating than
20 before, because we all play the same game where
21 we have a donor from previous cycles and we call
22 up and say, Hey, there's this new system, can you
23 get your spouse to be supportive and send \$50,
24 and your adult children to be supportive?

25 That's a gaming, a rigging. That is

1 not some new system whereby we're encouraged to
2 have additional conversation with more small
3 donors. These are a hundred million dollars in
4 taxpayer funds while New Yorkers are homeless on
5 the streets of every community. I think it's a
6 shame that we didn't tighten up this program and
7 make sure that these funds are going to credible
8 candidates.

9 ACTING PRESIDENT BAILEY: Senator
10 Skoufis to be recorded in the affirmative.

11 Senator Stavisky to explain her
12 vote.

13 SENATOR STAVISKY: Thank you,
14 Madam -- Mr. President.

15 I really want to thank the
16 SUNY Police for their advocacy not just for their
17 20-year pension, which they have been fighting
18 for, together with the Legislature, for many
19 years, but for future generations. Because what
20 happens with the SUNY Police is that we train
21 them and then they go off to another police
22 department, and we've lost them.

23 I think this demonstrates the need
24 for a unified SUNY Police system throughout the
25 campuses of SUNY, and I proudly vote aye.

1 Thank you.

2 ACTING PRESIDENT BAILEY: Senator
3 Stavisky to be recorded in the affirmative.

4 Senator Myrie to explain his vote
5 and close.

6 SENATOR MYRIE: Thank you,
7 Mr. President.

8 I rise to explain my affirmative
9 vote as it relates to Part MM, which is the
10 establishment of the Office of Gun Violence
11 Prevention.

12 Last September there was a mass
13 shooting in my district and I stood with
14 community leaders, organizations and colleagues
15 on every level of government to fight for the
16 establishment of this office, an office that
17 would have resources behind it to help end gun
18 violence in this state once and for all.

19 So I am excited about the
20 opportunity to officially have an office not
21 subject to executive order, but in our statutes
22 that has to identify funding opportunities, that
23 has to strength data collection and research,
24 increase public awareness on the causes of gun
25 violence, facilitate and assistance organizations

1 and program development, annually report about
2 the state of gun violence and also, very
3 critically, coordinate responses when communities
4 like mine and those similar all over the state
5 are victims of mass shootings, when they are
6 victims of incidents that rip through the entire
7 community and require coordination not just from
8 one agency, but every single state agency.

9 But we also have to give this office
10 the resources that it deserves, particularly in
11 light of cuts from the federal government, the
12 complete elimination of an office of gun violence
13 prevention on the federal level. So I look
14 forward to a continued conversation about how we
15 boost this office.

16 But I am proud to vote yes today to
17 finally get this in our statutes. Thank you.

18 ACTING PRESIDENT BAILEY: Senator
19 Myrie to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar 966, those Senators voting in the
23 negative are Senators Ashby, Borrello,
24 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
25 Lanza, Martins, Mattera, Murray, Oberacker,

1 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
2 Tedisco, Walczyk, Weber and Weik.

3 Ayes, 41. Nays, 21.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 Senator Gianaris, that completes the
7 reading of the controversial calendar.

8 SENATOR GIANARIS: Mr. President,
9 at this time we're going to break for our
10 colleagues in the Minority to conference the next
11 bill that we'll be taking up, which will be the
12 health budget bill.

13 And so call on Senator Lanza to make
14 an announcement, and then we will stand at ease
15 until 5:15.

16 ACTING PRESIDENT BAILEY: Senator
17 Lanza to make an announcement.

18 SENATOR LANZA: Thank you,
19 Senator Gianaris.

20 There will be an immediate meeting
21 of the Republican Conference in Room 315 of the
22 Capitol.

23 ACTING PRESIDENT BAILEY: There
24 will be an immediate meeting of the Republican
25 Conference in Room 315 of the Capitol.

1 The Senate will stand at ease until
2 5:15.

3 (Whereupon, the Senate stood at ease
4 at 3:56 p.m.)

5 (Whereupon, the Senate reconvened at
6 5:19 p.m.)

7 ACTING PRESIDENT PERSAUD: The
8 Senate will return to order.

9 Senator Gianaris.

10 SENATOR GIANARIS: Madam President,
11 there will be an immediate meeting of the
12 Finance Committee in Room 332.

13 ACTING PRESIDENT PERSAUD: There
14 will be an immediate meeting of the
15 Finance Committee in Room 332.

16 SENATOR GIANARIS: The Senate will
17 stand at ease.

18 ACTING PRESIDENT PERSAUD: The
19 Senate will stand at ease.

20 (Whereupon, the Senate stood at ease
21 at 5:19 p.m.)

22 (Whereupon, the Senate reconvened at
23 5:32 p.m.)

24 ACTING PRESIDENT BAILEY: The
25 Senate will return to order.

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President,
3 there's a report of the Finance Committee at the
4 desk. Let's take that up, please.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will read.

7 THE SECRETARY: Senator Krueger,
8 from the Committee on Finance, reports the
9 following bill:

10 Senate Print 3007C, Budget Bill, an
11 act to amend Part H of Chapter 59 of the Laws of
12 2011.

13 The bill reports direct to third
14 reading.

15 SENATOR GIANARIS: Move to accept
16 the report of the Finance Committee.

17 ACTING PRESIDENT BAILEY: All those
18 in favor of accepting the report of the Finance
19 Committee please signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT BAILEY: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT BAILEY: The
25 report of the Finance Committee is accepted.

1 Senator Gianaris.

2 SENATOR GIANARIS: Please move on
3 to the supplemental calendar.

4 ACTING PRESIDENT BAILEY: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 968, Senate Print 3007C, Budget Bill, an act to
8 amend Part H of Chapter 59 of the Laws of 2011.

9 SENATOR GIANARIS: Is there a
10 message of necessity at the desk?

11 ACTING PRESIDENT BAILEY: There is
12 a message of necessity at the desk.

13 SENATOR GIANARIS: I move to accept
14 the message of necessity.

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

18 (Response of "Aye.")

19 ACTING PRESIDENT BAILEY: Opposed,
20 nay.

21 (Response of "Nay.")

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

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT BAILEY: Lay it
2 aside.

3 SENATOR GIANARIS: Let's take up
4 that bill on the controversial calendar, please.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 968, Senate Print 3007C, Budget Bill, an act to
10 amend Part H of Chapter 59 of the Laws of 2011.

11 ACTING PRESIDENT BAILEY: Senator
12 Gallivan, why do you rise?

13 SENATOR GALLIVAN: Would the
14 sponsor yield for a few questions.

15 ACTING PRESIDENT BAILEY:
16 Certainly. Will the sponsor yield?

17 SENATOR RIVERA: Considering that
18 the Knicks play at 7:00, yes, a few questions.

19 (Laughter.)

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields until the New York Knicks play.

22 SENATOR GALLIVAN: Well, on that
23 note, I can't help but note the sporty Knicks
24 sport coat that the president is wearing today.

25 Good luck tonight.

1 ACTING PRESIDENT BAILEY: Thank
2 you, Senator Gallivan.

3 SENATOR GALLIVAN: The Governor
4 proposed -- or in the Governor's proposed budget,
5 if my numbers are accurate, regarding Medicaid
6 spending she proposed an increase in the state
7 share of Medicaid spending of \$4.3 billion, which
8 represented a 17 percent increase, to go along
9 with an increase of about 5 percent last year.
10 So that's a 22 percent increase in Medicaid
11 spending in two years.

12 Well, two questions. The first
13 question is, does the budget that's before us
14 now, does that include that 17 percent increase
15 in state-share spending? Or is there a different
16 number that's being put before us for a vote?

17 SENATOR RIVERA: Through you,
18 Mr. President, there is the -- what the Governor
19 proposed and there is also, on top of that -- I'm
20 sure that you're familiar there is something we
21 sought last year from the federal government that
22 we referred to as the MCO tax, which gave us a
23 little bit more money. So we actually put that
24 on top of what the Governor proposed originally.

25 SENATOR GALLIVAN: Would the

1 sponsor continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR RIVERA: Yes.

5 ACTING PRESIDENT BAILEY: The
6 Senator yields.

7 SENATOR GALLIVAN: So we are
8 going -- I'm going to move to that MCO tax, that
9 dollar figure. Is the dollar figure you're
10 referring to \$925 million, an additional
11 925 million?

12 SENATOR RIVERA: Through you,
13 Mr. President, the amount is 1.4 billion.

14 SENATOR GALLIVAN: Would the
15 sponsor continue to yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR RIVERA: Yes.

19 ACTING PRESIDENT BAILEY: The
20 Senator yields.

21 SENATOR GALLIVAN: So in our review
22 of the proposed budget and the MCO tax spending,
23 we totaled it at \$925 million.

24 And I'll read it quickly: Hospital
25 outpatient services, 425 million; nursing home

1 services, 445 million; clinics, 40 million;
2 assisted living programs, 15 million. So that's
3 about -- like over \$400 million that I'm missing.
4 Can you tell me where that \$400 million is being
5 spent?

6 SENATOR RIVERA: So through you,
7 Mr. President, I'd forgotten, because I was still
8 thinking about the good proposal that we made in
9 our one-house that we reinvest all of the MCO tax
10 dollars into different parts of Medicaid -- I
11 forgot. What the Governor wanted to do, which
12 ultimately was what happened here, is that
13 \$500 million of it actually went to go to cover
14 the cap costs.

15 You know that whole Medicaid cap
16 that a lot of us don't like? Well, still there,
17 the Governor wanted it. Five hundred million
18 dollars went to that which could have gone to
19 investments in other parts of Medicaid but did
20 not.

21 When you add the 925 that you're
22 referring to, to the roughly 500 that I'm talking
23 about, we come up with 1.4 billion.

24 SENATOR GALLIVAN: Will the sponsor
25 continue to yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR RIVERA: Yup.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR GALLIVAN: So if we go back
7 to the total of the two years of spending, an
8 approximately 22 percent increase on the backs of
9 the state taxpayers, how do we sustain that?

10 SENATOR RIVERA: Through you,
11 Mr. President. First of all, I would say that
12 part of that -- part of that, particularly the
13 MCO tax, is about investing in a system that is
14 needed by a whole lot of New Yorkers, not just in
15 my district but certainly in yours and every
16 other person in this room who is representing
17 folks around New York State.

18 These are folks who are vulnerable
19 and folks who need this coverage. These type of
20 increases have to do with coverage for -- medical
21 coverage for these folks, at least for a -- for
22 an extension of an insurance product that is
23 affordable to them that, you know, that actually
24 they can afford, which means that, you know, we
25 pay for it, they do not, because they can't

1 afford another one.

2 So I would say -- and again, the
3 investments that we made from the MCO tax, we
4 purposely went and got that money to be able to
5 invest in a system that we know is going to
6 require some level of stability which we're going
7 to lose when the federal government comes and
8 attacks us, as they already are doing.

9 So I would say that it is necessary
10 to make these investments to try to stabilize a
11 system which, again, is needed by so many
12 New Yorkers and other people, certainly, across
13 the country, but in this case we're talking about
14 the budget of the State of New York. So it's
15 needed by a lot of New Yorkers who are vulnerable
16 and who are going to have a lot of this system be
17 potentially taken away from them by actions of
18 the federal government in months and years to
19 come.

20 SENATOR GALLIVAN: Will the sponsor
21 continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR RIVERA: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR GALLIVAN: Is there
3 anything in this budget that is there to ensure
4 that there is no fraud or abuse in the Medicaid
5 program?

6 SENATOR RIVERA: Through you,
7 Mr. President. There is a state agency, the
8 Office of the Medicaid Inspector General, which
9 is responsible obviously for looking -- as the
10 name tells you, is the inspector general for the
11 Medicaid system.

12 And just this year -- we can go and
13 track the number of -- the amount of fraud that
14 was identified by OMIG last year. But there is
15 an agency that does that.

16 SENATOR GALLIVAN: Will the sponsor
17 continue to yield?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR RIVERA: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR GALLIVAN: Was there
24 anything specific in this year's budget that was
25 added to that unit's responsibilities or any

1 additional personnel or anything specific so that
2 we know that they're doing their job properly?

3 SENATOR RIVERA: Through you,
4 Mr. President. Some small technical changes, but
5 overall, no.

6 SENATOR GALLIVAN: If we could move
7 on to Part W.

8 ACTING PRESIDENT BAILEY: Part W.
9 Senator Gallivan, are you asking the Senator to
10 yield on Part W.

11 SENATOR GALLIVAN: I was just going
12 to do that, Mr. President. Thank you.

13 ACTING PRESIDENT BAILEY: Senator
14 Rivera I believe is also in charge of Part W.

15 Senator Rivera, do you yield?

16 SENATOR RIVERA: Apologies, what is
17 it that --

18 ACTING PRESIDENT BAILEY: Part W,
19 do you yield?

20 SENATOR RIVERA: I do yield.

21 ACTING PRESIDENT BAILEY: The
22 Senator yields.

23 SENATOR GALLIVAN: We have heard
24 time and again the shortages of nurses that
25 hospitals have, that nursing homes have, that

1 other healthcare providers have. And one of the
2 things that the Governor proposed was entering
3 into an Interstate Nurse Licensure Compact, and
4 it was rejected in this year's budget.

5 Can you tell us why?

6 SENATOR RIVERA: Through you,
7 Mr. President, it just didn't make it into the
8 final deal.

9 SENATOR GALLIVAN: I'm sorry, I
10 didn't hear that.

11 SENATOR RIVERA: Through you,
12 Mr. President, it just did not make it into the
13 final deal.

14 SENATOR GALLIVAN: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR RIVERA: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR GALLIVAN: Is this
22 something that the Majority would continue to
23 pursue after the budget in an effort to ease the
24 nursing shortage that we have?

25 SENATOR RIVERA: Through you,

1 Mr. President. First of all, on this and for the
2 sake of many other questions that might come in
3 the future, the position of the Majority is clear
4 in our one-house. So you could see all the
5 different things that we had in there, so you can
6 be sure, in the shortened amount of time that we
7 have for legislative action, that we will
8 certainly be open to exploring the things that
9 were ultimately rejected here that are
10 potentially legislative in nature. We will
11 certainly try to get some of it done.

12 However, you know, we have so little
13 time because of {gesturing to desk}.

14 SENATOR GALLIVAN: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR RIVERA: Yeah.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR GALLIVAN: Is there
22 anything in the budget that I may have missed
23 that tries to deal -- that deals in a different
24 way with helping to solve the nurse staffing
25 shortage?

1 SENATOR RIVERA: Through you,
2 Mr. President, not enough. But again, it's what
3 the Governor wanted.

4 SENATOR GALLIVAN: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR RIVERA: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR GALLIVAN: Every one of us
12 have heard from our constituents about the
13 changes to the CDPAP program that were adopted in
14 last year's budget and the problems that are
15 associated with it. And I don't think that
16 there's anybody in this room -- although I would
17 stand corrected if somebody pointed it out --
18 that is happy with this ongoing transition and
19 that this is the proper way to go.

20 And the question is, does this
21 budget address the problems with the CDPAP
22 program in any way, shape or form?

23 SENATOR RIVERA: Through you,
24 Mr. President, it does not.

25 SENATOR GALLIVAN: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR RIVERA: Sure will.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR GALLIVAN: Why not?

8 SENATOR RIVERA: Through you,
9 Mr. President, because it was not agreed to.

10 SENATOR GALLIVAN: Will the sponsor
11 continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR RIVERA: Yes.

15 ACTING PRESIDENT BAILEY: The
16 Senator yields.

17 SENATOR GALLIVAN: What measures
18 will the Majority take to try to work with the
19 Minority and the members of the Assembly to
20 ultimately try to solve this problem that our
21 constituents are continuing to have? Clearly,
22 not everybody is continuing to have the services
23 that they need.

24 SENATOR RIVERA: Through you,
25 Mr. President. This budget does not deal with

1 it, but we shall deal with it.

2 SENATOR GALLIVAN: All right.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BAILEY: Thank
5 you, Senator Gallivan.

6 Next on the list is Senator Rhoads.

7 Senator Rhoads, why do you rise?

8 SENATOR RHOADS: Thank you,
9 Mr. President. I was hoping that the sponsor
10 would yield to a couple of questions with respect
11 to Part LL.

12 ACTING PRESIDENT BAILEY: Senator
13 Rivera, do you yield with respect to Part LL?

14 SENATOR RIVERA: Yes.

15 ACTING PRESIDENT BAILEY: The
16 Senator yields.

17 SENATOR RHOADS: Thank you very
18 much, Mr. President. Through you, Mr. President.

19 I notice that Part LL is a new
20 addition to the budget. There had been, in
21 Part K, temporary operator language that was
22 actually originally suggested by the Governor.

23 ACTING PRESIDENT BAILEY: Senator
24 Rhoads, as Senator Krueger is such a big
25 LL Cool J fan, she will be answering Part LL on

1 this budget.

2 Senator Krueger, do you yield?

3 SENATOR KRUEGER: I do. What do
4 they call that in sports when they trade us in
5 and out?

6 ACTING PRESIDENT BAILEY: It was a
7 substitution. The substitution was so ordered.

8 (Laughter.)

9 SENATOR KRUEGER: Okay. Hi,
10 Senator.

11 SENATOR RHOADS: Let the record
12 reflect.

13 SENATOR KRUEGER: I'm happy to
14 attempt to respond.

15 SENATOR RHOADS: Thank you,
16 Senator Krueger.

17 In the original Governor's budget
18 proposal there was Part K, which was temporary
19 operator language. And now we see in the final
20 budget package there is this new provision,
21 Part LL.

22 Part K, the temporary operator
23 language, would have given the Department of
24 Health authority to take over a struggling
25 hospital and operate it through a financial

1 instability. We were concerned that that
2 targeted Nassau University Medical Center and
3 Nassau Health Care Corporation.

4 Now that's been removed and there's
5 Part LL, specifically with respect to Nassau
6 Health Care Corporation, which operates A. Holly
7 Patterson and Nassau University Medical Center in
8 my district.

9 What was the reason for the change?

10 SENATOR KRUEGER: Through you,
11 Mr. President. There have been all kinds of
12 financial and legal problems with the
13 Nassau County University Medical Center. And so
14 the Governor urgently concluded that she needed
15 to insert herself in this to stabilize and assure
16 the continuation of this important hospital.

17 So there's a series of changes being
18 made through this budget process that will
19 hopefully lead to a significant improvement,
20 including successfully securing \$50 million in
21 funding for critical repairs to the hospital,
22 which to my understanding, not being from
23 Nassau County myself, is truly critical to make
24 sure Nassau County Medical Center is able to --
25 excuse me, Nassau University Medical Center is

1 able to continue and effectively provide
2 healthcare in your county, in your district.

3 The Governor has also worked out an
4 arrangement where there will be significant
5 changes to the board of directors, including six
6 appointed by the Governor instead of eight, two
7 appointed by the county exec instead of three,
8 two directly by the county majority leader
9 instead of three, one appointed by the county
10 minority leader instead of zero.

11 The Governor will choose the chair
12 from among the members, instead of the county
13 exec doing so, and has changed the quorum to
14 50 percent instead of 60 percent.

15 There are a number of other changes,
16 but you may want to be asking me separately about
17 those.

18 SENATOR RHOADS: I appreciate that,
19 Senator Krueger.

20 Will the sponsor continue to yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR KRUEGER: Absolutely.

24 ACTING PRESIDENT BAILEY: The
25 Senator yields.

1 SENATOR RHOADS: Specifically,
2 though, Senator Krueger, what was proposed by the
3 Governor was a statewide bill. And now what we
4 see is a bill that is specifically targeted to
5 one hospital.

6 Did the Governor ever express what
7 her rationale was behind targeting this specific
8 hospital?

9 SENATOR KRUEGER: Through you,
10 Mr. President. I don't know that I have the
11 answer to why the Governor specifically dropped
12 her other, broader proposal.

13 But I know that the reason she
14 submitted this to get it done was the critical
15 nature of protecting this hospital, which is
16 technically a public hospital. And so it's
17 providing funds that are desperately needed,
18 making some change to the leadership and
19 distribution of the board control, and trying to
20 assure that this hospital is able to stably go
21 forward to provide care to residents of
22 Nassau County.

23 And again, this was already a
24 publicly sponsored hospital.

25 SENATOR RHOADS: Thank you,

1 Senator Krueger.

2 Will the sponsor continue to yield,
3 Mr. President?

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR RHOADS: So it's your
10 understanding that the Governor's rationale
11 behind driving this proposal was purported
12 financial instability of the hospital, is that
13 correct?

14 SENATOR KRUEGER: That was a major
15 concern. But I think there have also been other
16 concerns about the operation of the hospital and
17 the leadership of the board members.

18 SENATOR RHOADS: Will the sponsor
19 continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 The sponsor yields.

23 SENATOR RHOADS: Would you care,
24 Senator Krueger -- through you, Mr. President --
25 to articulate the other reasons other than

1 financial instability?

2 SENATOR KRUEGER: (Conferring.) I
3 don't know that I'm privy to all the concerns,
4 but two of the big ones were failure to pay the
5 insurance coverage for their workers and very
6 large debts being taken on.

7 SENATOR RHOADS: Will the sponsor
8 continue to yield.

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 The Senator yields.

13 SENATOR RHOADS: Thank you.
14 Through you, Mr. President.

15 In fact the hospital had worked out
16 a payment plan with respect to that arrearred debt
17 in the worker pension fund, and in fact was
18 paying timely. Is that not the case?

19 SENATOR KRUEGER: Through you,
20 Mr. President, I am not from Nassau County and so
21 I don't necessarily have the day by day, you
22 know, storyline. But I'm looking at an editorial
23 from Newsday, "Change is Needed From the Top Down
24 at NUMC," going into specific details of the
25 problems -- apparently well known and

1 documented -- about this hospital. And the fear
2 that it was going to collapse and no longer be
3 available to provide healthcare for the people of
4 Nassau County. And it's the only burn center in
5 Nassau County, and one of the only facilities in
6 the area to offer lifesaving care to cancer
7 patients, autoimmune disorders, advanced
8 infections, and other cases that require complex
9 treatment. It offers indispensable mental health
10 and substance abuse treatment. And frankly the
11 demand for all of these services are at an
12 all-time high.

13 So I think the Governor, hearing
14 from many about the concerns, having her own
15 people go in and see what the problems were, came
16 up with a plan that hopefully will reverse all of
17 these problems, stabilize the financial
18 situation, commit an additional \$50 million to
19 this facility. And I actually think everybody
20 should be saying hooray.

21 SENATOR RHOADS: Thank you,
22 Senator.

23 Will the sponsor continue to yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Yes, absolutely.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR RHOADS: I would hope that
5 state budget policy is not being determined
6 through the editorial pages of Newsday but
7 through actual facts, Senator Krueger. Just --

8 SENATOR KRUEGER: Previously I was
9 accused of not reading Newsday enough by
10 Senator Martins, another Nassau County Senator.
11 So love it, hate it, I don't know. This is what
12 they said.

13 Yes, excuse me. Please.

14 SENATOR RHOADS: But had the
15 Governor's office made you aware with respect to
16 the state share of funding that was actually
17 provided to the hospital since 2020?

18 SENATOR KRUEGER: Through you,
19 Mr. President. We don't have exact numbers
20 because apparently part of the debate between the
21 Governor's office and the existing leadership of
22 this hospital was disagreements about the
23 discrepancies in money and how it was spent.

24 I can ask for more details later,
25 but that's the best I have right now.

1 SENATOR RHOADS: Through you,
2 Mr. President, will the sponsor continue to
3 yield.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR RHOADS: Fortunately,
10 Senator Krueger, I have those figures. In 2020
11 Nassau Health Care Corporation received
12 \$165,659,000 in state aid.

13 In 2021, when County Executive
14 Blakeman became county executive of
15 Nassau County, they received a cut of \$87,808,000
16 in that aid, for a total amount of funding of
17 88,152,000.

18 In 2022, they received a further
19 cut, which compared to 2020 numbers took them
20 down to 128 million -- a total cut of
21 \$128,328,000, for a total amount of funding of
22 only \$47,632,000.

23 In 2023 they received a slight
24 increase, but then in 2024 and 2025 they have
25 received zero dollars in state funding.

1 In other words, over the last five
2 years, there has been a cut in state funding to
3 NUMC of over half a billion dollars.

4 Had the Governor's office made you
5 aware of that cut in funding?

6 SENATOR KRUEGER: Through you,
7 Mr. President. Again, I think that there are
8 different understandings. And I'm not in the
9 middle of this fight, per se, over whether the
10 state didn't give them funding because they felt
11 that they hadn't been doing what they had said
12 they would do -- that their debt was growing,
13 that they weren't making the payments, and that
14 the concerns were rising.

15 So I don't necessarily dispute the
16 specific numbers being quoted. I just don't
17 exactly know who did what when so that they were
18 in such enormous debt that they did not seem to
19 be able to get out of under the current
20 leadership.

21 SENATOR RHOADS: Will the Senator
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR RHOADS: Thank you,
4 Senator Krueger.

5 Well, if I can ask your opinion, do
6 you think that a loss in funding over five years
7 of half a billion dollars might contribute to
8 financial instability?

9 SENATOR KRUEGER: Through you,
10 Mr. President, I actually don't know how much
11 they were supposed to be getting from the state,
12 under what circumstances.

13 And again, I believe that this
14 proposed package will help ensure, moving
15 forward, that they do continue to get the money
16 they need. Because now you have the Governor
17 basically making a commitment to be working
18 carefully with this board -- and I believe
19 there's also going to be a change in CEO, subject
20 to the board approval -- and the Nassau County
21 Interim Finance Authority.

22 Because again, Nassau County has
23 serious financial problems as a county and is
24 under the authority of an interim financial
25 authority. And so there have been lots of

1 questions about the financing of a variety of
2 things in Nassau and their inability to make
3 their payments.

4 So whatever led us here, I actually
5 think this is a solution to a problem, not a
6 creation of a problem.

7 SENATOR RHOADS: Mr. President,
8 will the sponsor continue to yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR RHOADS: Well, the issue
15 that I have, Senator, is that it is a solution to
16 a problem created by the person who's coming up
17 with solution.

18 Are you aware, Senator, that -- or
19 did the Governor make you aware that even this
20 year federal DSH payments to Nassau University
21 Medical Center, which were paid to every other
22 hospital in the state, have been withheld from
23 Nassau University Medical Center to the tune of
24 \$42 million?

25 SENATOR KRUEGER: (Conferring.)

1 Through you, Mr. President. Again, I feel like
2 we're sort of in a courtroom without our court
3 documents, because I'm hearing that they were
4 behind 400 million in making their insurance
5 payments to the State Insurance Program. I'm
6 hearing that the Governor's people had been
7 attempting to work with the board and management
8 of this hospital to try to resolve things over
9 multiple years, and things were only getting
10 worse, not better. The delivery of promises were
11 not being met.

12 And so frankly the state withholding
13 some money and saying, Frankly, we need to get to
14 the bottom of this, we need to come up with a
15 plan that will actually work, seems like a
16 reasonable approach.

17 But again, I'm not part of the
18 Governor's team. I wasn't part of any of the
19 meetings that were going on I'm assuming for
20 multiple years. I just know that a variety of
21 people who need this hospital to function in
22 Nassau County are actually quite happy that this
23 is happening and feel that there is more
24 confidence that they all have going forward that
25 the problems of the hospital will be stabilized,

1 the financial situation will improve, and that
2 with a new leadership of the CEO and the board,
3 that there will be a much better opportunity
4 going forward for the problems to be resolved.

5 And I guess I'm just not sure why
6 anybody really has a problem with that.

7 SENATOR RHOADS: And will the
8 sponsor continue to yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: I will.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR RHOADS: Senator Krueger, I
15 apologize because I have to ask you these
16 questions. If the Governor ever returned my
17 phone call on it, I would have been happy to
18 discuss them with her. But you're here in her
19 place.

20 Let's talk about how this plan
21 actually came to pass. In creating this plan,
22 who exactly was involved?

23 SENATOR KRUEGER: Just to clarify.
24 Through you, Mr. President. Meaning the plan as
25 outlined about what's going to happen at

1 Nassau University Medical Center, who was
2 involved in this plan?

3 SENATOR RHOADS: Correct.

4 SENATOR KRUEGER: This was
5 submitted to the Legislature by the Executive.

6 SENATOR RHOADS: And if the Senator
7 will continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Absolutely.

11 ACTING PRESIDENT BAILEY: The
12 Senator yields.

13 SENATOR RHOADS: Thank you,
14 Senator Krueger.

15 So was the current CEO or board of
16 Nassau University Medical Center and Nassau
17 Health Care Corporation at all consulted in this?

18 SENATOR KRUEGER: We did talk to
19 them, yes.

20 SENATOR RHOADS: Okay. And will
21 the sponsor continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR RHOADS: And who spoke to
3 them? When you say "we," who was we?

4 SENATOR KRUEGER: I'm sorry, our
5 staff who work on hospital and healthcare issues.

6 SENATOR RHOADS: And if the sponsor
7 will continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR RHOADS: Was there any
14 consultation with the county executive or the
15 county executive's staff as the Nassau County
16 underwrites the bonding for the hospital that
17 that the state is now taking over?

18 SENATOR KRUEGER: We did not. We
19 assume the Governor's people did have
20 conversations like that. You would have to ask
21 the Executive.

22 SENATOR RHOADS: Well, we know what
23 happens when you assume, right?

24 Apparently some members in the
25 chamber --

1 SENATOR KRUEGER: That wasn't a
2 question --

3 ACTING PRESIDENT BAILEY: Are you
4 asking her what happens when you assume?

5 (Laughter; overtalk.)

6 ACTING PRESIDENT BAILEY: Are you
7 asking her to yield to that question?

8 SENATOR KRUEGER: I don't think
9 that was a question.

10 SENATOR RHOADS: Some members in
11 the chamber may not be old enough to remember
12 The Odd Couple. But yes, that was -- that was an
13 old skit.

14 Will the sponsor continue to yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Of course.

18 ACTING PRESIDENT BAILEY: The
19 Senator yields.

20 SENATOR RHOADS: So if I can ask,
21 were any of the representatives in this chamber
22 or in the chamber across the hall consulted about
23 any of these changes to the hospital in their
24 community?

25 As the sponsor -- as Nassau

1 University Medical Center is located in my
2 district, I can tell you that I was not. Are you
3 aware of any members of either chamber that were
4 involved in these discussions?

5 SENATOR KRUEGER: My understanding
6 is Senator Bynoe was consulted, and I believe
7 that she is supportive of this plan. I certainly
8 have no idea about Assemblymembers and how they
9 were consulted or not consulted.

10 Again, I don't know why you were not
11 brought into this, Senator. That is not my call.

12 SENATOR RHOADS: Will the sponsor
13 continue to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR KRUEGER: Indeed.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RHOADS: Thank you,
20 Senator Krueger. And I know it's not you; I know
21 you're here answering as best you can on behalf
22 of the Executive, as difficult as that might be.

23 Did the Executive's office tell you
24 that there had been a \$69 million increase in
25 revenue and a 600 percent increase in cash on

1 hand at the hospital over the course of the past
2 year?

3 SENATOR KRUEGER: No, that wasn't
4 discussed. And I have no record of knowing that
5 or where that's coming from.

6 SENATOR RHOADS: Thank you,
7 Senator.

8 Will the sponsor continue to yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 The sponsor yields.

12 SENATOR RHOADS: Turning to the
13 creation of Nassau Health Care Corporation back
14 in 1997, I noticed that this legislation here
15 today is brought to the floor without a home-rule
16 message. Could you explain what a home-rule
17 message is?

18 SENATOR KRUEGER: (Conferring.)
19 Through you, Mr. President. No, this was not
20 determined to be requiring of a home-rule
21 message. Because when something is done through
22 the budget bills, it does not need a home rule.
23 So there are people who are the counsel who are
24 experts on home rule.

25 Yet again, it's amazing how many

1 things I'm not an expert on, but -- an endless
2 list -- but I am told that when things are done
3 this way through a budget process, you don't need
4 to go the home rule path.

5 SENATOR RHOADS: And would the
6 sponsor continue to yield, Mr. President.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR RHOADS: Thank you,
13 Senator Krueger. Through you, Mr. President.

14 Would you concede, however,
15 Senator Krueger, that had this been brought up
16 through the normal legislative process with
17 appropriate disclosure, hearings, and the
18 opportunity for the elected representatives to be
19 heard, that it would have required a home-rule
20 message, just as it did to create the
21 Nassau Health Care Corporation?

22 SENATOR KRUEGER: Through you,
23 Mr. President. Because this does involve budget,
24 and a cost to the state, it is appropriate to
25 have gone through the budget.

1 I sincerely don't know what level of
2 discussion has taken place in Nassau County
3 around this issue, whether there's been
4 legislative discussion by the county legislature,
5 whether there have been mayors and other elected
6 officials in Nassau County who have been involved
7 with proposals or this proposal.

8 What I know is that when you look at
9 this proposal, you feel like we've got some
10 solution coming. And I think that's really what
11 everyone cares about in Nassau County, making
12 sure that this important medical center
13 continues, survives, continues to provide quality
14 healthcare desperately needed by large numbers of
15 people in Nassau County.

16 I sincerely believe that that was
17 the Governor's goal and intention with going down
18 this path, to make sure that we were stabilizing
19 and improving the chances of a future for this
20 medical center.

21 SENATOR RHOADS: Will the sponsor
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: I will.

1 ACTING PRESIDENT BAILEY: The
2 Senator yields.

3 SENATOR RHOADS: Thank you,
4 Senator Krueger.

5 I want to turn for a moment to
6 the -- I want to turn for a moment to the
7 language itself. As I had mentioned previously,
8 the county is the bondholder for debt incurred by
9 the corporation. Is there any provision within
10 LL that the state, in addition to seizing control
11 of Nassau Health Care Corporation, would in fact
12 also be taking responsibility for the debt of the
13 corporation?

14 SENATOR KRUEGER: Through you,
15 Mr. President. No.

16 But also the term "seizing control"
17 is interesting, because the Governor is actually
18 reducing the number of board members appointed by
19 her. So I don't know that "seizing" is legally
20 the right term to use in this storyline.

21 SENATOR RHOADS: Will the sponsor
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR RHOADS: Well,
4 Senator Krueger, under the proposed legislation
5 the Governor has six appointments out of an
6 11-member board, and reduced the quorum for being
7 able to conduct business from a 60 percent
8 majority to a simple majority. Meaning that the
9 six appointed members by the Governor could meet
10 without anyone else and determine policy for the
11 corporation.

12 So why wouldn't the term "seizing
13 control" be accurate?

14 SENATOR KRUEGER: (Conferring.)
15 Through you, just to clarify. When it says what
16 I read before it's six appointed by the Governor,
17 two of those six are actually at the
18 recommendation of the leader of the Senate and
19 the Assembly. So the -- our Legislature
20 continues to play a role here.

21 And I believe that the quorum issue
22 was necessary to make sure that the board is able
23 to meet and have discussions that lead to
24 specific actions that are needed that apparently
25 there were real problems even getting board

1 meetings, with people there voting continuing the
2 problems.

3 So again, I'm just not sure that
4 "seizing," particularly since it was and is a
5 public facility, not a private hospital being
6 taken over, is the correct language.

7 SENATOR RHOADS: Will the sponsor
8 continue to yield.

9 ACTING PRESIDENT BAILEY: Senator
10 Rhoads, I think that Senator Krueger is in search
11 of a further response.

12 SENATOR KRUEGER: I'll be happy to
13 answer more questions. That was the question.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR KRUEGER: Yes, I will.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RHOADS: Under the new
20 structure, it would be four appointments by the
21 Governor, another two appointments by the
22 Governor on recommendation of the President of
23 the Senate, Temporary President of the Senate,
24 and the Speaker of the Assembly.

25 Meaning that the appointments on

1 behalf of the state can act without any input
2 from any of the appointees from local government
3 who actually are served by this hospital. Is
4 that not a fact?

5 SENATOR KRUEGER: Yes. Because --
6 well, just to clarify from before when you said
7 the quorum percentage changes but the total
8 number of board members also changes.

9 So we would go from 15 board members
10 to 11 board members. And so, yes, you would need
11 the majority, 50 percent, 51 percent of the board
12 members to be recognized as a quorum.

13 So yes, does the state, between the
14 Legislature and the Governor, have a slightly
15 greater weight in the board than they did in the
16 current model? You are correct.

17 SENATOR RHOADS: Thank you,
18 Senator.

19 Will the sponsor continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR KRUEGER: I will.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR RHOADS: Senator, are you

1 familiar with the case of United States Trust
2 Company versus the State of New Jersey?

3 SENATOR KRUEGER: I have to admit I
4 am not.

5 SENATOR RHOADS: And will the
6 sponsor continue to yield.

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield? The sponsor yields.

10 SENATOR RHOADS: So this particular
11 case had to deal with the issue of bonds by the
12 Port Authority of New York and New Jersey. And
13 it had to do with whether a transfer of those
14 bonds or a changing of conditions of those bonds
15 was actually legal, based upon the reason that
16 they were issued in the first place.

17 In this instance do you foresee
18 there being a problem with bonds being issued for
19 the purpose originally, in the creation of
20 Nassau Health Care Corporation, being issued to
21 allow Nassau University Medical Center to
22 effectively compete with nonpublic providers, as
23 being consistent or inconsistent with the
24 financial stability argument that the Governor
25 appears to be making here?

1 SENATOR KRUEGER: I'm sorry,
2 Mr. President, through you. The beginning of the
3 question seemed to involve bonds that have been
4 taken out for this hospital and the obligation of
5 the county to be a fiduciary obligor on the
6 bonds. The end of the question doesn't sound
7 like it was related to the bonds. So it was two
8 questions, and I just got them confused.

9 SENATOR RHOADS: Not a problem.
10 I'll --

11 ACTING PRESIDENT BAILEY: Senator
12 Rhoads, could you rephrase?

13 SENATOR RHOADS: I will rephrase.

14 SENATOR KRUEGER: Thank you.

15 SENATOR RHOADS: Through you,
16 Mr. President. The question that I have is the
17 case stands for the principle that when bonds are
18 originally issued and there's a change in the
19 conditions under which the bonds were issued, the
20 reason for the change has to be consistent with
21 the original purpose of the issuance of the
22 bonds.

23 In this instance we have a
24 hospital -- or Nassau Health Care Corporation,
25 that was created to make it easier for the county

1 to be able to compete with nonpublic providers in
2 obtaining grants and other funds. Yet the reason
3 that's being given for the change in condition to
4 those bonds is the fact that the hospital's
5 facing financial instability.

6 Do you believe that to present a
7 problem, a legal problem?

8 SENATOR KRUEGER: So I never
9 comment on whether something's legal, not legal,
10 who's going to challenge. We live in a litigious
11 society, so everybody does litigation.

12 I do think, though, understanding
13 the question, that the goal here was to make sure
14 the hospital is stable to go forward, which
15 increases the chances nobody defaults on the
16 bonds, hence there's less worry for the County of
17 Nassau if in fact they're an underwriter of the
18 bonds.

19 So a more stable hospital going
20 forward with less problems, less debt, less risk
21 for bonds and bondholders, is a win and would
22 continue to assure that this hospital could meet
23 the goals, as described by my colleague, of
24 having a public hospital in Nassau County able
25 to -- I believe the term he used was compete with

1 the private facilities.

2 And a public hospital in financial
3 debt, owing hundreds of millions of dollars, not
4 making insurance payments, actually puts it at
5 far more risk of not continuing to meet its
6 medical health obligations to the county or being
7 able to make its debt payments over time.

8 So I don't know the legal case. I
9 don't know what the strategy would be for an
10 argument. But I actually think if I was in that
11 courtroom I'd go, Oh, this is all going to work
12 out better, I don't really have a problem.

13 SENATOR RHOADS: Thank you,
14 Senator Krueger. I appreciate the questions.
15 I'm sure others will follow up.

16 I'd like to go on the bill briefly.

17 ACTING PRESIDENT BAILEY: Senator
18 Rhoads on the bill.

19 SENATOR RHOADS: Senator, I want to
20 thank you for answering those questions.

21 Here's the reality. We are facing a
22 situation now where financial instability is
23 being cited as the reason for Part LL in this
24 year's budget. Unfortunately, if you look at the
25 statistics, Nassau University Medical Center, as

1 I've said many times in this chamber, has been
2 defunded by the state to the tune of half a
3 billion dollars.

4 This is a situation where the
5 Governor has created a set of circumstances where
6 the hospital is financially unstable, in order to
7 create that situation to effectuate a takeover.
8 That is the simple reality. This has nothing to
9 do with providing healthcare and everything to do
10 with power and control.

11 There would be no reason why this
12 hospital, over the course of the last two years,
13 when we have provided additional funds for
14 distressed hospitals, received zero dollars in
15 funding from the Distressed Hospital Fund.

16 This has to do, in my opinion, with
17 respect to a lawsuit that was actually brought by
18 NUMC alleging on behalf of the state there being
19 fraud in the issuance of DSH payments, where
20 money was being sent, the state's contributions
21 were being sent to an offshore account in the
22 Cayman Islands. And it is alleged that that
23 money was clawed back by the state as an
24 incentive for receiving federal matching funds
25 for the federal portion of those payments. If in

1 fact that's true, on top of the half a billion
2 dollars the hospital would have lost a billion
3 additional dollars in funding.

4 So this -- respectfully, and
5 Senator Krueger, I appreciate you trying to
6 answer those questions -- this is a
7 self-fulfilling prophecy that has been generated
8 by the Governor as an attempt to seize control of
9 Nassau University Medical Center for purposes we
10 don't know. The purposes in the bill certainly
11 mention that there will be a review of hospital
12 systems and functions, there will be review of
13 the property that's owned by the hospital.

14 And based on the Alvarez report, we
15 are concerned that the hospital will in fact be
16 turned into -- portions of it into a psychiatric
17 center, as opposed to providing the vital patient
18 care and services like the burn center, like the
19 bariatric chamber, like the fact that the
20 hospital provides -- is a -- is a safety net
21 hospital for those most vulnerable. Those
22 services may very well be disappearing as a
23 result of this legislation and the ensuing
24 consequences of it.

25 And so I would ask my colleagues to

1 take a serious look at this proposal and the
2 motivations behind it, to question the
3 information that's been provided to you by the
4 Governor as well as her motivations for providing
5 it, and to vote against this provision.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BAILEY: Thank
8 you, Senator Rhoads.

9 Senator Canzoneri-Fitzpatrick, why
10 do you rise?

11 SENATOR CANZONERI-FITZPATRICK:
12 Thank you, Mr. President. I would like to know
13 if Senator Krueger would answer a few questions
14 also on Part LL.

15 ACTING PRESIDENT BAILEY: Senator
16 Krueger, do you yield on Part LL?

17 SENATOR KRUEGER: Sure.

18 ACTING PRESIDENT BAILEY: Senator
19 Krueger yields.

20 SENATOR CANZONERI-FITZPATRICK:
21 Thank you, Senator Krueger.

22 I wanted to ask some follow-up
23 questions to what Senator Rhoads has been asking.
24 Section 3402(a) of the Public Authorities Law, as
25 it's been amended in the budget, calls for a

1 study of the modernization and revitalization of
2 the Nassau Health Care Corporation. But in the
3 earlier part of this bill, we're basically
4 revamping the entire structure of how it's
5 governed.

6 And I'm wondering why don't we do
7 the study first before we dismantle the structure
8 that's currently governing, because maybe they're
9 on the right path. And maybe they're doing some
10 things, but you're going to completely start over
11 and scratch the whole structure. And I'm
12 wondering why don't we just do the study first
13 and see what that tells us.

14 SENATOR KRUEGER: Through you,
15 Mr. President. I've been advised that nobody
16 trusts this board to do that study, frankly. So
17 we need a new board and new leadership.

18 I'm reading about the FBI
19 investigating the Long Island hospital chair
20 being fired after thieves broke into his house,
21 didn't steal anything but all the documents that
22 would show what's happening with the money at
23 this hospital.

24 So does it need a study? Yes.
25 Should it be people we trust to do the study, as

1 opposed to people being investigated by the FBI
2 and others? I'd say yes, we need both. I don't
3 think we would want to wait to do the study done
4 by them. We would want an independent study.

5 And with all due respect, on the
6 previous statement, it's not like the Governor is
7 looking to take over distressed hospitals and
8 take responsibility for them. Many in this room
9 could make the point it's just the opposite, that
10 we've had governor after governor who wants to
11 try to get rid of public hospitals, not take
12 responsibility for distressed hospitals, and just
13 hope everything goes away and isn't a problem.

14 And here we have a Governor who's
15 saying we recognize a problem, it's serious, we
16 need to try to save this hospital for the people
17 in the communities that use it in Nassau County.
18 There are problems. They have been documented.
19 They're getting worse. The state frankly now is
20 putting itself on the hook to take responsibility
21 for making it better. And I think that is all a
22 win for Nassau County.

23 SENATOR CANZONERI-FITZPATRICK:

24 Will the sponsor continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR CANZONERI-FITZPATRICK: So,
6 Senator Krueger, you'll probably be happy to know
7 that the person that you were referencing was
8 already removed by the county executive. He took
9 action.

10 And I would suggest that the
11 Governor's not really taking responsibility for
12 this, she's really just taking it over.

13 But that lends myself -- leads to
14 another question. Because if this was done
15 outside the context of the budget, this would in
16 fact require a home-rule request, the way it did
17 when this entity was set up. And I'm wondering,
18 we -- this is déjà vu for me, because there was a
19 parkland alienation bill that was in this house
20 that did not come through my office affecting
21 parkland alienation in Nassau County.

22 And I'm seeing a pattern that when
23 things are going on in Nassau, we're kind of
24 bypassing our home-rule request. So I'm very
25 disturbed by the fact that this is done in the

1 context of the budget.

2 My question, though, is that since
3 we have Nassau County Senators on this side of
4 the aisle, four of them, why isn't there an
5 appointment by the Minority Leader of the Senate
6 to make sure that Nassau County has, you know,
7 representation from the party that is really in
8 control in Nassau County?

9 SENATOR KRUEGER: That was many
10 questions.

11 So, again, on the home rule, because
12 it is \$50 million of money, it needs to be within
13 the budget.

14 It is a regional hospital system, as
15 explained to me, beyond just Nassau County, and
16 therefore it would not necessarily fit into any
17 home-rule definition, whether in a budget or not.

18 As to who is being given appointment
19 authority on the board, frankly I think people
20 have been complaining about not enough Minority
21 representation on boards versus Majority
22 representation, so I hear and respect that issue.

23 But again, this was the Governor's
24 proposal that was accepted and put in her budget.

25 SENATOR CANZONERI-FITZPATRICK:

1 Will the Senator still yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR CANZONERI-FITZPATRICK:
8 Thank you.

9 So I haven't had a lot of time to
10 review Part LL because, you know, we just
11 received the legislation very recently, so I
12 haven't been able to see anything about
13 \$50 million. But I'll take your word for that,
14 Senator Krueger.

15 But one of the other things that I
16 wanted to ask is that there was litigation
17 recently filed in December of 2024 where NUMC is
18 suing the State of New York for approximately
19 \$1 billion in Medicaid funds. And I'm wondering
20 if that litigation has any impact on what's going
21 on here in the budget.

22 SENATOR KRUEGER: Through you,
23 Mr. President. Again, this has been defined as a
24 failing hospital for many years, owing hundreds
25 of millions of dollars being built up.

1 I respect everybody's right to sue.
2 So if they have a basis for that lawsuit, I don't
3 know that this basis for that lawsuit goes away
4 because of what we're doing here today.

5 SENATOR CANZONERI-FITZPATRICK:
6 Will the sponsor continue to yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR CANZONERI-FITZPATRICK: So,
13 Senator Krueger, can you point to another
14 hospital that the Governor has taken over as far
15 as control of another public benefit hospital
16 that's had success in this state?

17 SENATOR KRUEGER: Through you,
18 Mr. President. This hospital is established
19 already within State Public Authority Law. So
20 again, the argument that somehow this is a
21 hospital being seized or taken over by the state
22 isn't actually factually correct.

23 Are there examples where the state
24 has come in and provided additional funding and
25 assisted hospitals in exchange for them agreeing

1 to certain conditions before the -- before they
2 got state money? Yes, there are examples of that
3 and examples of other kinds of public authorities
4 also in financial trouble where those storylines
5 have happened.

6 Is there an identical storyline to
7 this one? We're not aware of it right now.

8 SENATOR CANZONERI-FITZPATRICK:
9 Will the sponsor continue to yield?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR CANZONERI-FITZPATRICK: So
16 just following up on some of the other legal
17 ramifications.

18 Public Authority Law 3402 affords
19 certain governance control to the county over
20 this hospital corporation, and therefore, by
21 extension, this hospital. And in reliance on
22 that, the county guaranteed over \$303 million
23 worth of bonds issued by the Nassau Health Care
24 Corporation. And this legislation appears to
25 interfere with those contractual relationships.

1 I'd like to know, how do we get
2 around that?

3 SENATOR KRUEGER: Through you, I
4 don't think either of us are bond counsel, but we
5 are advised that the Governor's bond counsel
6 reviewed all of this and says all of these
7 actions will have no impact on the existing bonds
8 or the fiduciary responsibilities of what
9 happens.

10 SENATOR CANZONERI-FITZPATRICK:
11 Will the sponsor continue to yield?

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR CANZONERI-FITZPATRICK: So
18 yes, Senator Krueger, I'm not bond counsel
19 either, so I am relying on the advice of some
20 others.

21 But I'd like to know, you've
22 mentioned a few times that this hospital's been
23 failing, it's in trouble. And, you know, the
24 Legislature's obviously put forth this bill
25 before us. So I'd like to know what's the basis

1 of those statements. Because I'm wondering if,
2 you know, the county executive has been consulted
3 about what's going on, if there's been attempts
4 to resolve this before we put forth this
5 litigation -- this legislation.

6 SENATOR KRUEGER: Apparently it is
7 well-documented that the debt has been growing.
8 They owe the state hundreds of millions of
9 dollars. I was just told that their plan
10 currently is they'll pay \$2 million down on that
11 debt every month. But their debt is growing
12 \$7 million every month, so they're not really
13 paying down the debt, they're just growing their
14 debt.

15 And I think, again, it has been
16 well-documented in a number of different
17 documents and news articles over an extended
18 period of time -- I forget the second part of the
19 question, I apologize. Can I ask the sponsor
20 to -- the sponsor?

21 (Laughter; overtalk.)

22 ACTING PRESIDENT BAILEY:
23 Certainly. What I'll do, Senator Krueger --

24 SENATOR KRUEGER: Yes, ask to
25 repeat the second part of the question.

1 ACTING PRESIDENT BAILEY: Senator
2 Canzoneri-Fitzpatrick, could you repeat the
3 second portion of your question for
4 Senator Krueger.

5 SENATOR CANZONERI-FITZPATRICK: Of
6 course, Senator Krueger.

7 So my question was has the county
8 executive, Bruce Blakeman, been consulted
9 regarding any steps to take or any steps that he
10 might have taken to improve what you've
11 characterized as a failing hospital?

12 SENATOR KRUEGER: Through you,
13 Mr. President. We did not have a discussion with
14 the county exec.

15 But again, even the county exec has
16 to go through the Interim Finance Authority Board
17 for these decisions. Because it's not just the
18 Governor saying there's financial problems with
19 this hospital; there's a financial authority
20 board in place because the whole county is
21 determined to have financial problems.

22 So there's lots of people involved
23 with lots of steps when it comes to various
24 Nassau County government financings.

25 SENATOR CANZONERI-FITZPATRICK:

1 Will the sponsor continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Yes, of course.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR CANZONERI-FITZPATRICK:
8 Senator Krueger, I'd like to also point out to
9 you, under Section 3412 of the Public Authorities
10 Law, the state has pledged to and agreed with the
11 holders of bonds issued by the Nassau Health Care
12 Corporation, and with those persons or public
13 corporations who may enter into contracts, that
14 the state will not alter, limit or impair the
15 rights vested in the Nassau Health Care
16 Corporation to operate the hospital, which was
17 financed by these bonds.

18 And any attempt potentially could
19 constitute a violation of that -- of the state's
20 pledge. And therefore, I'd worry that what we
21 are doing is opening up the state to litigation.
22 And I'd like to know if that's been considered in
23 proposing this.

24 SENATOR KRUEGER: Through you,
25 those are the terms of existing bonds. And

1 again, a different way to answer the same
2 question, the bond counsel for the Governor has
3 assured us that there is no risk or conflict in
4 the obligations of the existing bonds through
5 these changes.

6 I will just point out another
7 provision of this change is that the
8 Nassau County Interim Finance Authority can
9 impose control periods on the hospital and can
10 access all financial information and records.
11 Which means we're adding another layer of
12 transparency and audit by an entity I'm sure
13 you're familiar with which is authorized to
14 oversee financial situations in the County of
15 Nassau.

16 And I also think that's probably a
17 plus as well. Because you're going to have
18 another set of eyes on all of this. Not the
19 Governor's office, not this chamber, but the
20 financial control board overseeing finances in
21 Nassau County.

22 SENATOR CANZONERI-FITZPATRICK:

23 Will the sponsor continue to yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR CANZONERI-FITZPATRICK: So,
5 Senator Krueger, making it a very direct
6 question, is the state going to guarantee these
7 bonds and take the obligation away from the
8 county?

9 Because as was stated by my
10 colleague, the Governor is going to be able to
11 appoint six people to a board of 11. She will be
12 able to control what goes on. And the county
13 executive no longer has a say or control over
14 this board. And therefore, you have saddled the
15 county with debt that now the state is
16 controlling the board that's making the
17 decisions.

18 So I'd like to ask directly, will
19 the state now guarantee the debt instead of the
20 county?

21 SENATOR KRUEGER: So my
22 understanding -- through you, Mr. President -- is
23 there is no change in who is responsible for the
24 debt on the existing bonds. So there will be no
25 change in that arrangement, no change in the

1 bond, no change with the fiduciary
2 responsibility.

3 There will be more oversight through
4 the Nassau County Interim Finance Authority on
5 continued spending and financial decisions by the
6 hospital -- again, I think a good thing.

7 And a, I think, significant
8 commitment by the Governor in taking these steps
9 and agreeing to give another \$50 million right
10 away to the hospital to stabilize it is a sign
11 that the state is doing this in order to help
12 ensure a stable future for this hospital and
13 nothing else.

14 SENATOR CANZONERI-FITZPATRICK:
15 Mr. President, on the bill.

16 ACTING PRESIDENT BAILEY: Senator
17 Canzoneri-Fitzpatrick on the bill.

18 SENATOR CANZONERI-FITZPATRICK:
19 Thank you, Senator Krueger, for answering the
20 questions that I've tried to pose.

21 I'm deeply troubled by what's going
22 on here. As we've stated, NUMC is the only
23 safety-net hospital in Nassau County. It is the
24 burn center for all of the volunteer firemen in
25 Nassau County. It has so much weight on this

1 hospital. It needs to succeed. It needs to stay
2 with local control, which is something that I
3 have argued continuously, whether it's review of
4 windmills offshore, whether it has to do with
5 zoning and housing. And I think it applies in
6 this case as well.

7 Deciding what goes on with this
8 hospital should remain local. And the fact that
9 the county executive, in my opinion, from what
10 I've heard, has not properly been consulted about
11 what is going on, and the county is going to
12 continue to be responsible for \$300 million of
13 debt -- while they don't have control -- is
14 simply wrong.

15 And it is an affront to the
16 residents of Nassau County that I represent and
17 that the Senators on this side of the aisle
18 represent, that we are not even given an input in
19 how this hospital will be run.

20 For those reasons and many others, I
21 will be voting no on this.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator.

25 Senator Martins, why do you rise?

1 SENATOR MARTINS: Mr. President, if
2 the sponsor would continue to yield for a few
3 questions.

4 ACTING PRESIDENT BAILEY:
5 Certainly. Will the sponsor yield on Part LL as
6 well, Senator Martins?

7 SENATOR MARTINS: Yes,
8 Mr. President.

9 ACTING PRESIDENT BAILEY: On
10 Part LL, Senator Krueger.

11 SENATOR KRUEGER: I am certainly
12 learning quite a bit about the situation, yes
13 indeed. Thank you.

14 (Laughter.)

15 ACTING PRESIDENT BAILEY: The
16 sponsor does indeed yield.

17 SENATOR MARTINS: Thank you,
18 Senator Krueger.

19 And once we're done here, I will
20 welcome you to visit Nassau County, and I think
21 you'll learn a lot by going there. And perhaps,
22 Senator, you can ask questions about how people
23 actually feel about a state takeover of their
24 local hospital. And I hope you will take me up
25 on that offer.

1 With regard to what I do consider to
2 be seizing control -- the term has been used. I
3 know that it's been rejected in responses. But
4 if there is an appointment by the Governor
5 effectively of a majority of the board and an
6 ability to call a quorum, a simple majority, do
7 you have any sense or can you assure the people
8 of Nassau County and the residents of
9 Nassau County that that lawsuit that
10 Nassau County has against the state for the
11 underfunding that currently is pending, that that
12 will not be withdrawn by the new board and the
13 new executive?

14 SENATOR KRUEGER: I'm so sorry, can
15 you just repeat just the last part of the
16 question.

17 SENATOR MARTINS: Sure. Nassau
18 County --

19 ACTING PRESIDENT BAILEY: Senator
20 Martins.

21 SENATOR MARTINS: Thank you,
22 Mr. President.

23 Nassau County Medical Center is
24 currently suing the State of New York for a
25 billion dollars as a result of underfunding that

1 they claim -- funds that they claim they were due
2 and didn't receive. That lawsuit was authorized
3 and is currently pending.

4 If the Governor replaces the board
5 and appoints a new executive, can you assure us
6 and the residents of Nassau County, who are
7 relying on that lawsuit to receive their fair
8 share of funds that they did not receive, that
9 that lawsuit will not be withdrawn?

10 SENATOR KRUEGER: (Conferring.)
11 Through you, Mr. President. Again -- I should
12 get a nickel for every time I say I'm not a
13 lawyer on the floor of the Senate. But we think
14 that that is possible.

15 We also don't know anything about
16 that lawsuit or what standing it actually had.

17 We did research the previous lawsuit
18 referenced by your colleague about the U.S. Trust
19 Company versus New Jersey, et al., and in that
20 case it involved reissuing of securities and
21 changing the status of who was responsible and
22 the covenants, which is not parallel to this. So
23 I do not think that lawsuit is on point for the
24 questions.

25 But that's a different lawsuit. I

1 just wanted to answer Senator Rhoads from before.

2 Thank you.

3 SENATOR MARTINS: Always,
4 Senator Krueger. Not a lawyer, but doing
5 exceptionally well.

6 SENATOR KRUEGER: I play one on TV,
7 indeed.

8 (Laughter.)

9 SENATOR MARTINS: Mr. President, on
10 the bill.

11 ACTING PRESIDENT BAILEY: Senator
12 Martins on the bill.

13 SENATOR MARTINS: Thank you.

14 You know, I am -- I'm a little
15 disappointed, I have to say. We -- certainly if
16 this were a hospital in Onondaga County, I'm sure
17 we would be speaking to Senator Ryan and to
18 Senator May about it, and we wouldn't --
19 certainly I wouldn't suppose to stand here and
20 tell you, Mr. President, or anyone else, how
21 people in Onondaga County felt or how happy or
22 unhappy they were. I would take it that you
23 would be able to tell us, as members of this
24 Senate who represent each 300-plus-thousand
25 people in that county, that you'd be able to tell

1 us whether or not people in Onondaga County are
2 happy.

3 I can tell you that -- as a
4 representative who represents a large section of
5 Nassau County, I can tell you that people in my
6 county are concerned about the possible debt that
7 we're going to have to incur and pay if the
8 hospital fails.

9 And I've heard that all of this is
10 going to be great, that there's going to be
11 \$50 million, the \$50 million that if the Governor
12 just simply released the DSH money that they
13 withheld as, you know, maybe tough love -- but
14 certainly withholding money when the hospital
15 needs money seems to be the worst prescription,
16 Mr. President, possible for a hospital that is
17 sorely in need of money. How do you hold
18 \$50 million and say, We're going to hold it but
19 we'll give it back to you when we get to replace
20 the management of this hospital? How does that
21 even make sense?

22 So there's a lot more confidence
23 perhaps on that side of the aisle than on this
24 side of the aisle that the Governor and that the
25 state are going to properly govern and run this

1 hospital.

2 But I do know that if the hospital
3 does fail, it is my residents and the taxpayers
4 of Nassau County who are on the hook for paying
5 off those bonds as guarantors. And effectively,
6 this is a state takeover and seizure of the
7 hospital system in Nassau County without
8 consideration for their county executive, their
9 legislature. There's no home rule. And
10 obviously it's being done in the budget so that
11 there wouldn't be a home rule.

12 Come on. Let's call this what it
13 is. Let's call it what it is. Onondaga County,
14 Westchester County, Queens County, Bronx County.
15 Let's call it what it is. If this were in your
16 community, you would all be screaming, and
17 rightfully so.

18 I don't ever remember an instance
19 where this body gets together and decides to go
20 into a county to take over a facility that didn't
21 even ask for help. It's like the guy they're
22 burying him, right, and he's saying, I'm not dead
23 yet. And they keep dropping dirt on him.

24 Think about it. No one asked for
25 our help. Release the \$50 million in DSH money

1 that they're entitled to, let them go about their
2 business, and let them fix what they know they
3 need to fix.

4 You know, I heard some comments
5 about NIFA, the Nassau Interim Finance Authority.
6 Hey, New York City -- here's a quick -- New York
7 City still has a finance authority from the
8 1970s. That has nothing to do with the condition
9 of New York City, nor does it have anything to do
10 with the condition of Nassau County. Nassau
11 County is being run properly. It has surpluses.
12 It is paying its own debt. And frankly, if NIFA
13 would just go away, they could actually go out to
14 the market and get their own bonds. So let's not
15 talk about Nassau County being somehow at risk.
16 It's not. Unless, of course, you drop \$300
17 million worth of guaranteed bonds on them by
18 taking over the only safety-net hospital they
19 have. The hospital that this state has refused
20 to properly fund.

21 And it's no coincidence -- it's no
22 coincidence. We all know better -- that that
23 funding stopped once the current administration
24 was elected down there. Because all of these
25 things we're talking about were there beforehand.

1 And it only became an issue when they actually
2 tried to fix it.

3 And by the way, the county executive
4 and the majority in the legislature happen, just
5 by coincidence, happen to be of the other party
6 from the Majority in this chamber, from the
7 Governor's party, and from the majority in the
8 other chamber up the hall.

9 So let's not pretend that this is
10 something else. This is not about doing the
11 right thing for the folks in Nassau County. you
12 know, someone who says that that's a regional
13 hospital -- it's the Nassau County Medical
14 Center, guaranteed by the residents and taxpayers
15 of Nassau County.

16 It's shameful, it really is. And to
17 have to get this bill a few hours ago, when this
18 has been negotiated certainly for months,
19 absolutely for weeks. But no, we can't talk to
20 you about it. It isn't as if we haven't asked.
21 We're not even going to talk to your county
22 executive or your legislature, we're just going
23 to do it because we here in Albany know better
24 than you in your own county.

25 Where does that ever happen? Give

1 me another example. No, only in Nassau County.
2 And by the way, we can paint it any way you want.
3 But the reality is look at the numbers. There
4 isn't a safety-net hospital in the state that has
5 not been funded and has not seen the decrease in
6 funding.

7 So this is a setup. My county
8 safety net hospital was set up to fail. Hundreds
9 of millions of dollars were withheld on purpose.
10 We're dealing with the poorest people in the
11 county, those people who have no other
12 alternative. And this state and the leadership
13 in this state was willing to put them at -- risk,
14 I'll say it, for political purposes.

15 There are ways of doing this. This
16 isn't it. So yeah, I'm disappointed. Everyone
17 in this chamber should be as well. Because I
18 know that I would not stand by and allow this to
19 happen to any other county in any other community
20 without having that consideration and courtesy
21 that we've always had for each other in our own
22 communities.

23 Senator Canzoneri-Fitzpatrick talked
24 about what happened with that alienation bill
25 last year. I remember that. You should too.

1 But here we are again.

2 So when decorum and tradition begin
3 to break down and we start using gimmicks in
4 order to get around home-rule requirements that
5 are place specifically to allow local communities
6 to make those decisions for themselves, that's
7 not what we're supposed to do.

8 So I'll ask you this. I'll ask you
9 to leave our safety-net hospital alone. I'll ask
10 you to release the money that they're entitled
11 to. I'll ask you to help, because we can always
12 use help. But the last thing we should be doing
13 is appointing people to a new board, revoking the
14 board that's there, and stomping on the will of
15 the local communities that are there.

16 And I'll point one more thing out.
17 Of the Governor's six appointees, two of them can
18 be from outside of Nassau County. Which means,
19 effectively, in order for them to make a
20 decision, you need six votes. And those two
21 votes may very well be the deciding factor on who
22 or what happens in my county by people who don't
23 even live there.

24 Because if the five local appointees
25 think it's a bad idea and the four who are

1 appointed by the Governor and by majorities think
2 it's a good or a bad idea, those two from outside
3 of the county are going to make that difference.
4 That's just salt in the wounds. That just makes
5 it worse.

6 I wouldn't wish this upon any one of
7 you, or any one of your communities. Keep that
8 in mind.

9 I'll be voting no, Mr. President.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator Martins.

12 Senator Krueger on the bill.

13 SENATOR KRUEGER: Thank you. I'm
14 addressing LL, since we've been quite involved
15 with it.

16 So I want to read the Newsday
17 Editorial Board editorial. I don't always agree
18 with Newsday or their editorial board, but I
19 think those people here think they do have their
20 ear to the ground on Nassau County.

21 "Nassau University Medical Center is
22 accusing New York State of game-playing,
23 suggesting the state owes the hospital money and
24 isn't treating it fairly. But it's the hospital
25 that's playing games -- with its patients, staff

1 and finances. It has gone on for too long.

2 "NUMC and its public benefit
3 corporation, Nassau Health Care Corp., suffer
4 from a toxic mix of mismanagement, poor
5 governance and troubled finances, all the result
6 of prioritizing patronage over patient care. For
7 more than a year, state officials have tried to
8 work with hospital and county officials, by
9 providing clear directives and meeting with
10 Nassau County Executive Bruce Blakeman. But
11 NUMC's leaders, including the board, chairman
12 Matthew Bruderman and chief executive Megan Ryan,
13 refuse to take the steps needed to improve
14 hospital finances and management.

15 "NUMC, in lawsuits filed against
16 New York State and the Nassau Interim Finance
17 Authority, the county's fiscal watchdog, claims
18 the state committed fraud and owes NUMC
19 \$1 billion in payments for distressed hospitals.

20 "Let's set the record straight,"
21 says the Newsday editorial board. "The
22 'disproportionate share hospital' payments, as
23 they're known, are part of a byzantine and
24 long-established funding system involving the
25 hospital, county, state and federal governments.

1 But the county and the hospital have yet to
2 present any evidence that the state defrauded
3 NUMC of anything. Yet Bruderman and Ryan are
4 bizarrely counting the \$1 billion they hope to
5 win in court as ready cash in their budget
6 projections and debt analyses. That strategy
7 allows them to say that they reduced NUMC's
8 operating deficit by \$100 million and no longer
9 owe more than \$400 million to the New York State
10 Health Insurance Program, or NYSHIP, which
11 handles medical insurance for employees and
12 retirees.

13 "Both claims are false.

14 "Meanwhile, NUMC officials are
15 seeking more money from Governor Kathy Hochul and
16 state lawmakers in current budget negotiations."
17 It goes on and on and on.

18 "Currently, the county exec and
19 county legislature appoint or recommend the
20 majority of board members. The county exec picks
21 the board chairman and approves the CEO. Giving
22 the state -- which is responsible for much of
23 NUMC's funding and oversight -- a greater say
24 would help. NUMC needs capable, thoughtful
25 professionals throughout.

1 "The slogan promoted by Ryan is
2 correct: 'Nassau Needs NUMC.' But no one needs
3 the dysfunctional mess Ryan oversees. County
4 residents need a thriving, well-managed safety
5 net hospital. With the state's intervention,
6 they might get it."

7 Maybe it won't work, but it sounds
8 to me like the people who track this from
9 Nassau County, the Newsday Editorial Board, are
10 frankly desperate for us to take this action. I
11 think it's a good reason to support it.

12 Thank you.

13 SENATOR MARTINS: Would
14 Senator Krueger yield.

15 ACTING PRESIDENT BAILEY:
16 Senator Krueger, do you yield?

17 SENATOR KRUEGER: Thank you.

18 SENATOR MARTINS: Thank you.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR MARTINS: On that issue,
22 that's an editorial from Newsday, right?

23 SENATOR KRUEGER: The editorial
24 board, yes.

25 SENATOR MARTINS: Not an article or

1 a report.

2 SENATOR KRUEGER: No, no, the
3 editorial board of Newsday.

4 SENATOR MARTINS: But an editorial
5 and an opinion that the editorial board provided,
6 correct?

7 SENATOR KRUEGER: Yes, it's an
8 editorial board.

9 SENATOR MARTINS: Thank you.

10 Mr. President, through you, if the
11 sponsor would continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR MARTINS: Just a
15 statement --

16 (Overtalk.)

17 ACTING PRESIDENT BAILEY: Wait a
18 minute. Certainly, hold on one second.

19 Will the sponsor yield?

20 SENATOR KRUEGER: Of course I do.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR MARTINS: Thank you.

24 What I said about Newsday and
25 getting a subscription and reading it? Forget

1 it.

2 (Laughter.)

3 SENATOR MARTINS: Thank you,
4 Mr. President.

5 (Laughter.)

6 ACTING PRESIDENT BAILEY: In the
7 legislative record, Senator Martins.

8 Senator Oberacker, why do you rise?

9 SENATOR OBERACKER: Thank you,
10 Mr. President.

11 I just have a couple of questions,
12 for the record, on Part EE, if I could get the
13 Senator to yield for some questions.

14 ACTING PRESIDENT BAILEY:
15 Certainly. Senator Brouk will be yielding to the
16 questions on that part if she is so obliged,
17 Senator -- so inclined.

18 Senator Brouk, do you yield?

19 SENATOR BROUK: I do.

20 ACTING PRESIDENT BAILEY: The
21 Senator yields.

22 SENATOR OBERACKER: Thank you,
23 Senator Brouk. And excuse me that I'm going to
24 be facing the microphone instead of you directly.

25 So my first question, when I looked

1 at this in the bill, it says it adds a new
2 criteria, a substantial risk of harm due to an
3 inability or refusal caused by mental illness to
4 provide for essential needs such as food,
5 clothing, medical care, safety and shelter.

6 Through you, Mr. President. My
7 question is, does overdose fall under that
8 criteria?

9 SENATOR BROUK: Through you,
10 Mr. President, correct. This is a changing to
11 the standard.

12 What's also in this part of the
13 budget bill is the fact that these determinations
14 would be made by physicians, and in some cases a
15 physician and a psychiatric nurse practitioner.
16 That's another change that occurs in this bill.

17 And so those would be the providers,
18 the physician and potentially another physician
19 or a psychiatric nurse practitioner, who would
20 have to make the call if this individual's
21 underlying mental illness is preventing them from
22 being able to carry out these essential, you
23 know, activities of life, essential needs like
24 food, clothing, medical care, et cetera.

25 So that would really be in the hands

1 of the individuals at the hospital to make the
2 determination for an involuntary commitment.

3 SENATOR OBERACKER: Thank you,
4 Senator.

5 Through you, Mr. President, would
6 the Senator yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR BROUK: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR OBERACKER: As I look at
13 the actually first bullet point, it says, again,
14 a likelihood to result in serious harm.

15 Could we apply the same standard
16 that someone who -- wouldn't you agree that
17 someone who has overdosed or is in the throes of
18 substance use disorder, there's a likelihood of
19 serious harm?

20 SENATOR BROUK: Through you,
21 Mr. President. I think that's certainly
22 possible.

23 I think we work on a lot in this
24 chamber and obviously we've studied --
25 especially, you know, as chair I've studied this

1 topic a lot. But I certainly don't pretend to be
2 a physician or a psychiatric nurse practitioner,
3 those who have spent their lives, you know,
4 licensed with this.

5 So I'm not comfortable saying the
6 exact circumstances by which someone would have
7 to find themselves to be involuntarily committed.
8 But part of what was brought up is substance use
9 disorder, which is a recognized mental illness.
10 And so if there were present an underlying mental
11 illness -- in this example, substance use
12 disorder -- and this individual were deemed to
13 not be able to essentially take care of
14 themselves on a daily basis, then it is possible
15 that that could be used.

16 But again, you know, I think as
17 with -- you know, the same way if you're
18 diagnosing cancer, I wouldn't try to guess based
19 on what you present with in this chamber that you
20 would have that diagnosis. Mental health is
21 sometimes I think even more nuanced and complex.
22 So that is why we leave it to the professionals.

23 SENATOR OBERACKER: Thank you.

24 On the bill, Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Oberacker on the bill.

2 SENATOR OBERACKER: And thank you,
3 Senator Brouk, for those answers and those very
4 detailed answers. I appreciate that.

5 Just as a kind of a point of fact,
6 that there are 38 states that have the ability
7 for involuntary commitment, and when it comes
8 into substance use disorder and with overdose.
9 So I felt like it was very important, of course,
10 to bring this up. As the ranking member on the
11 Alcoholism and Substance use Disorder Committee,
12 I really felt as though that -- we all need, we
13 all need to do everything in our power when we
14 have not only family members -- not only family
15 members, Mr. President, in the throes of
16 substance use disorder, but all. But all.

17 You know, I'm reminded, real quick,
18 I worked for a gentleman when I lived in Atlanta,
19 his name was Bob Burns. And Bob was wise beyond
20 his years, Mr. President. And he always had a
21 saying, and I loved it and I think it was
22 something along this line. He used to say: "The
23 mind magnifies what it focuses on. Imagine what
24 we could do if we pointed at solutions."

25 Senator Brouk, I would love to work

1 with you more on this and to see if we couldn't
2 somehow make substance use disorder in there.

3 Thank you. Thank you,
4 Mr. President.

5 ACTING PRESIDENT BAILEY: Thank
6 you, Senator Oberacker.

7 Senator Murray, why do you rise?

8 SENATOR MURRAY: Thank you,
9 Mr. President. I was hoping I could ask someone
10 about Part O, some questions about the
11 opioid-related proposals.

12 ACTING PRESIDENT BAILEY:
13 Certainly. Part O for the -- now I would say we
14 will ask Senator Krueger if she would be willing
15 to yield, and then we will rearrange the deck
16 chairs if necessary.

17 SENATOR KRUEGER: I'm not sure I'm
18 the right one, but you know me, I'm always
19 willing to give it a shot.

20 ACTING PRESIDENT BAILEY: Senator
21 Krueger does yield.

22 SENATOR MURRAY: Okay. So let me
23 start with Part O basically is where the
24 Legislature is rejecting --

25 SENATOR KRUEGER: I think it's

1 really an appropriate question for
2 Senator Fernandez.

3 SENATOR MURRAY: I thought so.

4 SENATOR KRUEGER: I didn't see you
5 fast enough. Thank you. If you don't mind.

6 ACTING PRESIDENT BAILEY: We'll
7 call a time out and we'll --

8 SENATOR KRUEGER: I'm substituting
9 out.

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

12 SENATOR MURRAY: Tagging in,
13 tagging out.

14 ACTING PRESIDENT BAILEY: Senator
15 Fernandez, do you yield?

16 SENATOR FERNANDEZ: Yes, I do.

17 ACTING PRESIDENT BAILEY: Senator
18 Fernandez yields.

19 SENATOR MURRAY: Thank you.

20 So as I was saying, Part O is where
21 the Legislature has rejected the Executive
22 proposal to align the state's Controlled
23 Substances List with the federal Drug Enforcement
24 Agency's Controlled Substance List.

25 Why did the Legislature reject that?

1 SENATOR FERNANDEZ: Well, we have
2 information, statistics, that show that
3 scheduling has never proven to reduce deaths.

4 And actually there has been data as
5 well that in I think it was 2012 or 2002 that we
6 did schedule fentanyl when it was only seen in
7 2 percent of drug supplies out in our
8 communities. And within a short number of years,
9 with the scheduling on fentanyl, it has actually
10 created new drugs.

11 So what we know and see is that when
12 we schedule drugs, it actually is creating new
13 drugs out there. Which is why we see xylazine
14 out there. Which is why we see fentanyl formulas
15 continually changing. Because drug dealers know
16 how to work around it and make the new drug to
17 sell.

18 SENATOR MURRAY: Will the sponsor
19 continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR FERNANDEZ: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR MURRAY: For the sake of

1 clarity, could you explain what scheduling --
2 when you say "scheduling," what do we mean when
3 we're scheduling the drugs?

4 SENATOR FERNANDEZ: What is
5 scheduling?

6 SENATOR MURRAY: Yeah.

7 SENATOR FERNANDEZ: Right now the
8 scheduling is for the current chemical compounds
9 of fentanyl, which is a synthetic opioid that is
10 being found in drug supplies on the streets and
11 stuff.

12 SENATOR MURRAY: Would the sponsor
13 continue to yield.

14 ACTING PRESIDENT BAILEY: Would the
15 sponsor yield?

16 SENATOR FERNANDEZ: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR MURRAY: With that said,
20 we're not just talking about fentanyl. When
21 we're talking about the scheduling of controlled
22 substances, we're talking about many controlled
23 substances, and we need to actually identify
24 which drugs we're talking about.

25 So I know you're pointing to

1 fentanyl quite a bit, but are there other drugs
2 that could be scheduled as we said? For example,
3 you brought up xylazine.

4 SENATOR FERNANDEZ: Well, yeah,
5 that's the -- xylazine is now only in the mix in
6 the conversation because when we scheduled --
7 when we scheduled fentanyl, the chemical
8 compounds then, working around to not have the
9 drug -- like -- okay.

10 Scheduling has allowed xylazine to
11 come into the market, to come into play. So
12 scheduling, what we know now, is only going to
13 entice drug creators, drug dealers, to find a new
14 drug that is technically not illegal.

15 SENATOR MURRAY: Would the sponsor
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR FERNANDEZ: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR MURRAY: So is there
23 anything in this bill -- we're talking about
24 xylazine. Xylazine, for those who don't know, is
25 a drug used in agriculture, basically on farms.

1 It is a sedative for large farm animals. It is
2 in no way, shape or form for human consumption.

3 So is there anything -- because the
4 number of xylazine-related deaths continue to
5 rise, and overdoses continue to rise. Is there
6 anything in this budget addressing xylazine?

7 SENATOR FERNANDEZ: Yes. Actually
8 a new part in this section is Part II, which is a
9 transparency legislation to enhance transparency
10 with our opioid settlement dollars.

11 What we know that does work to help
12 prevent deaths and overdoses is harm reduction,
13 is counseling, peer support advocates, programs
14 that the settlement dollars are helping to
15 support. And the transparency language is
16 literally showing us where these dollars are
17 going.

18 Before this language there was money
19 that we didn't know how it was being used. And
20 it may not have been used to actually help people
21 stay alive and to prevent overdoses and get their
22 continuous care if they're in recovery.

23 So the legislation that then the
24 language that is there adding this transparency
25 will further help us save lives, keep people

1 alive, and preventing drug use. Because we know
2 what it's being used for.

3 SENATOR MURRAY: Thank you,
4 Senator. Thank you for your answers.

5 I'd like to go on the bill, please.

6 ACTING PRESIDENT BAILEY: Senator
7 Murray on the bill.

8 SENATOR MURRAY: Sure. I would
9 just -- it's one of those cases where we're going
10 to have to agree to disagree.

11 I completely respect Senator
12 Fernandez's efforts in the problems we are having
13 with drugs, with overdoses, with deaths.
14 Unfortunately, these overdose deaths are
15 continuing to rise.

16 And I do disagree completely
17 regarding the scheduling aspect. Scheduling is
18 not why we have xylazine. Xylazine -- why we
19 have xylazine is there is nothing stopping us,
20 nothing stopping the drug dealers from using
21 xylazine. What they're doing is either using it
22 straight or they're using it to cut the fentanyl
23 and other drugs.

24 This isn't about just fentanyl.
25 This is -- they're cutting marijuana, which we

1 legalized, by the way, they're cutting that with
2 fentanyl. The reason these dealers do it is
3 because they're getting it, it's cheap and it is
4 available, because it is not a controlled
5 substance right now.

6 The Governor tried to make xylazine
7 a controlled substance in the budget a couple of
8 years ago. That was taken out. So we've done
9 nothing directly to stop this.

10 Now actually what's happened is
11 because more of the drug dealers are using
12 xylazine, they're using these animal sedatives --
13 and I hope I get this name right. I also hope we
14 can charge Newsday for all the plugs we're giving
15 them today. But in a recent Newsday story, they
16 cited a marked increase in animal sedatives being
17 used by drug dealers like medetomidine, I believe
18 is how you pronounce it. It's another animal
19 sedative that is now being used by dealers.

20 I spoke to the DA's office a little
21 earlier and asked, Are we seeing more and more
22 overdose deaths involving xylazine? He said,
23 Yeah, we're up to almost 20 percent of the
24 deaths, of the autopsies that were done in
25 Suffolk County, showed xylazine was part of the

1 reason. That's an increase. It was 16 percent
2 the year before. It's continuing to grow because
3 we're letting it.

4 When I say xylazine is available, it
5 is -- there's nothing preventing anyone here from
6 getting as much as you want. You could turn into
7 a xylazine dealer tomorrow -- I do not recommend
8 it, but you could, because we're not stopping it.

9 By scheduling it, it would make it a
10 controlled substance. It makes it illegal. See,
11 I asked what scheduling was. It makes it a
12 controlled substance so it makes it illegal. You
13 can then arrest the drug dealer, the one peddling
14 this poison, and get him off the streets if we
15 would, you know, keep him there.

16 But this is the problem. Something
17 gets put in the budget, it gets pulled right back
18 out. And it doesn't feel like we're making any
19 steps. We're hearing from these family members
20 of overdose victims, people that are getting
21 hooked on opioids -- not due to anything they did
22 wrong. They got a prescription, they hurt their
23 back or had a tooth pulled, and they got hooked.
24 They need help.

25 These drug dealers are taking

1 advantage of this. And we're not helping when we
2 don't allow law enforcement to crack down. I'm
3 not saying we can arrest our way out of it,
4 because we can't. We've proven that. But it
5 takes an all-in approach to battle what is now a
6 deadly, deadly disease.

7 So, Mr. President, I'm just -- I'm
8 frustrated and I think a lot of people are
9 frustrated right now because it feels like every
10 time we start to take a step forward to save
11 lives, we take a deadly step backwards and take
12 it out. And we took it out of the budget again
13 just when we could have made some progress.

14 So for that reason I'll be voting
15 no.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator Murray.

18 Senator Helming, why do you rise?

19 SENATOR HELMING: Thank you,
20 Mr. President. If Senator Rivera will answer a
21 few questions on Part R, emergency medical
22 services.

23 But, Mr. President, before I ask the
24 questions I'd like to go on the bill to give a
25 brief background.

1 ACTING PRESIDENT COONEY: Senator
2 Helming on the bill.

3 SENATOR HELMING: So back in March
4 of last year the New York State Comptroller
5 issued a report on emergency medical services.
6 And I want to read the first couple of lines from
7 his conclusion.

8 It reads: "Reliable ambulance
9 services are a public health imperative,
10 literally a matter of life or death. New Yorkers
11 expect to receive timely and capable emergency
12 medical services when needed -- without having to
13 worry about all the things that need to be in
14 place to make it happen."

15 I think probably everyone on this
16 floor agrees with that sentiment, and that's the
17 reason why three years before the Comptroller
18 issued his report, this body took action: We
19 passed the Rural Ambulance Services Task Force.
20 We created the task force to study the challenges
21 in our rural communities with quality of service,
22 with delivery of service, and to make
23 recommendations back to the State of New York.

24 So now on to my question for
25 Senator Rivera, if you'll yield.

1 ACTING PRESIDENT COONEY: Senator
2 Rivera, do you yield?

3 SENATOR RIVERA: I'll yield.

4 ACTING PRESIDENT COONEY: The
5 Senator yields.

6 SENATOR HELMING: So
7 Senator Rivera, what I'm wondering is if the task
8 force recommendations were taken into
9 consideration when we were developing or when the
10 Majority and the Governor were working on Part R,
11 emergency medical services?

12 SENATOR RIVERA: Through you,
13 Mr. President. Part RR is no longer part of the
14 finished budget.

15 SENATOR HELMING: Through you,
16 Mr. President, if the sponsor will continue to
17 yield.

18 ACTING PRESIDENT COONEY: Will the
19 sponsor yield?

20 SENATOR RIVERA: Yes.

21 ACTING PRESIDENT COONEY: The
22 sponsor yields.

23 SENATOR HELMING: Senator Rivera,
24 have you ever seen the recommendations from the
25 task force?

1 SENATOR RIVERA: Through you,
2 Mr. President, yes, I have.

3 SENATOR HELMING: Through you,
4 Mr. President, if the sponsor will continue to
5 yield.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR RIVERA: Yes.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR HELMING: And Senator
12 Rivera, I want to say thank you, because over the
13 last several years I've asked during the budget
14 hearings, I've asked the Commissioner of DOH for
15 a copy of that report, and there's just like a
16 blank stare. I actually ran out of time, I
17 couldn't ask this question this past hearing, and
18 you asked the question for me.

19 So was it after you asked the
20 question that the Department of Health made that
21 report available to you?

22 SENATOR RIVERA: Through you,
23 Mr. President. I should restate. I am aware of
24 some of the general recommendations, but I have
25 not had the report in my hands.

1 SENATOR HELMING: Through you,
2 Mr. President, quickly on the bill.

3 ACTING PRESIDENT COONEY: Senator
4 Helming on the bill.

5 SENATOR HELMING: I'm not sure the
6 report exists.

7 But if the sponsor will continue to
8 yield to questions.

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield?

11 SENATOR RIVERA: I will.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR HELMING: Senator Rivera,
15 the Governor's budget included language which
16 would have designated general ambulance services
17 as an essential service. Why was this excluded
18 from the final version of this bill?

19 SENATOR RIVERA: Through you,
20 Mr. President. I will tell you that as I stated
21 a bit earlier, all the positions of the
22 Majority Conference in the Senate were clearly
23 expressed in our one-houses, and I'm sure that
24 you remember.

25 And one of the things that we did --

1 and I want to certainly point out Senator Mayer's
2 insistence that we get something done on this.
3 Unfortunately, an agreement was not able to be
4 reached. Our colleagues in the Assembly did not
5 share our -- the level of concern that we have
6 for this issue.

7 But as I said, many of us -- and
8 certainly I know that Senator Mayer cares deeply
9 about this issue, knows more about it than
10 probably anybody else in our conference. And I
11 look forward to working with her to see if we can
12 get something done before the end of the year.

13 SENATOR HELMING: Through you,
14 Mr. President, on the bill briefly.

15 ACTING PRESIDENT COONEY: Senator
16 Helming on the bill.

17 SENATOR HELMING: So I want to go
18 back to the Comptroller's report from March of
19 2024. He says the stakes are too high and the
20 issue is too complex for counties and other local
21 governments to have to address on their own. The
22 current circumstances call for direct state
23 involvement to support the efforts of counties
24 and other local governments to turn fragmented
25 and ad hoc responses into comprehensive

1 solutions.

2 So, Mr. President, if Senator Rivera
3 will yield for a few questions,

4 ACTING PRESIDENT COONEY: Senator,
5 will you yield?

6 SENATOR RIVERA: Yes.

7 ACTING PRESIDENT COONEY: The
8 Senator yields.

9 SENATOR HELMING: So,
10 Senator Rivera, with Part R omitted, which would
11 have established special districts to finance and
12 operate general ambulance services and provided
13 for a statewide comprehensive emergency medical
14 system plan, what in this budget will help ensure
15 access to EMS services, especially in our rural
16 communities?

17 SENATOR RIVERA: Through you,
18 Mr. President. There is one part, Part KK, if
19 I'm not mistaken, that did increase user fees --
20 extended user fees for a five-year period. And
21 that is unfortunately the only thing that we
22 could actually get into the final budget that
23 will help this area.

24 SENATOR HELMING: Through you,
25 Mr. President, if the Senator will continue to

1 yield.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR RIVERA: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR HELMING: Senator Rivera, I
8 would argue that that is not new, that that is
9 just an extension, right, of something we already
10 have. And our ambulance companies are suffering.
11 So in my opinion -- and I am curious whether you
12 agree or not that this -- this doesn't do
13 anything or much to alleviate the issues that we
14 have.

15 SENATOR RIVERA: Through you,
16 Mr. President. I actually will acknowledge, as
17 my colleague said, that it is not a new thing.
18 Instead, it is an extension for five years.

19 And I will also agree with my
20 colleague that we did not do enough in this
21 budget. But again, this is what was ultimately
22 agreed upon after much pained negotiations over
23 the last couple of weeks.

24 SENATOR HELMING: If the Senator
25 will continue to yield.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR RIVERA: Yes.

4 ACTING PRESIDENT COONEY: The
5 Senator yields.

6 SENATOR HELMING: Thank you.

7 Senator, I wanted to switch to FQHCs
8 for a minute. And I can't give you a section of
9 the budget because I can't find anything.

10 So our -- and I know that you know
11 how important our community health centers are.
12 Right? I work with one very closely, Finger
13 Lakes Community Health. They provide tremendous
14 coverage to multiple counties in upstate
15 New York. But they're struggling. I've heard
16 from them time and time again how -- that the
17 reimbursement rate structure is fundamentally
18 broken.

19 Are there any meaningful changes
20 that are in the budget that would improve the
21 reimbursement structure for these community
22 health centers?

23 SENATOR RIVERA: Through you,
24 Mr. President. We did add a little bit more
25 money. Some of the -- as I referred to it

1 earlier, the MCO tax gave us a little bit of
2 resources to be able to distribute and to invest
3 in this.

4 But to directly answer your
5 question, no, we did not do something that
6 fundamentally helps federally qualified healthy
7 centers. We tried to move legislation in the
8 past and will certainly try to -- we tried to do
9 it again in the Senate, but we need partners.
10 And unfortunately we have a partner on the second
11 floor who doesn't really help us in this regard.

12 SENATOR HELMING: Mr. President, on
13 the bill briefly.

14 ACTING PRESIDENT COONEY: Senator
15 Helming on the bill.

16 SENATOR HELMING: Senator Rivera, I
17 think I've shared this with you before, and I
18 think you're in agreement too. But organizations
19 like Finger Lakes Community Health, they have a
20 backlog for dental care services of 6,000 people.
21 Six thousand people waiting for services. And
22 the fact that we can't do something in this
23 budget to prioritize getting them better
24 reimbursement rates doesn't speak well, I think,
25 of the people responsible for negotiating the

1 budget. Or getting this final budget in front of
2 us.

3 Is there any chance that after the
4 budget that there will be some changes to make
5 improvements to reimbursement rates?

6 SENATOR RIVERA: So through you,
7 Mr. President, I would respectfully disagree with
8 a part of what my colleague said. As I will
9 state again, the position of the Senate Majority
10 was clear in our one-house. And if you go back
11 to our one-house budget, you will see that we
12 have -- that we did all that we could, that we
13 certainly tried to do more for Federally
14 Qualified Health Centers to be able to have them
15 be better funded.

16 We also restructured what the
17 original proposal was as far as the MCO tax so
18 that more money could be invested in Federally
19 Qualified Health Centers. Unfortunately, we do
20 not have a good partner on the second floor. And
21 so what our proposal was, was not made into the
22 final agreement.

23 SENATOR HELMING: Through you,
24 Mr. President, if the sponsor will continue to
25 yield.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR RIVERA: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR HELMING: Senator Rivera,
7 continuing on with FQHCs, but moving to
8 telehealth parity, I know that you carry a bill
9 that would ensure that the FQHCs are fully
10 reimbursed when conducting services via
11 telehealth, regardless of the location of both
12 the patient and the provider.

13 You've heard from many of us, this
14 legislation has broad bipartisan support. It's
15 cosponsored by over half the members of this
16 body. Is this proposal to ensure adequate
17 reimbursement for FQHCs included in the budget?

18 SENATOR RIVERA: You probably
19 know -- through you, Mr. President -- that that
20 is a trick question. And by that I mean it was
21 included in our one-house but did not make it to
22 the final proposal -- to the final agreement.

23 SENATOR HELMING: Through you,
24 Mr. President, on the bill quickly in response to
25 what Senator Rivera just said.

1 ACTING PRESIDENT COONEY: Senator
2 Helming on the bill.

3 SENATOR HELMING: So,
4 Senator Rivera, actually it wasn't a trick
5 question. I just got this bill language, a
6 summary of this bill language, like just a couple
7 of hours ago.

8 I haven't even had a chance to reach
9 out to all of my healthcare centers to ask them
10 if they have any concerns with the budget or
11 issues they'd like me to raise.

12 So it wasn't a trick question. It
13 was serious. I am very, very concerned about our
14 rural healthcare providers, whether they're
15 FQHCs, whether they're EMS providers, or whether
16 they're our local hospitals. They are
17 struggling, and they need to see increases in
18 their reimbursement rates. So --

19 SENATOR RIVERA: Through you,
20 Mr. President, if I may just quickly. And I will
21 restate and I will actually say that when I said
22 "trick question," I guess what I meant -- because
23 it was actually not directed at my colleague,
24 Mr. President. It was actually directed to the
25 second floor.

1 And what I mean to say by that is
2 that many of the things that you are deeply
3 concerned about, and I am, and which we, as you
4 know, we share the concern. And I'm going to
5 obviously let you express the rest of them.

6 Probably I can just tell you that
7 most of these instances, what happened was that
8 we fought like hell to make sure that our
9 priorities would make it into the final
10 agreement, and they did not. And a lot of it had
11 to do with what happened on the second floor.

12 So it was not meant as a
13 disrespectful statement towards my colleague, and
14 I apologize if it was taken as such. It was more
15 to say that unfortunately in most of the
16 instances of things that you're going to ask, we
17 tried like hell to get a better deal for
18 Federally Qualified Health Centers, for doctors,
19 for nurses, hospitals, et cetera, et cetera, and
20 unfortunately not a good partner downstairs.

21 ACTING PRESIDENT COONEY: Senator
22 Helming, the floor is yours.

23 SENATOR HELMING: Through you, if
24 the Senator will continue to yield.

25 SENATOR RIVERA: I will yield.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield? The sponsor yields.

3 SENATOR HELMING: So this question
4 is on Part FF, human services inflationary
5 increase.

6 SENATOR RIVERA: Yes.

7 SENATOR HELMING: So going quickly
8 on the bill to give a little background.

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

11 SENATOR HELMING: So,
12 Mr. President, despite rising cost pressures and
13 workforce instability across the nonprofit human
14 services sector, this year's 2.6 percent
15 adjustment is the lowest inflationary increase
16 since 2022.

17 As someone who was a direct care
18 staff for almost 10 years, I have stood with the
19 advocates for years calling for reasonable
20 increases. This year I stood with the advocates
21 calling for a 7.8 percent inflationary increase.
22 The enacted 2.6 percent adjustment in Part FF is
23 only one-third of that request. It's falling so
24 far short of what the providers know is needed to
25 maintain operations and workforce stability.

1 So, Senator Rivera, if you'll yield
2 for a few questions.

3 ACTING PRESIDENT COONEY: Does the
4 Senator yield?

5 SENATOR RIVERA: Yes.

6 ACTING PRESIDENT COONEY: The
7 Senator yields.

8 SENATOR HELMING: Senator Rivera,
9 do you know, will the inflationary adjustment be
10 applied across all eligible contracts uniformly?
11 Or is it going to be like prorated or tiered or
12 something by agency, by region, or by service
13 type?

14 SENATOR RIVERA: Through you,
15 Mr. President. The original proposal from the
16 Governor was 2.1. We certainly thought that that
17 was not enough. And the proposal that we put
18 forward in our one-house was in the neighborhood
19 of 7.8.

20 And unfortunately in the
21 negotiations -- in the one that we have, the
22 agreement before us, we did manage to get it up
23 to 2.6. It is not sufficient, but it is the best
24 that we could get.

25 SENATOR HELMING: Through you,

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

3 ACTING PRESIDENT COONEY: Does the
4 sponsor yield?

5 SENATOR RIVERA: Yes.

6 ACTING PRESIDENT COONEY: The
7 sponsor yields.

8 SENATOR HELMING: Senator Rivera,
9 is there a specific portion of the 2.6 that is
10 earmarked or must be earmarked or utilized to
11 provide for increases to direct care
12 professionals?

13 SENATOR RIVERA: Through you,
14 Mr. President, it -- it is -- no.

15 But we did include -- in our
16 one-house we did -- when we suggested the 7.8, we
17 did make -- we did include in there that a chunk
18 of it needed to go to direct care. But that did
19 not make it to the final agreement.

20 SENATOR HELMING: Through you,
21 Mr. President. I truly appreciate Senator
22 Rivera's questions and your answers, your
23 responses, not only here on the floor but during
24 the budget hearings and during our conversations.

25 Thank you.

1 And, Mr. President, I'd ask to go on
2 the bill.

3 ACTING PRESIDENT COONEY: Senator
4 Helming on the bill.

5 SENATOR HELMING: Thank you,
6 Mr. President.

7 The health and mental health budget
8 bill that's before us shortchanges our rural
9 communities. There are no real solutions or
10 support for our EMS providers or our rural
11 ambulance services.

12 This bill fails to provide rate
13 reform and telehealth parity for our FQHCs, and
14 it fails to even acknowledge the problems that
15 continue to exist with the CDPAP program. And
16 again this year we shortchanged our most
17 vulnerable New Yorkers and the direct care
18 workers and mental health workers who allow them
19 to live as independently and safely as possible.

20 Mr. President, I am more than
21 willing to work with the Majority to make the
22 changes that are needed. But until we make these
23 changes to support our rural communities, our
24 healthcare centers, and our most vulnerable
25 New Yorkers, I am a no vote on this bill and I

1 urge everyone in here to vote no.

2 ACTING PRESIDENT COONEY: Thank
3 you, Senator.

4 Senator Weik, why do you rise?

5 SENATOR WEIK: Thank you,
6 Mr. President. On the bill.

7 ACTING PRESIDENT COONEY: Senator
8 Weik on the bill.

9 SENATOR WEIK: So back to Part LL,
10 where we talk about Nassau County University
11 Hospital, we're talking about -- I am one of the
12 four Senators on this side of the aisle that
13 represents Nassau County as well. And instead of
14 the Newsday editorial board dictating its
15 interpretation of the situation, I have a letter
16 from the people who actually work at the
17 hospital. It's lengthy, so I'll only read part
18 of it.

19 "We, the Medical Board of Nassau
20 University Medical Center, write to you as a
21 single body encompassing the complete spectrum of
22 healthcare and community service. Our members
23 represent a broad swath of physicians, nurses,
24 residents, clinical chairs, administrators,
25 dietitians, community affiliates, and frontline

1 caregivers who come to work not just because it's
2 a job, but because it's our purpose, our passion.

3 "The long-term consequences of the
4 current chessboard maneuvering cannot be ignored.
5 We, the pawns, have sacrificed the sideline for
6 too long. We are compelled to raise our voices
7 not in defiance, but in defense of our lifelong
8 mission, one that is now under the greatest
9 threat it has ever faced.

10 "We stand in full and unwavering
11 opposition to any plan that seeks to strip NUMC
12 of its autonomy, replace its leadership with
13 political appointees, or downsize its scope under
14 the guise of sustainability.

15 "We propose changes to our
16 institution will irrevocably alter the most
17 fundamental principles of public health and care
18 and equity in the State of New York. NUMC is
19 more than a hospital -- it's a promise, a
20 commitment, and a lifeline. It is the only
21 public safety net hospital in Nassau County,
22 serving tens of thousands of uninsured,
23 underinsured and undocumented patients, nameless
24 and voiceless people whom others overlook and who
25 have nowhere else to turn. Some cast no ballots

1 and carry little sway, yet they bear our highest
2 duty and respect.

3 "The intent to dissolve our board in
4 favor of one handpicked by the state severs our
5 connection to the very individuals it claims to
6 protect. We firmly oppose the inclusion of any
7 language in the 2026 New York State budget that
8 would alter, terminate or replace the NHCC Board.

9 "NUMC must remain under local
10 control. Decisions about the future of this
11 institution should be made with input from those
12 who know it best, those who live it every day --
13 not imposed from above.

14 "At Nassau University Medical
15 Center, providing constant compassionate care to
16 the underserved isn't just part of what we do,
17 it's our calling, it defines who we are, it
18 drives every decision we make. Our emergency
19 room remains open to all regardless of ability to
20 pay or language spoken. We do not deny care. We
21 embrace every patient with compassion, provide
22 treatment without judgment, and affirm their
23 inherent dignity.

24 "If NUMC is dismantled or
25 diminished, these patients will not disappear.

1 They will flood neighborhood hospitals that are
2 already stretched to their limits and may fall
3 through the cracks, potentially triggering a
4 public health crisis.

5 "Should the proposed takeover and
6 downsizing proceed, the fallout will be deep and
7 damaging, shattering community systems and lives.
8 Emergency departments across the region may be
9 pushed past capacity with extended wait times and
10 diminished outcomes. Ambulance diversions will
11 become more frequent, delaying critical stroke,
12 trauma and cardiac care. Minutes and seconds
13 matter.

14 "Our designation as a Gold Plus
15 Stroke Center and an ACS Level 1 Trauma Center
16 reflects years of dedication and relentless
17 efforts. We are so proud to hold additional
18 recognitions, including designation as a
19 Bariatric Surgery Center of Excellence, a Robotic
20 Surgery Center of Excellence, and an AHA's Get
21 with the Guideline Heart Failure Gold Plus
22 Quality Achievement Award, each reflecting our
23 commitment to excellence and evidence-based care.

24 "If service is reduced, continuity
25 would be lost for many of our patients who depend

1 on NUMC for critical care.

2 "NUMC is more than just a safety net
3 for the underserved. It's a safety net for other
4 hospitals in the region. We care for our
5 patients that others can't, absorb overflow in
6 times of crisis, and provide specialized support
7 where it's needed most. We are the place of
8 education and research. Our ACGME-accredited
9 training programs educate hundred of future
10 doctors, nurses and technicians each year.

11 "Most of our physicians are trained
12 at top academic institutions, and they choose to
13 stay here because our mission is unparalleled.
14 Our work is showcased at national conferences
15 where we stand alongside leading institutions.
16 Here at home, we host research and quality
17 seminars that spotlight innovation and inspire
18 the next generation of healthcare leaders.

19 "That inspiration begins early.
20 Just last week, hundreds of children joined for a
21 Bring Your Child to Work Day, and many left
22 saying they hope to be doctors, nurses and
23 technicians themselves."

24 This is a community hospital, based
25 in a community, and this is a place from -- this

1 is coming from the frontline workers who work in
2 that community, that serve all of Nassau County.
3 And this is where the decision should be made.
4 It should not be coming from the Governor. It
5 should be with the consultation and the direct
6 input from the community.

7 Thank you.

8 ACTING PRESIDENT COONEY: Thank
9 you, Senator Weik.

10 Senator Walczyk, why do you rise?

11 SENATOR WALCZYK: Mr. President, I
12 hope the sponsor would yield on Part W. And then
13 I'm going to go to Part R real quickly.

14 ACTING PRESIDENT COONEY: Senator
15 Rivera, do you yield on Part W?

16 SENATOR RIVERA: Yes.

17 ACTING PRESIDENT COONEY: The
18 sponsor yields.

19 SENATOR WALCZYK: On Part W, the
20 nurse licensure compact multistate licensure
21 solution, which allows nurses, RNs, LPNs -- that
22 was intentionally omitted from this budget. Last
23 year in debate, when asked, you said it was the
24 Assembly that rejected this. And then, you know,
25 about an hour and a half ago you said it was the

1 Governor, this is what she wanted.

2 Why was the nurse licensure compact
3 removed from this year's budget?

4 SENATOR RIVERA: Through you,
5 Mr. President. It just didn't make it to the
6 final agreement.

7 SENATOR WALCZYK: Yeah, I
8 understand that.

9 Through you, Mr. President, if the
10 sponsor would continue to yield.

11 ACTING PRESIDENT COONEY: Will the
12 sponsor yield?

13 SENATOR RIVERA: Yes.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR WALCZYK: Yeah, I
17 understand that it was intentionally omitted. My
18 question is why.

19 SENATOR RIVERA: Through you,
20 Mr. President, it just didn't make it into the
21 final agreement.

22 SENATOR WALCZYK: Briefly on the
23 bill, Mr. President.

24 ACTING PRESIDENT COONEY: Senator
25 Walczyk on the bill.

1 SENATOR WALCZYK: Forty-three
2 states already have a nurse licensure compact.
3 It's been around for 20 years, but they've been
4 increasing. Today is actually Fort Drum Day, and
5 you heard the needs of the commander, the great
6 partnership that they have with institutions
7 within the community. One significant thing
8 about Fort Drum is they think don't have a
9 federal Army hospital, they depend on the
10 hospitals within our community, who are short
11 nurses.

12 And not only are they short nurses,
13 the Army brings a solution. Many spouses are in
14 healthcare. Because of this nursing compact with
15 43 states, there's a lot of different
16 installations across the United States that you
17 could get stationed at and your spouse can work.
18 New York State unfortunately, not in this. You
19 may be on the waitlist to get your license to be
20 an RN for a year or more.

21 The solution is there. We should
22 enter the compact.

23 All right, I'll leave that one. And
24 if the sponsor would yield on Part R.

25 ACTING PRESIDENT COONEY: Will the

1 sponsor yield?

2 SENATOR RIVERA: Yes.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR WALCZYK: Through you,
6 Mr. President. Last year this house passed
7 unanimously -- and you mentioned
8 earlier Senator Mayer's bill, a bill deeming
9 emergency medical services essential in the State
10 of New York.

11 The Governor included that language
12 in her budget. And the one-house from this
13 chamber included \$5.2 million to implement that
14 plan. Why was it removed by the Assembly?

15 SENATOR RIVERA: Through you,
16 Mr. President. You got to ask the Assembly on
17 that one.

18 SENATOR WALCZYK: Mr. President, on
19 the bill.

20 ACTING PRESIDENT COONEY: Senator
21 Walczyk on the bill.

22 SENATOR WALCZYK: Volunteers are
23 declining and -- I'm all set, thank you. Thank
24 you, Senator.

25 Volunteers are declining and

1 ambulance services are failing in the State of
2 New York. Paid services don't even pay enough
3 and are short-staffed as it is. In fact,
4 21 counties are now spending money on EMS. Just
5 a few years ago, it was only a handful of
6 counties.

7 Thirty-seven percent of paid EMS
8 employees say they're planning to leave the
9 profession within the next five years. The
10 Department of Health, the Comptroller, this
11 Senator and many others around this state have
12 been raising the alarm on this issue.

13 The total number of ambulance
14 services dropped 10 percent in the State of
15 New York over the last 10 years, and 52 percent
16 of volunteer responder agencies report
17 significant delays in response time because of
18 short staffing.

19 When people call 911, they expect an
20 expedient response. It's unacceptable that the
21 legislation that was offered up by the Governor,
22 has been passed unanimously in this house, was
23 rejected in this budget. And people will
24 literally die as a result. I don't say that to
25 be hyperbolic. I've talked to a lot of EMS

1 providers and EMS workers that are stressed out,
2 overworked, understaffed, and know what the wait
3 times look like, want to be able to do a better
4 job. They need this critical legislation.

5 There are plenty of pet projects
6 jammed into this state budget. And for
7 \$5.2 million, I think the least we could do is
8 provide the essential services that 19 million
9 New Yorkers know are absolutely essential.

10 Thank you, Mr. President.

11 ACTING PRESIDENT COONEY: Thank
12 you, Senator.

13 Are there any other Senators wishing
14 to be heard?

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

17 Read the last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect immediately.

20 ACTING PRESIDENT COONEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: Senator
2 Rivera to explain his vote.

3 SENATOR RIVERA: Thank you,
4 Mr. President.

5 I want to take a second to thank all
6 of my colleagues who asked questions on this
7 piece of legislation.

8 A couple of things that were not
9 mentioned that I wanted to mention. And I will
10 tell you that in many of the ways -- although I
11 will not at this moment be in the same level as
12 my colleague James Skoufis, I will tell you that
13 Senator Skoufis and I are very much on the same
14 page in a lot of the arguments that he made about
15 this entire process.

16 But through the spine of our leader
17 and the insistence of our leader, there are some
18 things that did make it into the final version
19 which I want to make sure get underlined.

20 One of them is regarding
21 school-based health centers. These are vital
22 institutions, Mr. President, that exist all
23 across the state that serve hundreds of thousands
24 of children. And there was a change that was
25 proposed initially by the administration which we

1 were able to delay for a year to make sure that
2 these centers continue to operate.

3 This is an incredibly important
4 thing that I'm glad we were able to prioritize
5 and get done.

6 And also, although we haven't --
7 didn't get it quite right as it relates to the
8 Medical Indemnity Fund, which was created back in
9 2011 to fund healthcare costs resulting from
10 birth-related neurological injuries that are
11 caused by medical malpractice, we were able to --
12 there is a lot of things that we need to do in
13 this program, particularly related to the
14 families that are already in the program.

15 There are certainly questions about
16 the long-term existence of this program, but for
17 the moment there is a commitment that we have to
18 the families that are part of it, and to the
19 children who are part of it.

20 And although we did not solve all
21 the issues that are facing the families, we were
22 able to stop the rate cuts, we were able to cap
23 the program to establish a system to decide who
24 qualifies, to allow time to address the solvency
25 of the program by extending it to June 2026.

1 So we will be doing some work not
2 only to push for my ombudsman bill, but also to
3 make sure that we get it right.

4 So bottom line, this is still a very
5 late budget and a process that we're going to
6 talk about for a long time. And I will be voting
7 in the affirmative under protest.

8 Thank you, Mr. President.

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

11 Senator Fernandez to explain her
12 vote.

13 SENATOR FERNANDEZ: Thank you.

14 I too am very proud of this
15 conference for our might and our grit to really
16 fight to make sure that this budget was doing the
17 most that it can to help our needy New Yorkers
18 that are suffering with substance use disorder,
19 mental health concerns, and more.

20 I'm happy to know that we did invest
21 in a pilot program reflecting Daniel's Law. I'm
22 happy that we saved our school-based health
23 systems.

24 And as the chair of Alcoholism and
25 Substance Use Disorder, I would be remiss if I

1 didn't speak about Part O, because it started
2 good. The original proposal was a pretty good
3 proposal. It did have a scheduling, which as you
4 heard I wasn't for, and I'll explain a little
5 more later. But it had policy to allow EMTs to
6 administer buprenorphine in cases of emergency.
7 That was something we could have kept in there.

8 It allowed -- it codified a drug
9 checking program that we have in the state right
10 now that would have helped us to further
11 understand what is the drug supply out there. We
12 know it's changing, we know there's new drugs
13 getting mixed in. And that's because of the
14 scheduling.

15 So I'm happy that we took out the
16 scheduling because we have seen over and over
17 again that it perpetuates new creations of drugs
18 that are getting people addicted.

19 The better part of this that we kept
20 is the transparency. We fought hard, and I'm
21 grateful to our Attorney General that has won
22 that battle to make sure that we do have funds to
23 help with services that work, like harm
24 reduction, like counseling, and so much more.

25 I'm glad for the little bit that we

1 have in clubhouses, because that is a real
2 lifeline support system that keeps people alive
3 and safe and getting on a better path.

4 The transparency legislation that we
5 have here allows us to see exactly what we're
6 investing in, exactly where those dollars are
7 going. They are precious dollars. Every dollar
8 that we have for this area is needed, and it's
9 important that we know it's being used correctly.

10 So I really thank everyone for
11 making sure that the transparency legislation is
12 there, because we need to make sure that we're
13 doing the right things and helping people stay
14 alive, stay healthy and on the path to recovery.

15 I vote aye. Thank you.

16 ACTING PRESIDENT COONEY: Senator
17 Fernandez to be recorded in the affirmative.

18 Senator Mayer to explain her vote.

19 SENATOR MAYER: Thank you,
20 Mr. President. I rise to explain my vote.

21 I'm voting aye on this bill.
22 There's some things that I'm very supportive of,
23 and some things I'm very disappointed about. But
24 on balance, I want to be -- express my strong
25 support for the change to school-based health

1 centers and the fact that they are now carved out
2 of Medicaid managed care for one year.

3 For our students and schools to have
4 a school-based health center provide direct
5 healthcare to so many students who don't have
6 access to primary care and frequently because of
7 immigration status are unable to obtain the care
8 they need -- these are a lifeline, and I'm glad
9 we were able to preserve them for one year.

10 For the myth that Senator Rivera
11 referred to, the malpractice -- the Medical
12 Indemnity Fund, this is a fund and a project
13 that needs improvement. We have families that
14 are struggling to take care of their
15 significantly injured children. They are forced
16 into this fund by changes that were made in the
17 law, and now the fund does not treat them
18 adequately, nor is the money adequate.

19 We were able to preserve the status
20 quo for one year. That is extremely important,
21 and I'm grateful.

22 Two things I'm very disappointed
23 about. One is my colleagues on the other side
24 and Senator Rivera referenced the omission of
25 EMS. And I want to credit the Majority Leader,

1 who absolutely gave her all to get this in. We
2 negotiated as hard as we could. We had a
3 whole -- really a whole compadre {sic} of
4 supporters, and in the end it did not survive.
5 That is a shame, and it is not acceptable, and we
6 need to fix it.

7 And lastly, we should have fixed
8 CDPAP in this budget. We are in the middle of a
9 crisis. Everyone knows it. We need to fix it.
10 This was an opportunity right here to extend the
11 deadline and to change the move to one fiscal
12 intermediary. We are failing the disabled people
13 in our districts and their caregivers. We should
14 have fixed it.

15 With those caveats, I vote yes.

16 ACTING PRESIDENT COONEY: Senator
17 Mayer to be recorded in the affirmative.

18 Senator Myrie to explain his vote.

19 SENATOR MYRIE: Thank you,
20 Mr. President.

21 I, like many of my colleagues, will
22 be voting in the affirmative for this, but I
23 wanted to draw particular attention to Part D, in
24 reference to the reduction in resources that will
25 be directed to New York City's Health + Hospitals

1 system. The city system stands to lose close to
2 \$452 million as a result of Part D. And the
3 hospital in my district, Kings County Hospital,
4 stands to lose close to \$50 million as a result.

5 I want to pay particular attention
6 to this because there are conversations about the
7 future of SUNY Downstate, an issue that is not
8 strange to anyone in this chamber. And there
9 have been suggestions that Downstate could move
10 into the city system to somehow make up for the
11 future, or somehow be a transformation.

12 And the Governor cannot with one
13 hand suggest that we move Downstate to
14 Kings County and then on the other hand cut money
15 to Kings County Hospital. So I wanted to ensure
16 that that was on the record.

17 That notwithstanding, I will still
18 be voting in the affirmative.

19 Thank you.

20 ACTING PRESIDENT COONEY: Senator
21 Myrie to be recorded in the affirmative.

22 Senator Harckham to explain his
23 vote.

24 SENATOR HARCKHAM: Thank you very
25 much, Mr. President.

1 I too am rising to vote in the
2 affirmative, but I also am rising with a
3 cautionary note about Part EE.

4 I want to thank our Majority Leader
5 and many of the Senators on our side of the
6 aisle, and our talented staff who worked
7 tirelessly to fix this section.

8 But when we talk about involuntary
9 commitment, I really hope that we're doing this
10 because we're caring about folks with serious
11 mental illness and serious substance use
12 disorders, and not pandering to the New York
13 Post, who slanders these individuals on a daily
14 basis.

15 This is a public health crisis.
16 This is not a crime issue. And criminalizing
17 people with behavioral health issues is just
18 wrong. And let's be very clear that people with
19 mental health disorders are 10 times more likely
20 to be the victims of crime than to be the
21 perpetrators of crime.

22 And so, you know, any of the folks
23 who you talk about who may fit under this bill,
24 they are no stranger to the behavioral healthcare
25 system. They have been in the behavioral

1 healthcare system dozens and dozens of times. So
2 getting into the system is not the issue. It's
3 having a system that doesn't fail them time and
4 time again.

5 And that takes money, and that takes
6 resources. That takes long-term residential
7 beds, which this state has spent years cutting.
8 And it also takes long-term supportive housing,
9 something that we have far, far, far too few
10 units of.

11 So I'm supporting this bill, and I'm
12 keeping a cautious eye on Part EE.

13 Thank you, Mr. President.

14 ACTING PRESIDENT COONEY: Senator
15 Harckham to be recorded in the affirmative.

16 Senator Bynoe to explain her vote.

17 SENATOR BYNOE: Thank you,
18 Mr. President.

19 I will also be voting in the
20 affirmative, but today I wanted to speak on
21 Part LL.

22 NUMC University Medical Center is
23 not a stranger to me, although it sits in another
24 Senator's district. See, the large majority of
25 its patients come from Senate District 6.

1 More intimately, I know Nassau
2 University Medical Center because it was there
3 that my grandmother, who migrated here to the
4 United States and was a domestic, received her
5 medical care. It was there that my grandmother
6 took her last breath.

7 It was also Nassau University
8 medical center where my high school best friend
9 was treated for a rare case of cancer. And
10 although she succumbed to that disease, it was
11 the brave healthcare heroes who served her
12 passionately and with dignity.

13 That hospital has served
14 Nassau County during its darkest moments during
15 COVID.

16 It's unfortunate. It's unfortunate
17 that the county system allowed this hospital to
18 be in peril for as long as it has been. It's
19 unfortunate that they allowed the employees who
20 work there day in and day out, and the community
21 members who are patients there, to be in a
22 constant state of anxiety because they failed to
23 answer the call.

24 See, there's a need. And the state
25 was willing to step up and provide that need.

1 But it was stubbornness, it was obstinance to do
2 what was right and follow that corrective action
3 plan. It has long been a patronage mill. It has
4 long been riddled with nepotism, cronyism, and
5 misguided fiduciary responsibility led by a
6 board.

7 So I'm sad that today it had to come
8 to this. But I am incredibly thankful for the
9 leadership of this Senate. Majority Leader
10 Andrea Stewart-Cousins and Deputy Leader
11 Mike Gianaris assisted in making sure that we
12 bolstered the Governor's plan by putting in
13 guardrails, putting in money that will go to
14 giving this hospital what it needs for its
15 infrastructure.

16 So we talk about this being a state
17 takeover? I say let's stop playing games. Let's
18 stop playing games. The people, the good people
19 of Nassau County will be selected to serve on
20 that board and breathe life back into that
21 system.

22 I vote affirmatively today. Thank
23 you very much.

24 ACTING PRESIDENT COONEY: Senator
25 Bynoe to be recorded in the affirmative.

1 Senator Rhoads to explain his vote.

2 SENATOR RHOADS: Thank you,

3 Mr. President.

4 I too am intimately familiar with
5 Nassau University Medical Center. It is a place
6 where my father and my father-in-law took their
7 last breath after receiving outstanding care.
8 They did the best they could.

9 It's a hospital that serves our
10 community, serves every community in
11 Nassau County, and 1.4 million New Yorkers rely
12 on it for care.

13 I too am sad, but for a very
14 different reason. I disagree respectfully with
15 my colleague. While there was certainly
16 instances of mismanagement in the past, the
17 hospital seemed to be to be moving in a positive
18 direction.

19 And I would disagree and say it
20 wasn't the county that allowed the hospital to
21 get to this state -- it was the state that did
22 so. It was the state that did so by purposely
23 starving that hospital of funding to the tune of
24 half a billion dollars over the last five years.
25 We talk about \$400 million in debt. How do you

1 think it happened when you lose half a billion
2 dollars in revenue.

3 That hospital is the county's only
4 safety-net hospital. Eighty-three percent of its
5 patients are Medicare, Medicaid or have no
6 ability to pay. Its Medicaid reimbursement rate
7 is 72 cents out of every dollar, so it loses
8 28 cents out of every dollar that it provides in
9 medical care. How do you expect that hospital to
10 be solvent without assistance and state aid?

11 And the Governor's solution? The
12 Governor's solution was, I'm going to starve you
13 of funding until you gain weight. It simply
14 doesn't make sense.

15 And now it's used as the pretext for
16 a takeover of that hospital to be run by the
17 state. Same state that has rolled out the
18 disastrous CDPAP program. The same state that
19 put COVID patients inside of nursing homes is now
20 going to be responsible for the only safety-net
21 hospital in Nassau County. It is unconscionable.

22 And while there are some good things
23 in this health budget, unfortunately this is one
24 thing that compels me to vote against it. And I
25 wish I had my colleague's optimism, but I'm

1 afraid that this is a pathway to an eventual
2 closure of that hospital or certainly a
3 fundamental change of that hospital and the
4 services that it provides to our residents.

5 I vote in the negative.

6 ACTING PRESIDENT COONEY: Senator
7 Rhoads to be recorded in the negative.

8 Senator Brouk to explain her vote.

9 SENATOR BROUK: Thank you,
10 Mr. President.

11 I rise, first and foremost, with
12 great appreciation to our Majority Leader,
13 Senator Andrea Stewart-Cousins, and the tireless
14 Senate staff who have worked so hard these past
15 few months during budget negotiations.

16 This budget is not just about
17 numbers. It makes investments in lifesaving care
18 for New Yorkers. It's no secret that mental
19 health is complex. Mental health is nuanced, and
20 it requires our careful attention.

21 The current mental health crisis
22 requires us to reimagine and redefine what mental
23 health care looks like in New York State. But
24 our reimagination of what can be doesn't have to
25 include expanding involuntary commitment.

1 Our state budget reflects our
2 values. And when we expand forced detentions
3 while cutting funding for evidence-based services
4 that have the power to transform lives, we are
5 sending the message that coercive action is the
6 statewide priority.

7 These evidence-based services are
8 lifesaving and effective programs like INSET,
9 peer bridgers, clubhouses and our ACT and SOS
10 teams. In fact, medical research tells us that
11 forced detention and treatment do not improve
12 care and individual outcomes.

13 A study from Bellevue Hospital
14 compared the effectiveness of voluntary and
15 involuntary outpatient treatment and found there
16 was no statistically significant difference
17 between rates of rehospitalization, quality of
18 life, or arrests. We know linking mental health
19 care with criminalization is not the answer.

20 People with mental health
21 conditions, as my colleague Senator Harckham
22 pointed out, are more likely to be victims than
23 they are to be perpetrators of crimes. I'll
24 repeat: Those with mental illness are more
25 likely to be the victim of a crime than to be the

1 perpetrators of a crime.

2 So this begs the question: Why are
3 we expanding involuntary commitment when we could
4 be funding ACT teams and other voluntary
5 services? We know that these evidence-based
6 treatments work.

7 To that end, I'm proud of the
8 steadfast work of the Senate to reimagine crisis
9 services here in New York State and fight for
10 peer-led support and compassionate, culturally
11 competent care, which we are doing by putting
12 pieces of Daniels Law, key pieces of Daniel's Law
13 into this year's budget.

14 This budget bill is far from
15 perfect, and I fear the negative impacts we will
16 see with the expansion of coercive measures.
17 However, I remain proud of the progress it makes
18 to improve and transform our mental health crisis
19 response system.

20 And for that reason, I vote aye.

21 ACTING PRESIDENT COONEY: Senator
22 Brouk to be recorded in the affirmative.

23 Senator Borrello to explain his
24 vote.

25 SENATOR BORRELLO: Thank you,

1 Mr. President.

2 You know, listening to this debate
3 and even the -- my colleagues explaining their
4 votes, there's one thing that is for certain that
5 we know. It doesn't matter if it's Nassau County
6 or the North Country, if it's Buffalo or the five
7 boroughs: Healthcare in New York is a mess.
8 Most hospitals in the state are hemorrhaging
9 money. Not bleeding it, hemorrhaging it. By the
10 hundreds of millions of dollars.

11 So we have to ask ourselves, what
12 has been done in this budget or just in general
13 in Albany to fix that? Well, unfortunately we
14 have been an accelerant. We have poured gasoline
15 on the fire here in New York State, here in this
16 government. We have brought in millions more
17 people to be on Medicaid. In fact, we can't even
18 prove a million of them aren't eligible for
19 Medicaid. Medicaid's missing million, as the
20 Empire Center calls it.

21 We are wasting billions of dollars a
22 year in waste, fraud and abuse. We allow people
23 on Medicaid to wander into an emergency room with
24 a nonemergent problem and treat it like their
25 primary care physician. And then, to add insult

1 to injury, we don't reimburse enough those
2 hospitals for caring for that person, for that
3 nonemergent care that they've received.

4 We have destroyed the healthcare
5 system, for whatever reason. And now we're
6 asking ourselves why. Why does Nassau County
7 need hundreds of millions of dollars? Why does
8 Kaleida in Buffalo need hundreds of millions of
9 dollars? Because we have made it impossible for
10 them to deliver healthcare. We haven't given
11 them enough reimbursement, and we've allowed
12 nearly half of New Yorkers to be on Medicaid.

13 When I came here five years ago, it
14 was about one in four New Yorkers. Now it's over
15 40 percent are on Medicaid. We have ruined the
16 system. Look in the mirror if you want to know
17 why healthcare in New York State is a disaster.

18 I vote no.

19 ACTING PRESIDENT COONEY: Senator
20 Borrello to be recorded in the negative.

21 Senator Krueger to explain her vote.

22 SENATOR KRUEGER: Thank you,
23 Mr. President.

24 I appreciate the hard work of the
25 leading chairs of Health, Mental Health,

1 Substance Abuse for their commitments to making
2 this section of the budget better than we
3 started. We didn't get to a lot of it, but we
4 got some critical issues done.

5 And I want to just again repeat the
6 issues with the Medical Indemnity Fund, that we
7 haven't solved the problems but at least we have
8 ensured that the funding continues for the over a
9 thousand children who are in this program.

10 And we have expanded -- excuse me,
11 we have expanded the time frame under which the
12 existing resources will be available. While
13 having to come back and finally try to fix this
14 program next year, it matters so much to these
15 families and children I can't tell you, even if
16 you don't understand what the program is.

17 I'm also enormously appreciative of
18 the work done by Chair Samra Brouk, as she just
19 spoke. But many of us highlighting that the
20 assignment, when talking about involuntary
21 commitment, isn't that part of it? I come from
22 Manhattan, where almost all the nightmare stories
23 you hear about crime from people being attacked
24 by mentally ill people. And the vast majority of
25 mentally ill people are much more likely to be

1 the victims, not the perpetrators.

2 But some people are out of control
3 because they need help. And they are very often
4 in my district, because I have Midtown Manhattan
5 and Penn Station and Times Square and all of
6 these areas. And I worry that we have now told
7 the public it's all going to stop because we did
8 this.

9 But this isn't going to stop the
10 problem. The assignment is much bigger, and we
11 didn't get to that part of the assignment. Not
12 enough. It's actually guaranteeing that when
13 someone is brought into a hospital based on an
14 evaluation that they cannot take care of
15 themselves or are a risk to themselves or others,
16 or may have committed a crime, that the hospital
17 shouldn't be allowed to discharge them back into
18 the streets. They should actually have to make
19 sure services are there, a place is there, and
20 that that person is then going there when they
21 are stabilized and determined not to need
22 hospitalization.

23 And that's not going to happen
24 because we didn't put that requirement in the
25 law. So that the requirement should be, if

1 somebody's brought into your facility by the
2 police or social workers, determined to be unable
3 to control themselves, that the hospital can't
4 discharge you until there's a plan for where
5 you're going.

6 And so I worry because it's my
7 district, very often, that people are going to
8 say to me, Oh, well, this was supposed to be the
9 solution, Liz. And in six months when it isn't,
10 they're going to go: What happened, Liz?

11 And a year, when it isn't the
12 solution, they're going to say, I thought you
13 told me this all worked.

14 So for the record, I'm voting for
15 this bill. There's lots of good things in it.
16 But I'm not going to tell anyone it's all fixed
17 and you're not going to have crime on the subways
18 and you're not going to have mentally ill people
19 on the streets, because that's simply not true.
20 Because we didn't deal with the assignment of
21 ensuring there was quality residential
22 facilities, supportive housing with services,
23 psychiatric beds. And that's the part of the
24 assignment we've got to get right before we can
25 declare victory.

1 So yes on the bill. More work to be
2 done. Thank you very much.

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

5 Senator Fahy to explain her vote.

6 SENATOR FAHY: Thank you,
7 Mr. President.

8 I rise as well today to vote yes on
9 the budget, but once again with a number of
10 serious reservations on the bill.

11 Specifically, let me start with the
12 2.6 percent targeted inflationary increase, or
13 the COLA increase for direct service
14 professionals and others providing human
15 services.

16 I'm the new chair of the
17 Disabilities Committee, and I would be remiss if
18 I didn't point out the extraordinary care given
19 by the caregivers to some of our most vulnerable
20 New Yorkers, particularly those with intellectual
21 and developmental disabilities.

22 We have spent -- after a decade of
23 disinvestment, we have been trying to reinvest
24 there. And the 2.6 falls very short in terms of
25 the pay adjustment that is needed. These are

1 critical, thankless jobs.

2 So it is something I plan to double
3 down on, to work toward getting these workers
4 better pay. And again, this is one of the
5 biggest reservations of this section of the
6 budget.

7 I should also note another part in
8 my district is the inability to ascertain funds
9 for St. Mary's Hospital in Amsterdam. They are
10 an independent hospital. Not only are they not
11 eligible for the Hospital Transformation funds,
12 we were not able to get them additional funding
13 while they have dire infrastructure needs there.

14 Also concerns -- and I hope we will
15 continue conversations on EMS, the telehealth
16 parity for the FQHCs, as well as more on the
17 CDPAP.

18 So thank you. And with that, again,
19 Mr. President, I vote yes with reservations.

20 Thank you.

21 ACTING PRESIDENT COONEY: Senator
22 Fahy to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 968, voting in the negative are

1 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
2 Chan, Gallivan, Griffo, Helming, Lanza, Martins,
3 Mattera, Murray, Oberacker, O'Mara, Ortt,
4 Palumbo, Rhoads, Stec, Tedisco, Walczyk and Weik.

5 Ayes, 42. Nays, 20.

6 ACTING PRESIDENT COONEY: The bill
7 is passed.

8 Senator Gianaris, that completes the
9 reading of today's controversial calendar.

10 SENATOR GIANARIS: Please call on
11 Senator Lanza.

12 ACTING PRESIDENT COONEY: Senator
13 Lanza.

14 SENATOR LANZA: Thank you,
15 Senator Gianaris.

16 There will be an immediate meeting
17 of the Republican Conference in Room 315.

18 ACTING PRESIDENT COONEY: There
19 will be a meeting of the Republican Conference in
20 Room 315.

21 Senator Gianaris.

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

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

1 SENATOR GIANARIS: Move to adjourn
2 until tomorrow, Thursday, May 8th, at 10:00 a.m.

3 ACTING PRESIDENT COONEY: On
4 motion, the Senate is adjourned until tomorrow,
5 May 8th, at 10:00 a.m.

6 (Whereupon, at 8:00 p.m., the Senate
7 adjourned.)

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