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

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The Senate will come to order.

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

Color Guard, parade the colors.

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

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

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

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

Colonel.

CHAPLAIN LESTER: Thank you, sir.

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

Lord, we thank You for the freedoms

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

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

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

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

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

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

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

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

the way to the top.

In Your most precious holy name, Amen.

(Response of "Amen.")

ACTING PRESIDENT COONEY: Color Guard, retire the colors.

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

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

Brigadier General.

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

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

Your consistent support to Fort Drum

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

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

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

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

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

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

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

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

soldiers.

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

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

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

core tenet of our national defense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Knowing their families are cared for

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

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

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

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

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

you again for your time.

(Standing ovation.)

ACTING PRESIDENT COONEY: Thank you, Brigadier General.

We will now commence with the reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning, Mr. President.

Let us continue our recognition of

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

ACTING PRESIDENT COONEY: The Secretary will read.

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

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

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

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

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

Majority Leader.

SENATOR STEWART-COUSINS: Thank you so much.

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

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

So please be seated. Relax.

(Laughter.)

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

And of course I also want to thank

Senator Walczyk, who represents Fort Drum.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Majority Leader.

Minority Leader Ortt on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

God bless. Climb to Glory!

ACTING PRESIDENT COONEY: Thank you, Minority Leader.

Senator Scarcella-Spanton on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please have a seat.

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

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

I want to especially thank our

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Ashby on the resolution.

SENATOR ASHBY: Thank you, Mr. President.

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

ranks as well.

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

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

I proudly vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Gallivan on the resolution.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Walczyk on the resolution.

SENATOR WALCZYK: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

Staff Sergeant Stento, from Johnson City, New York.

And of course Sergeant Briones from

Brooklyn, New York.

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

(Applause.)

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

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

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

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

Fort Drum soldiers could be fighting in around the globe.

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Webb on the resolution.

SENATOR WEBB: Thank you, Mr. President.

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

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

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

Your service and the service of

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

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

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

Thank you so much.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Harckham on the resolution.

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

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

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

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

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

Thank you very much.

ACTING PRESIDENT COONEY: Thank you, Senator Harckham.

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

Please rise and be recognized.

(Extended standing ovation.)

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

Senator Gianaris.

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

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

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

ACTING PRESIDENT COONEY: The Secretary will read.

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

ACTING PRESIDENT COONEY: Senator Griffo on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

So we appreciate everyone who has

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

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

ACTING PRESIDENT COONEY: Thank you, Senator Gianaris.

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

Please rise and be recognized.

(Standing ovation.)

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

Senator Gianaris.

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

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

The Secretary will read.

THE SECRETARY: Resolution 932, by

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

ACTING PRESIDENT COONEY: Senator May on the privileged resolution.

SENATOR MAY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

I vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator May.

Majority Leader Stewart-Cousins on the privileged resolution.

Majority Leader.

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

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

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

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

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

making the world a better place.

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

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

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

So thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Majority Leader.

Senator Chris Ryan on the resolution.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank

you, Senator Ryan.

The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The resolution is adopted.

Senator Gianaris.

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

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

Senator Gianaris.

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

Amendments are offered to the following Third Reading Calendar bills:

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

And by Senator Fahy, page 27,

Calendar Number 583, Senate Print 4867.

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

Senator Gianaris.

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

ACTING PRESIDENT COONEY: The Senate will stand at ease.

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

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

ACTING PRESIDENT COONEY: The Senate will return to order.

Senator Gianaris.

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

Can we please take that up.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Senator Krueger,

from the Committee on Finance, reports the following bills:

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

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

Both bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT COONEY: The

report of the Finance Committee is accepted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: The bill will be laid aside.

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

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: The bill will be laid aside.

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

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

SENATOR GIANARIS: We'll begin with Calendar 967.

ACTING PRESIDENT COONEY: The Secretary will read.

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

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

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

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

ACTING PRESIDENT COONEY: Will Senator Krueger yield?

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

ACTING PRESIDENT COONEY: The sponsor will yield.

SENATOR O'MARA: Senator, we

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

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

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

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

O'Mara.

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

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

SENATOR KRUEGER: Okay. Okay.

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

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT COONEY: The Senator yields.

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

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

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

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

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

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

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

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

So how do we justify two wrongs making a right?

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

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The

Senator yields.

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

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

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

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

SENATOR O'MARA: Correct. And if

there were any reductions, those as well.

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, absolutely.

ACTING PRESIDENT COONEY: The Senator yields.

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

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

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR O'MARA: Thank you,

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

Thank you, Senator.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

So thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Murray, why do you rise?

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MURRAY: Thank you,

Senator Krueger.

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

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

SENATOR MURRAY: Thank you.

Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

ACTING PRESIDENT COONEY: Will the

sponsor yield?

SENATOR KRUEGER: Indeed.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR KRUEGER: Yes, that is correct.

SENATOR MURRAY: Would the sponsor continue to yield.

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

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

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MURRAY: Thank you.

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

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

SENATOR MURRAY: Sure. Sure.

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

SENATOR KRUEGER: Yes.

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

short, according to my math. Is that correct? Where would the rest of the funding come from?

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MURRAY: Great, thank you.

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

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

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

SENATOR MURRAY: Right. Right. Thank you.

Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Indeed.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MURRAY: Thank you.

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

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

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR MURRAY: Very good.

Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Indeed.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: Yes. And I think

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

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

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

SENATOR MURRAY: Will the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MURRAY: Thank you.

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

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

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

SENATOR MURRAY: (Off the record.)

SENATOR KRUEGER: Do you have a question?

SENATOR MURRAY: Yeah, yup, yup.

SENATOR KRUEGER: Just waiting for the next one.

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

Is there anything, any language in

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

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

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

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

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

SENATOR MURRAY: Thank you, Senator.

Can I go on the bill, please?

ACTING PRESIDENT COONEY: Senator Murray on the bill.

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

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

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

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

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

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

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

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

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

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

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

this budget.

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Murray.

Senator Weber, why do you rise?

SENATOR WEBER: Thank you, Mr. President.

Will Senator Krueger answer some additional questions on Section M?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR WEBER: Thank you. Thank you.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

or improve service for our residents?

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

Two, what show did they see?

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

SENATOR KRUEGER: You didn't go.

SENATOR WEBER: I was up here.

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

SENATOR WEBER: So is my wife.

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

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

SENATOR WEBER: Absolutely.

SENATOR KRUEGER: Okay. Did they go to dinner?

SENATOR WEBER: They did.

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

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

(Laughter.)

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

SENATOR WEBER: Couple of hundred, probably.

SENATOR KRUEGER: Couple of hundred dollars.

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

(Laughter.)

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

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

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

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

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

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

SENATOR KRUEGER: Yes, I will.

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

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

ACTING PRESIDENT COONEY: The sponsor continues to yield.

SENATOR WEBER: Listen, I can

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

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

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

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

And in answer to your previous

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR WEBER: Okay. Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

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

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR WEBER: Thank you, Senator Krueger.

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

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

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

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

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

The MTA is, as I said, the economic

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

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

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

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

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

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

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

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

SENATOR WEBER: Will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

SENATOR WEBER: Realtime information these days.

(Laughter.)

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

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

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

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

So thank you, Senator Krueger.

SENATOR KRUEGER: Thank you, Senator Weber.

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

Thank you. And thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Krueger.

Senator Palumbo, why do you rise?

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

SENATOR KRUEGER: Trading staff, but yes indeed.

SENATOR PALUMBO: Yes, thank you.

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

ACTING PRESIDENT COONEY: Senator Krueger, do you yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT COONEY: Senator Krueger yields.

SENATOR PALUMBO: Thank you, Senator. Good afternoon.

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

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

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR PALUMBO: I am, Senator.

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

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

more questions.

ACTING PRESIDENT COONEY: Senator Krueger, do you yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR PALUMBO: And thank you, Senator Krueger.

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

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

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

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

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

SENATOR PALUMBO: Thank you, Senator.

Will the sponsor yield for a few

more questions.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR PALUMBO: Thank you, Senator Krueger.

On the bill, please, Mr. President.

ACTING PRESIDENT COONEY: Senator Palumbo on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

We are one of I believe four states

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

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

Thank you.

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

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

SENATOR MARTINS: Z. Z as in zebra.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you.

SENATOR KRUEGER: I'm sorry?

SENATOR MARTINS: Z?

SENATOR KRUEGER: Z, thank you.

I'm happy to answer questions.

ACTING PRESIDENT COONEY: Thank you.

Senator Martins.

SENATOR MARTINS: Thank you.

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

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

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

SENATOR KRUEGER: Oh, okay.

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

SENATOR KRUEGER: Back to MTA.

SENATOR MARTINS: Yes.

SENATOR KRUEGER: Yes indeed.

SENATOR MARTINS: Thank you.

SENATOR KRUEGER: You're welcome.

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

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

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

yield.

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

budget for the MTA?

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

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

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

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

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

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

ACTING PRESIDENT COONEY: Will the

sponsor continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

sort of a rotational situation.

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

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

SENATOR KRUEGER: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

even higher than that as the real needs.

SENATOR MARTINS: Thank you, Mr. President.

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

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

SENATOR KRUEGER: Z.

SENATOR MARTINS: Z, yes. Thank you.

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

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

ACTING PRESIDENT COONEY: Senator Krueger yields on Part Z.

SENATOR MARTINS: Thank you,

Mr. President.

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

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

SENATOR MARTINS: Thank you.

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

SENATOR KRUEGER: Go away, Z.

(Laughter.)

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

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

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

SENATOR MARTINS: Drugged driving laws, yes.

SENATOR KRUEGER: Okay, fine.

SENATOR MARTINS: Thank you, Senator.

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

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

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

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

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

SENATOR MARTINS: Mr. President,

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

SENATOR KRUEGER: Okay.

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

Would you agree?

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

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

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

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

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

(Laughter.)

SENATOR MARTINS: I'm close, Senator.

SENATOR KRUEGER: Okay, fine.

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

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

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

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

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

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

SENATOR KRUEGER: Yes.

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

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

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

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

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

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

On the bill.

ACTING PRESIDENT COONEY: Senator Martins on the bill.

SENATOR MARTINS: I appreciate the Senator's responses.

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

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

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

adjacent to New York City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator Martins.

Senator Borrello, why do you rise?

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

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

SENATOR KRUEGER: Sure. Triple D, I believe.

ACTING PRESIDENT COONEY: Triple D.

SENATOR KRUEGER: Yes indeed.

ACTING PRESIDENT COONEY: Senator Krueger yields.

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

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

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

suspect to begin with.

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

SENATOR KRUEGER: Just getting answers for you, Senator.

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

If you recall, that was a project

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: So I guess what we're saying is this "other agreements" stipulation that's been added is vague and the

consequences are unknown.

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Indeed.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR BORRELLO: Okay.

Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

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

SENATOR KRUEGER: Yes.

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR KRUEGER: Through you, I

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

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

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

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

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT COONEY: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Krueger,

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

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

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

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

But when we start talking about

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

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

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

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

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

So thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Borrello.

Senator Helming, why do you rise?

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

SENATOR KRUEGER: What section, did you say?

SENATOR HELMING: I am on Section OO.

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

Oh, Senator Hinchey would love to answer your questions on Section OO.

ACTING PRESIDENT COONEY: Senator Hinchey, will you yield?

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

SENATOR HELMING: Thank you, Senator Hinchey.

Senator Krueger, I was looking

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

Senator Hinchey, thank you.

SENATOR HINCHEY: But you have me.

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

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

SENATOR HINCHEY: Please.

SENATOR HELMING: All right.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

Senator May, do you yield?

SENATOR MAY: I do.

ACTING PRESIDENT COONEY: Senator May yields.

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

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

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

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

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

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

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

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

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

I will say that negotiations didn't

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

SENATOR HELMING: Thank you.

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

ACTING PRESIDENT COONEY: Senator Helming on the bill.

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

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

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

Senator Krueger.

SENATOR KRUEGER: Thank you.

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

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

SENATOR HELMING: N as in Nancy.

SENATOR KRUEGER: Thank you.

SENATOR HELMING: Nancy Nancy.

SENATOR KRUEGER: Nancy Nancy.

ACTING PRESIDENT COONEY: Senator Krueger yields.

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

ACTING PRESIDENT COONEY: Senator Helming.

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

ultimate flexibility, right?

SENATOR KRUEGER: Yes.

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

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

SENATOR HELMING: They're providing the capital?

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

SENATOR HELMING: I'm sorry.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: So

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

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

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

SENATOR HELMING: Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: Senator Krueger, do you know why the language from the Governor's proposal was removed, the language that said that employees of the peer captive would not be deemed employees of the authority? Wouldn't that have helped to prevent conflicts of interest?

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

Law and Civil Service Law.

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

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

(Laughter.)

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

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

SENATOR KRUEGER: Thank you, Senator Helming.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Ashby, why do you rise?

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

ACTING PRESIDENT COONEY: Senator Krueger, will you yield?

(Off the record.)

ACTING PRESIDENT COONEY: Senator Krueger yields.

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

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

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

SENATOR ASHBY: Will the sponsor yield.

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

nearly identical to mine.

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

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

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

SENATOR ASHBY: Will the sponsor yield.

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

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

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

SENATOR ASHBY: Will the sponsor yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR ASHBY: Thank you.

On the bill.

ACTING PRESIDENT COONEY: Senator Ashby on the bill.

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

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

ACTING PRESIDENT COONEY: Thank you, Senator Ashby.

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

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

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

I appreciate your patience.

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

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

SENATOR SKOUFIS: On the bill.

ACTING PRESIDENT COONEY: On the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

I stress "coequal."

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

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

This, today and tomorrow, is what I would characterize as a disgraceful close to this process, an authoritarian process. And we talk a lot about -- and we may disagree, we will disagree on opposite sides of the aisle here. We talk a lot about, I talk a lot about the authoritarianism that we see every single day in Washington. And it's a different form than what is happening here.

Here, it is a slow creep over the years that has been chipping away at that coequalness that no longer exists in any way, shape or form. The Governor in January -- this January, every January -- in what is now a $254 billion budget, started a little bit less several months ago, is able to add billions and billions and billions and billions and billions of dollars in new programs and new initiatives and flashy-headline-grabbing funding. You know what we're afforded this last week as a Legislature in a $254 billion budget? Three hundred and seventy-five million dollars. That's what the Legislature gets. One-tenth of 1 percent.

The balance? Over the past four months, we've been talking about this. We are relegated to offering suggestions. That is our role in the Legislature. The Governor has the ability, the never-ending ability to offer demands. We have the ability to offer suggestions beyond one-tenth of 1 percent of budget -- the vast majority of which, by the way, are simple restores of things that we have funded in previous years.

This budget further concentrates fiscal policy power into the Executive -- it's not in this budget bill, we'll see it later -- where if less than 2 percent of our tax revenues drop, our projected tax revenues, the Governor will be able to unilaterally advance cuts.

Yes, we'll have 10 days to come back. We also had days to come back during the myriad of executive orders during the pandemic. We had that ability; we never once utilized it.

Otherwise, she has the unilateral authority to propose cuts. A further concentrating of that power, a further deteriorating of that coequalness that no longer exists.

This budget process I believe ought to serve as a clarion call -- regardless of what side of the aisle you're on, regardless of what house, what chamber you are in in this Legislature -- that we need to restore checks and balances in this state government. And yes, as it relates to the budget, that predominantly means addressing the constitutional issues that we are up against. It is long past time -- and it's a lengthy process, but it's long past time

that we begin that process.

The Governor, when she took office, was quoted as saying "The days of governors disregarding the rightful role of this Legislature are over."

Someone earlier today told me, I quote: "I don't know what happens when people get to the Governor's office," meaning they become different people. There are probably, in this chamber, out of 63 of us, you can probably count on one hand how many of us the Governor reached out to over the past four months to talk about anything except for her three or four top priorities. And I remind people of that quote from just several years ago. Also, quote, a new era of transparency.

I find it deeply offensive that this broken system allows for some new college graduate hired by the second floor at 21 years old, who had a C average at, let's say, SUNY Binghamton, and they are in the negotiating room with veto power over our proposals. We should be outraged that that is the system that is in place. Any self-respecting lawmaker who is elected in this body by over 300,000 people or

300,000 constituents, a fraction thereof who elect us, should be outraged that that's the system.

Over the next month we have the ability to begin to address this imbalance. These are things that I've been talking about for quite some time over my decade-plus up here. I will be banging this drum very hard and consistently and loudly over the remaining time we have of session.

We have two tools at our disposal to hold the Executive accountable at any time: overrides and oversight. As chair of Investigations, I assure you we'll be doubling down in the coming days and weeks with some announcements on the oversight front. And certainly I look forward to partnering with like-minded colleagues on some of the issues.

But over the past several years, there have been 221 instances of a bill unanimously passing this chamber -- unanimously, zero votes against -- that have been vetoed by this Governor. Not one single override. Not even in the back of her head does she have to wonder, if I veto this, might they, maybe. No.

Not once.

And we don't have a supermajority on this side of the aisle anymore. So if we were to ever override, it requires votes on that side of the aisle. And I hope there is not a valid excuse that simply because we are no longer in the supermajority on this side of the aisle, that there are not good-minded, like-minded individuals on that side -- I know there are -- who on some of these bills that are uncontroversial, that passed unanimously or near unanimously, would not supply votes to help override those vetoes.

And whether it be by a show of hands or an articulation, I hope that members across that aisle at some point soon communicate that those votes will not need to be bought. There will not need to be a political extraction for those votes. And that we can, in a bipartisan way, do the right thing and exert our authority as a coequal, on paper, branch of government.

Part of that process requires us to send bills now to the Governor. There has been this unwritten courtesy that exists whereby we wait for the Executive to ask for bills to be

sent to her.

If you couldn't tell, Mr. President, I am well past courtesies. We control when bills are sent to the Governor, and we set ourselves up to fail when we wait to send legislation to the Governor while we are all observing Christmas and Hanukkah and December holidays with our families and she is able to veto them while we are out of session, under the cloak of darkness, during those holidays at the very end of the calendar year.

We should send her bills this week, next week, the following week while we were in session, and override those vetoes that we deem suitable for override.

This Governor seems to think that she is a monarch of sorts. She seems very empowered with a budget that's 37 days late. The great news here is that we don't have to take up arms in a revolution to break the shackles from a monarchy here. No one has to throw tea overboard into a harbor. We just have to have the guts to stand up for ourselves as a Legislature.

This process is undemocratic. It is deeply, deeply broken. It is not in the process

of being broken, it is not on the verge of being broken, it is broken. And we can do something about it. And so I hope we'll all get to work on fixing our democracy here in New York after today.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Skoufis.

Senator Lanza, why do you rise?

SENATOR LANZA: Thank you, Mr. President.

Mr. President, I'd written down some closing remarks. Unfortunately, I left them in Senator Skoufis's office.

(Laughter.)

SENATOR LANZA: I was wondering if I could have a minute to retrieve them.

(Laughter.)

SENATOR LANZA: Mr. President, I certainly want to associate myself with the remarks concerning the MTA with Senators Weber, Martins and Skoufis. I think any honest person understands how miserably they are failing the people of this great state.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you.

Senator Lanza on the bill.

Are there any other Senators wishing to be heard?

Senator Mattera, why do you rise?

SENATOR MATTERA: Thank you, Mr. President.

And I want to thank Senator Skoufis for really -- guess what, come on over. I got to tell you --

(Laughter.)

ACTING PRESIDENT COONEY: Senator Mattera, are you on the bill?

SENATOR MATTERA: No, no, this is on the bill.

ACTING PRESIDENT COONEY: Senator Mattera on the bill.

(Overtalk.)

SENATOR MATTERA: So I guess nothing left to say except to really say ditto to what's going on with this. You know, this MTA, what's been happening, it's just nothing but a money pit. And we're allowing this. And this is going to pass.

This is such -- you know, congestion pricing, we're just gouging everybody. Construction workers right now that are driving into the city are getting gouged because they cannot take the train in. They can't bring in tools and equipment, nothing. And there we are, we're sitting here right now with $6 billion more. It's nothing but a money pit.

You know, the MTA tax, we're going to be obviously going along with that moving forward. And that's going to be another gouge. We are nothing but an ATM machine, especially here on Long Island. And all my constituents are sick and tired of it. I'm sick and tired of it. It's mismanagement. It has nothing to do with the workers. It's just mismanagement.

Drugged driving laws. We reject that? We're driving all down the roadways and that's all we do, I drive down the Thruway, I drive down the Expressway. And you know what we did? We passed cannabis laws. And look what happened. You really, really don't think it's another gateway to drugs? Yes, it is. It's a total disaster. I said it on this floor when I first started here that it's a total disaster

what it's doing to the youth and to the people of our State of New York. Generating what? The black market is running rampant with this, what's happening right now.

You know, Gold Star families, their license plates -- and I thank my colleague for getting up. And that's what we do when you reject something like that. How do we do that? Especially on a day like today, that there we are celebrating, and the next thing you know, we reject things like this? How is that possible, anybody in this chamber?

So you know what? I'm going to be proudly voting no on this because I have no idea how we are moving forward with our great State of New York by just gouging everybody when a $254 billion budget -- more than Texas, Florida, I think the Dakotas combined. And we have no idea where we're going with this just gouging everybody. And to make sure that we're going to have more people that are leaving our great State of New York. Over 2 million people since 2020 have left our great state because all we're doing is gouging them. And this budget is proving that.

So I will be proudly voting no on this. Thank you so much, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator.

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I listened with great interest to all my colleagues so outraged about the spending by the MTA and on the MTA in the state budget, particularly my colleagues from Long Island. But, you know, it's easy to get up and scream about an agency that is relatively anonymous to the people of this state. It's an easy political

target.

But let's talk about the facts. Do you know what the most subsidized part of the MTA system is, by far? The LIRR. Only 15 percent of the LIRR's operating budget comes from the farepayers who use the LIRR. Grossly disproportionate to the New York City subway system, disproportionate to Metro-North.

So if you want to cut funding from the MTA, guess what's going to happen? Because that money we're allocating disproportionately goes to Long Island for your suburban rail. If we don't provide that money, the people of Long Island will be paying higher fares, because those trains have to run. And it's very expensive to run the largest mass transit system in the world.

So spare me. Or at least tell your constituents what you're really advocating for -- either no LIRR service or higher fares for them.

I vote yes, Mr. President.

ACTING PRESIDENT COONEY: Senator Gianaris in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you,

Mr. President.

You know, one thing when you have the assignment I have, which is to answer lots and lots of questions on a bill, you don't necessarily get to speak that much on the bill.

So Senator Gianaris pointed out a fact that I wanted to reemphasize, but I won't. But I also was asked about what are they doing to decrease their operating costs and their efficiencies? Because we bailed them out on operating in 2023. And the answer is they actually have identified 500 million in savings and efficiencies since we made that demand of them.

And I won't read the report, but I reference the report that was put out by the MTA, and the highlights, and it lays out how they've saved that money. With another hundred million then after the report, in addition, to hit the 600 million mark.

And again, to also just highlight the MTA, yes, it's huge. It's expensive. It's an old system which has a lot of work that needs to be done to keep it going. But you know what? It's in better shape than almost any other public

transit system in the country. And the cost for travelers on it is lower than almost any other system in the country.

So we'd we all like to complain and say it's too expensive and why, why, why. And we all want efficiencies and we all want accountability, and we should. I feel like saying, Yo, they're doing a pretty damn good job with an enormous set of problems and responsibilities. And we keep piling on more costs to them, by the way. We pass laws saying they have to do this, they have to do that. And then we wonder why it's expensive. Well, we sort of make it expensive.

But I'm very proud of our MTA and what they've accomplished. And again, whether you like them or you don't like them, as Senator Gianaris just pointed out, we're all in a lot of trouble if they're not there doing what they need to do and getting us to and from wherever in the State of New York we need to go.

Thank you. I proudly vote yes.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

You know, statistics and figures are interesting things. Eventually you have to actually go down to facts, come up with numbers. You know, there were percentages relayed here on the floor. So let's deal with facts. The Long Island Rail Road's annual budget is just over $2 billion -- $2 billion, Mr. President. And so 15 percent of $2 billion is about $300 million.

Now, if we understand that there are over 250,000 people who ride the Long Island Rail Road, including those of us in Nassau County, our friends in Suffolk County, and even some of our colleagues who represent Queens County and Kings County -- even our Deputy Majority Leader, who has a district in Queens County -- 15 percent, $300 million, is not what is gained from the farebox at the Long Island Rail Road.

So let's stick to facts. Fearmongering and finger pointing is not going to get us anywhere. Our communities are disproportionately impacted by this proposed payroll mobility tax. It is absolutely going to

be disproportionately impacted by congestion pricing. Our constituents continue to be concerned. Although they need the Long Island Rail Road and they need the MTA -- and I've said it before, we wish for their success -- there is a point where we should not just continue to feed the beast. Facts matter, especially when we talk here on the floor.

I'll be voting no for all the reasons that I discussed before. But please, where we are in the chamber, please don't point at us in Nassau County or our friends in Suffolk County, or even your own constituents in Queens and Kings County or in the Hudson Valley when you look at the dysfunction of the MTA. We should be able to do more in this chamber.

I'll be voting no.

ACTING PRESIDENT COONEY: Senator Martins to be recorded in the negative.

Senator Murray to explain his vote.

SENATOR MURRAY: Thank you, Mr. President.

And actually I'd like to thank Senator Krueger, Senator Gianaris, for pointing out and giving us the information. I'd like to

also remind you the LIRR is under the MTA umbrella. Metro-North, under the MTA umbrella. The MTA is the parent company there.

But the point is this. And I fear that many times the point is lost. We get into -- as Senator Martins said, we get into the numbers and everything and we get lost a little bit. There's nothing I want more -- if someone were watching and listening to some of the debates, they'd think I just -- I hate the MTA. That could not be further from the truth.

I want the MTA to be great. We have the capability of having the greatest transit system in the world. I speak to some of the workers at the MTA, and some of them, they're ashamed to say where they work. That in itself is a shame. And that's because of the public perception.

So we can get lost in the numbers, but the perception is exactly what we say: They are a black hole for money. It just goes and disappears. So when we're talking about this, what we want more than anything -- I don't mind spending the money if the system were working properly. I wouldn't mind if they were being

efficient and we had the confidence that they were being efficient.

But I'll give you an example. And I know I rail on this all the time, no pun intended. But the fare and toll evasion. My point is this. If you look at the numbers from 2017, they lost $150 million. Now, again, I say year after year after year, they're coming saying give us more, give us more, give us more. We have the MTA payroll tax. We have congestion pricing. There's always another scheme or a gimmick or something to raise more.

Now, toll and fare evasion, the tolls and the fares, that's money that they just have to collect. They're providing the service, and they're supposed to be paid for it. All they have to do is collect it.

ACTING PRESIDENT COONEY: Senator Murray, how do you vote?

SENATOR MURRAY: I'm sorry, that's right, it was two minutes, wasn't it?

ACTING PRESIDENT COONEY: Two minutes.

SENATOR MURRAY: I vote in the negative. Thank you.

ACTING PRESIDENT COONEY: Senator Murray to be recorded in the negative.

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Mr. President.

It's always tough to get up after Senator Murray and Senator Martins, who speak so eloquently on the issue.

But I want to commend Senator Krueger for mentioning two words: Efficiency and accountability. Right? It's something that we do all want, but it's something that we do nothing to obtain. And that's part of the issue.

We have been calling on this side of the aisle for a forensic audit of the MTA so that we can find out where the money goes.

Every person that's a parent in this chamber, when you give your kid an allowance and they come back to you two days later and they ask for more money, the first question out of your mouth is, Well, what happened to the $20, $50 that I gave you two days ago?

Yet we never ask the MTA that question: What happened to the money that we

already gave you? Why is it that you continue to come back to us for more and more and more?

So until we finally demand fiscal accountability from the MTA, until we finally get the forensic audit that we've been desperately, desperately seeking now for the two-plus, three-plus, five-plus years that I've been in this chamber, I will continue to vote no on this budget.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Rhoads to be recorded in the negative.

Senator Comrie to explain his vote.

SENATOR COMRIE: Thank you, Mr. President.

I've been amused at the conversation today regarding what's happened with the MTA. For the record, it wasn't until 2019 that the first forensic audit was requested, after I became chair of Corporations. It wasn't until 2021 that we got the first audit. We've been asking for a forensic audit every year since I've been chair. Every year.

We've been -- my whole theme has been to push the MTA to be more transparent, to

create opportunities to make sure that ridership understands what's happening with the MTA.

I'm not going to sit up here, stand up here today and defend the MTA, that everything they're doing is right, because it's not. But we've been pushing to try to make the MTA a more responsible agency since we've taken over in the Majority. Before then, we had Summers of Hell. We've had summers where the MTA was defunded when we were not in the Majority. We had summers where -- and we still had times where the previous administration defunded the MTA's capital budget, creating a larger problem than we have now, that we're trying to make up for.

So this is just all an opportunity to just -- if you want to state facts or state historical facts, if you want to talk about what happened with the MTA under previous administrations when they were underfunded, do we want a good system that's transparent? We desperately need a good system that's transparent. We desperately need a forensic audit from the MTA. We desperately need the MTA to show ridership that they can be safe. We desperately need the MTA to make sure that they

are putting in systems to reduce fare evasion, which they claim they do. They claim they have six different systems to do that, and they've reduced fare evasion by $30 million this year so far.

But we have to keep pushing. I agree with all my colleagues, we've got to make sure that that idea of a black hole is eliminated by making sure that we push as a legislative body in every way and shape and form to ensure that the MTA, which is the largest agency in terms of spending dollars, is more transparent.

But I will tell you that they do have the best -- and we're still pushing to make it even more -- even easier for people to use, is a dashboard which shows how they're spending their money. So we want --

ACTING PRESIDENT COONEY: Senator Comrie, how do you vote?

SENATOR COMRIE: I didn't hear you, I'm sorry.

(Laughter.)

ACTING PRESIDENT COONEY: How do you vote, Senator Comrie?

SENATOR COMRIE: I vote aye. I

vote aye.

ACTING PRESIDENT COONEY: Senator Comrie votes aye, in the affirmative.

Senator Fahy to explain her vote.

SENATOR FAHY: Thank you, Mr. President. I rise to support this legislation, but with serious reservations which I want to explain.

I first want to start by thanking the Majority Leader and many who included a whole host of pieces that I do support, including the ban on PFAS with firefighter equipment, the consumer protections, as well as the work speed zones. This is not a reservation on the MTA, but I do share my colleagues' concerns about a number of broken promises and the broken process.

I do have, as mentioned, one serious reservation on this bill, and that is the fact that a bill I carry, S1613, to allow for mixed-use development on Harriman Campus, the seven acres which is part of the 27-acre Wadsworth Lab project, up on Harriman I had a bill to allow for development there that has -- was in the Senate one-house, but a proposal that failed to be included.

I think this is a very serious missed opportunity that will impact this Capital Region for decades, because it is the largest single investment, public investment, in decades in this region.

While I support the Wadsworth Lab and have advocated 10 years in support of those, I do think that the external design there is an incredibly missed opportunity. And it is a place where we could add more housing, commercial and retail.

We have had 75 elected officials, community leaders, labor unions, neighborhood associations, everyone support this redesign of the seven acres which are, again, part of the 27 acres. I worry we're heading back to the Robert Moses era of cars before people and highways before communities.

So with that, I do vote in the affirmative, but with my very serious reservations, and hope to continue the work there.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Fahy to be recorded in the affirmative.

Senator Canzoneri-Fitzpatrick to explain her vote.

SENATOR CANZONERI-FITZPATRICK: Thank you, Mr. President.

I will be voting in the negative, but there's two things I wanted to highlight as to why.

The drugged driving laws, we've missed an opportunity, in my opinion, to make some corrections. Because the current law, unless we really say that someone's drunk on alcohol, but specifically say it's whiskey or vodka or gin -- that's what we've done with our drugged driving laws. And we can't do that with specificity even though we know that somebody is clearly impaired.

Regarding the MTA, which is getting a lot of attention here, yes, we need the Long Island Rail Road and the MTA to succeed. But they are wasting money. And unless we stop funding them, they will continue to waste money.

And I want to give some examples. Nine hundred million dollars in consultants for the Second Avenue subway wasn't enough, because it's estimated that it's going to cost

$2.6 billion for the first phase and 4.3 billion per mile for the second phase.

We have LA building their Purple Line for 800 million per mile, the Madrid subway, 320 million per mile, and the Paris subway, 160 million per mile. And that gives you perspective to understand that we have inefficiencies with the MTA. They need to do better.

They haven't gone after the fare evaders the way they should. And we need to make them close their gap and provide the service to the people that they're not providing it to so that we as a state are funding a system that truly is the greatest. And I just think we're a long way from making sure that they're spending their money wisely.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Canzoneri-Fitzpatrick to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 967, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins,

Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 22.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Senator Helming, why do you rise?

SENATOR HELMING: Thank you, Mr. President. If the sponsor will yield for a few questions.

ACTING PRESIDENT COONEY: Senator Salazar, do you yield for some questions?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT COONEY: Senator Salazar yields.

SENATOR HELMING: Thank you, Senator Salazar.

This bill makes several changes to retirement benefits for a wide variety of state employees. Does it provide any improvements to the retirement options available to our

corrections officers?

SENATOR SALAZAR: Through you, Madam President, I do not believe that this bill makes any changes to retirement benefits for correction officers.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR HELMING: So given the current staffing crisis that we have within our correctional facilities, and all of this -- the shortages, have there been any discussions or was there any consideration to improving the correction officers' retirement benefits to help us attract new COs and to retain those that we already have?

SENATOR SALAZAR: Through you, Madam President. To my knowledge, there has not been a discussion with the Executive about modifying the retirement benefits for correction

officers.

SENATOR HELMING: Thank you.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR HELMING: Senator Salazar, I'm sure you realize this, but currently in our state the vast majority of law enforcement members have a 20-year retirement plan.

Given the lack of consideration for granting a similar retirement benefit to corrections officers, is it the Majority's position that corrections officers are not deserving of a similar retirement option to other law enforcement personnel in our state?

SENATOR SALAZAR: Through you, Madam President. No, that is not the Senate Majority's position.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: If it's not a consideration, why isn't something in this budget?

SENATOR SALAZAR: Through you, Madam President. I would suggest that there are many things in this budget that members of the Legislature and the Senate Majority -- there are many things that we support that are in this budget. There are many things that we don't support. And certainly there are many things that we do support collectively or individually that are omitted from the Executive Budget.

SENATOR HELMING: Thank you.

Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Senator Salazar, does the Senate Majority support a 20-year retirement for corrections officers?

SENATOR SALAZAR: Through you, Madam President, I cannot say if the Senate Majority supports any particular retirement benefit for correction officers.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Senator Salazar, throughout -- well, prior to the wildcat strike at our prisons we had heard over and over again, years and years, from people who work within our prison facilities, people who are incarcerated there, about a number of safety issues.

And we also heard that there was a need to reform or to amend the HALT Act. Is there anything in this budget bill that does that, that makes any changes to HALT?

SENATOR SALAZAR: Through you, Madam President, the HALT solitary confinement law is not affected or changed in any way by this budget.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: I'm wondering, does this budget bill contain any provisions that limit the introduction of contraband in our prisons?

SENATOR SALAZAR: Through you, Madam President, this bill, PPGG, does not include any provisions related to regulating or preventing contraband from entering jails or prisons.

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

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Senator Salazar, this is the Public Protection/General Government bill. It's supposed to be a good-government bill. What I hear from my constituents and actually from New Yorkers across the state over and over again is that we need to do something to address giving judges, the courts, the ability to determine if someone should be held pretrial if they're a danger to themself, to another person, or to the community.

Is there any language in this bill that does that?

SENATOR SALAZAR: Through you, Madam President, this legislation does not modify that part of New York State law.

SENATOR HELMING: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Helming on the bill.

SENATOR HELMING: As I said, Madam President, the Public Protection/General

Government bill that's before us, it's supposed to be a good-government bill. However, this bill fails to provide any adequate measures to improve public safety, the real commonsense changes that are needed to make our cities, our neighborhoods, our communities safer -- like allowing the courts to consider public safety when determining whether or not someone should be held pretrial based on their propensity to be a danger to themselves or to others. It's not included anywhere in this bill language. It's intentionally not included by the Governor or by the Majority.

Also missing from this so-called public protection bill are the needed changes to the HALT Act to make sure that our state prisons are safer for everyone, for everyone.

And there are no changes to the Less is More legislation that has tied the hands of our probation officers.

As I said, my constituents and people from across the state, they have said enough is enough. They want convicted criminals, especially repeat offenders, held accountable for their actions. They want safer streets.

For these reasons and so many more, Madam President, I vote no.

ACTING PRESIDENT MAYER: Thank you, Senator Helming.

Senator Stec, why are you rising?

SENATOR STEC: I'm rising because I would like to debate this bill regarding corrections in general, I think right now.

ACTING PRESIDENT MAYER: Are you asking if the sponsor would yield or --

SENATOR STEC: If the sponsor would yield.

ACTING PRESIDENT MAYER: Senator Salazar, do you yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: All right. Through you, Madam President. Are you familiar with the corrections officers wildcat strike that occurred earlier this year?

SENATOR SALAZAR: Through you, Madam President, yes, I am.

SENATOR STEC: If the sponsor would continue to yield. What is your understanding of

the reason for the strike? What was the strike about?

SENATOR SALAZAR: Through you, Madam President. The officers who chose to participate in the unauthorized strike gave various reasons to justify their failure to report to work. I would not attempt to speak for any of them. I think that they spoke for themselves.

SENATOR STEC: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: All right, I'll make my question a little more direct, a little simpler.

If you had to pick between the reason being money or safety, the gist you got from the number of correctional facilities that you visited and all the COs you spoke to and the news reports that dominated for three months, was it about money or was it about safety?

SENATOR SALAZAR: Through you, Madam President. I heard grievances from correction officers regarding their workplace conditions in general, including concerns about safety.

SENATOR STEC: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: All right, so the strike started on February 17th and it ended on March 10th. It lasted 22 days. Prior to that, the last corrections strike occurred in 1979 -- before Senator Salazar and I suspect many of our colleagues were born. I was 10 years old -- and it lasted 16 days.

This strike was driven by safety concerns, whether it was about the policies of HALT, the lack of action on fighting contraband, or staffing levels -- that we've been obsessed with in other areas but apparently not when it comes to corrections. Staffing levels where

they're mandated 24, 36 hours routinely across our state in all of our facilities. That's been the common theme.

The data is clear. Assaults on staff and inmates have skyrocketed since HALT was implemented a couple of years ago. My question is, does this bill contain any provisions regarding amending or reforming the HALT Act -- that I submit, and I think easily defendably so, was the main purpose that motivated thousands of corrections officers to walk off the job despite the hammers that are in the Taylor Law that punish them for doing so?

SENATOR SALAZAR: Through you, Madam President, a few things. One, this bill, as I mentioned previously, does not amend the HALT solitary confinement law.

I think it's important for all of us to know that while we want correction officers to have a safe workplace environment, we do not want them to be working exceedingly long hours or double or triple shifts. The ratio of incarcerated individuals to staff, to correction officers, specifically in New York State is lower than 30 other states. It is far below the

national average, thankfully. This is a good thing.

Additionally, in the context of speaking about this strike, I was casually reading the Taylor Law the other day, as one does, and --

(Laughter.)

SENATOR SALAZAR: That's Chapter 7, Article 14 of the Civil Service Law, Section 210, for anyone who's wondering. And it says that no public employee shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage or condone a strike.

I just wanted to share that.

But again, to Senator Stec's question, there is nothing in this bill that modifies the HALT solitary confinement law.

SENATOR STEC: Thank you. If the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: All right. That was

a roundabout way to give me what could have been a one-word answer: No, it doesn't do anything to affect HALT.

And again, my -- as -- before I roll into the next question, the purpose of that question and this line of questioning is to point out that despite it being an illegal strike and all the personal risk and obvious fallout that these COs have seen, their concerns were so great that that's the level that this took, that should get everyone's attention in this chamber that there's a problem here. It's a problem that's gotten so bad that thousands of people are going to do something that's illegal, that is going to harm them financially, because they've been ignored for years.

So in that same vein, my next question. In January of this year, over 25 staff from Upstate Correctional Facility in my district went to the emergency room because of some unknown chemical contraband exposure. It started with an inmate, and by the end of the incident, two dozen people went to the emergency room.

This isn't an isolated thing just to Upstate; this has been going on for months, and

it's continued at Upstate since. No one seems to be able to figure out what the chemicals are that's getting in there or how they're getting in there. And in 2024, last year, there were seven inmate deaths due to overdoses in our prisons.

They're not growing poppies in prison. This is contraband. And it is a major, unanswered, and frankly ignored problem in DOCCS. Just a few years ago we mandated body scanners be purchased, but we made them optional for use. I'm not sure of the wisdom of that law, but that was done in the budget in 2023.

Does this bill contain any provisions that would limit the introduction of contraband in our prisons?

SENATOR SALAZAR: Through you, Madam President. Regarding the body scanners that were authorized in a previous state budget, they -- while the use of the body scanners is optional for visitors to the facility, for people entering the facility, if they choose not to be subject to the body scanner, they are subject to another form of invasive search. Or if they refuse to be searched, they be can denied access to the facility.

Staff in correctional facilities -- that is correction officers -- are not required to go through the body scanners. And I think that's important for us to consider when we realistically think about how contraband enters correctional facilities, which is not exclusively through incarcerated individuals or visitors.

There is nothing in this bill that changes the policy regarding body scanners or directly addresses the issue of contraband.

SENATOR STEC: On the bill briefly.

ACTING PRESIDENT MAYER: Senator Stec on the bill.

SENATOR STEC: The purpose of a budget is to address the needs and issues and problems of the entity, in this case the state. And in this particular bill, public protection. All right?

We have about 32,000 inmates. We've got currently about 11,000 corrections officers. Their safety is important to all of us. We have a responsibility to that, we had an opportunity to address two things that we are well aware of, DOCCS is well aware of, Commissioner Martuscello is very aware of the contraband issue that we

have.

And again, we did -- we made the use of body scanners, which is mandated if you want to get on an airplane in this country, we made it optional. We told them you're going to buy it, we bought them, and then we made it optional. That's absolutely crazy.

DOCCS had proposed, Well, we'll just limit contact visits. You don't want to get a scan, you don't have a contact visit, you do the plexiglass thing like we did for COVID. That's not in there.

We've done nothing, this bill's done nothing to address contraband. Seven inmate deaths last year to overdose. It's done nothing to address the body scanners.

And yes, it isn't just coming in with inmates and visitors. But you know what? You do what you can. You make an effort. This bill does nothing. It's an opportunity lost.

If the sponsor would continue to yield for some more questions. Actually, a question for Senator Krueger. But I know she can handle this one because it's about a previous conversation we had. If she would yield, please.

ACTING PRESIDENT MAYER:

Senator Krueger, do you yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you, Madam President. Thank you, Senator Krueger.

Do you recall during debate on the first or maybe it was the second extender bill a month or so ago I asked about the statement made by then -- I didn't identify him at the time, but it turned out it was Budget Director Blake Washington, that said that the strike is costing, quote, over a million dollars per month. And you found that number surprisingly high.

I was just wondering if you had had any more research or information about that number and whether or not it's accurate and where we might be today. Because it's a month later, and maybe it's not over a hundred million dollars a month.

SENATOR KRUEGER: It's $168 million per month.

SENATOR STEC: A hundred and sixty -- I'm sorry, Madam President, I want to

make sure I heard that correctly.

SENATOR KRUEGER: For that month, excuse me. One hundred sixty-eight million.

SENATOR STEC: For the past month?

SENATOR KRUEGER: The month of the strike. Which I think was a little longer than -- we're told is a $168 million cost.

SENATOR STEC: Thank you.

Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I'm enjoying the young people extending up above you. I wasn't sure it was in response to you.

SENATOR STEC: No worries.

Do you have an idea of what that monthly number -- again, it was Blake Washington was talking about a monthly number, and he said it was over a hundred million a month. I imagine that we've drawn down.

Do you know what the currently monthly number might be or -- and then the follow-up question would be, do you know the number of National Guard people that are deployed

in our prisons today compared to back in February when that number was so high?

SENATOR KRUEGER: Right now it's 3,115 National Guard working in our prisons.

SENATOR STEC: Thank you. If the sponsor -- actually, I think it's if Senator Salazar would yield now.

Thank you, Senator Krueger.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT MAYER: Senator Salazar, do you yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you, Senator Salazar. And again, thanks to Senator Krueger.

I asked that question because, again, I thought that 100-plus million dollars a month number was an awfully high number.

I noticed in the budget there's a line, $535 million for emergency response -- for emergency response for correctional facility emergency response. Is that 535 million allocated to cover above and beyond costs like

the National Guard costs?

SENATOR SALAZAR: Through you, Madam President. My understanding is that that appropriation is related to costs incurred as a result of the unauthorized correction officers strike, including costs related to the National Guard.

SENATOR STEC: All right. If the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: I mean, the $535 million to cover, you know, correctional facility emergency response is just an astounding number to me. You know, it's almost as much as the $598 million a year that we allocated last year for CHIPS, our local highways, to cover almost a hundred thousand miles of local roads in the state. That's a lot of money.

My next question will be, do you have any idea how many fewer COs we have in our employ today compared to, say, you know,

January 1st? Pre-strike to current strike, do you know what that number of COs has done?

SENATOR SALAZAR: Through you, Madam President, it is at least 2,000 fewer officers. As of May 1st, there are 11,359 CO sergeants and lieutenants who are employed by DOCCS.

SENATOR STEC: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: So my numbers, DOCCS' numbers, in January there was about 14,000 correction officers. Today there's just a smidge under 11,000. Bringing back 2,000 fired corrections officers that are trained -- and again, whose only sin was that they went on strike because they were concerned for their own safety being ignored for years by the State of New York, its employer, any other employer would be in court defending itself -- would cost about $20 million a month, a far cry from $100 million

a month that Blake Washington said.

Does this bill work to rehire any of the fired corrections officers?

SENATOR SALAZAR: Through you, Madam President. No, this bill does not rehire correction officers who violated the Civil Service Law.

SENATOR STEC: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you.

Does this budget bill authorize the closure of any prisons? If so, how many?

SENATOR SALAZAR: Through you, Madam President. This bill authorizes the Governor to direct the closure of up to three prisons in the next fiscal year.

SENATOR STEC: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Does this bill lay out any criteria which the Governor must use when determining which prisons to close?

SENATOR SALAZAR: Through you, Madam President. No, this bill does not lay out any criteria for determining which facilities the Governor may decide to close.

SENATOR STEC: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: All right, thank you. The current law requires a 12-month process to close a prison, involving studies, discussion with the affected community, and in short, an analysis and report.

Does this bill require a similar process or does it give the Governor unilateral authority to close up to three prisons with only

90 days notice?

SENATOR SALAZAR: Through you, Madam President. While this bill does allow for the Executive to close up to three facilities with at least 90 days notice, shorter than the notice otherwise required in law, it does not change the other requirements in statute when it comes to notice, reporting details about staff relocation, or anything else in statute required in order to close a correctional facility.

SENATOR STEC: Will the sponsor continue to yield for a few more questions?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: All right, thank you.

So does this bill provide any oversight on this decision-making process that the Governor is going to go through?

SENATOR SALAZAR: Through you, Madam President. For example, the proposal in this bill would require reporting details about

staff relocations to the Senate and the Assembly within 60 days after closure.

SENATOR STEC: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you.

Once the Governor decides which prison to close, is there any mechanism for the community that hosts the prison or the staff that work within the prison to challenge the Governor's decision?

SENATOR SALAZAR: Through you, Madam President, no.

SENATOR STEC: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Is the Governor

required to have a reuse plan in place or a plan to demolish the abandoned prison in place and fund it so that any shuttered prisons don't become blights on the communities, as so many of the 26 prisons that the state has closed since 2011 have become?

SENATOR SALAZAR: Through you, Madam President. That is not required. But I will note that since 2022, the Prison Redevelopment Commission has existed, and it focuses on reimagining closed prisons for innovative redevelopment opportunities, including things such as affordable housing, economic development. And it's tasked with engaging stakeholders such as local communities when a prison is closed, for feedback in assessing the needs of the area around the facility.

SENATOR STEC: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Well, I'd be happy

to take the sponsor or anyone else in this chamber to go visit several prisons that I think anyone would have a great deal of difficulty reimagining their use other than demolition. That's what happens to buildings when you abandon them for 10 years.

Is there any requirement that requires any information regarding a prison closure decision be made public? Is there any requirement in this bill that would require that the thought process, the data that was used to decide, needs to be made available to the public that might question it?

SENATOR SALAZAR: Through you, Madam President. While this bill does not require the Governor's decision regarding the closure of a facility to be made public, it also does not prohibit the decision from becoming public.

I am certain that just as with the closure of two prisons last year, if the Governor were to use this authority to close up to three prisons, that decision would certainly be made public and promptly be made public.

SENATOR STEC: Madam President, on

the bill.

ACTING PRESIDENT MAYER: Senator Stec on the bill.

SENATOR STEC: DOCCS's data. Last year there were 2069 assaults on staff in our prisons. There were 2,980 assaults on fellow inmates. There's been a tremendous increase since HALT went into affect. In 2021, these numbers correspondingly were 1177 on staff, so about half, and 1107 inmate-on-inmate assaults, roughly a third.

That's the result, that's the -- there's correlation -- there's causation there. HALT has made our prisons less safe for both our staff and the incarcerated.

There were seven inmate deaths due to overdose in 2024. They're not getting this from the food that the State of New York is sending in there. They're not growing the drugs in the prison. This is contraband. Seven inmate deaths. Where's the outrage? Where's the action to do something? We don't do this like a lot of other places. The budget is 36 days late. It's been 58 days since the end of the strike. It's been 79 days since the strike started.

If there was one silver lining to these guys going on their illegal strike in the dead of winter, it was that it was also corresponded with the state's budget system or the budget process, where a lot of the problems in our prisons were created in past budgets.

And this budget is a monumental lost opportunity to address the contraband issues, the staffing issues, the overtime issues, the safety issues that are well-documented by our own Department of Corrections data.

For this, I will definitely be voting against this bill.

ACTING PRESIDENT MAYER: Thank you, Senator Stec.

Senator Tedisco, why do you rise? Or are you -- do you intend to rise?

SENATOR TEDISCO: Yes, I intend to rise. I have risen.

(Laughter.)

ACTING PRESIDENT MAYER: Glad to hear.

SENATOR TEDISCO: Madam President, I -- I'm going to eventually ask if the good Senator Krueger would answer some questions and

we can have a little discussion. But I don't want her to stand now because this is a grueling process. I'm going to say a few things beforehand, and then I'll ask her if I could ask a few questions.

So I'll be on the bill --

ACTING PRESIDENT MAYER: Senator Tedisco on the bill, and then you're going to ask questions.

Senator Tedisco on the bill.

SENATOR TEDISCO: Yeah, it will lead into the questions.

Senator Krueger, this has been quite an adventure, and I don't mean that in the best of ways. The good news is we have a budget started and we're going to finish it. The bad news is we have this budget started and we're going to finish it.

And I say this in deference to you. The reason why I don't want you to stand up and hear me lead into the questions I'm going to ask is because you do a phenomenal job. I mean, I don't think anybody on that side can match you. You're the only person I know that could defend the indefensible. You make it sound like it's

right. Okay? And that's a skill and a talent. And you're very well liked. No matter what answer you give me, I know I'll still like you.

But the fact of the matter is if this budget, the last seven years, four years late with budgets. This is the latest budget in 15 years, $10.8 billion in more spending.

You know we get that little book in the mail and it compares all 50 states? You might have got it last week or a week before. I didn't really have to look into it, Senator, but I did look into it. We were number one in taxes, basically close to number one in spending. And recently you might have seen a local poll from Siena College that said in this beautiful state -- and I only can confirm because of the agenda that's been in place the last seven years because, let's face it, all levers of power have been controlled by your majority, the Democrats in the Senate and the Assembly, and we had a Governor of the same affiliation.

Thirty-two percent of New Yorkers say they intend on leaving the State of New York. This year, this was kind of less a budget process than a scavenger hunt. Because about seven or

eight days ago the Governor came out and said, We have a budget, we have a budget. And she outlined a whole bunch of things, the media printed a whole bunch of things. And a scavenger hunt has things you can find. For the last seven, eight days we couldn't find any parts of that budget. So she kind of jumped the gun.

And it's a terrible impression to give to our constituents who expect us, at least my district, they go to work, they sit there, they do their job. And they expect if they don't do the job, as I said before, if they don't come back to work the next day, they're usually fired.

So really what I want to talk about, a part of this bill. And if you would stand now, I would like to ask her to yield now if that's possible.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield for a question?

SENATOR KRUEGER: I'm always happy to answer the questions of Senator Tedisco. I think I was told you're going to ask about campaign finance.

SENATOR TEDISCO: Yeah, OO.

SENATOR KRUEGER: Right. So I'm

actually going to redirect his questioning to Senator Kristen Gonzalez, the appropriate chair.

ACTING PRESIDENT MAYER: Senator Gonzalez, are you ready to answer a question?

SENATOR GONZALEZ: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: Thank you, Senator. I missed the opportunity to get your joint answers to my questions.

SENATOR KRUEGER: (Inaudible.)

SENATOR TEDISCO: Okay, Senator, you're on the lead in this.

When I said we had an adventure, this budget was an adventure, not in a good way. Over the last two years we've had another adventure, and it was not in a good way, I don't think. It might have partially worked in some sense, but not fully. And that's what we're going to talk about now, the public campaign finance proposal that was put in place.

And it was kind of like a moving target for me. I don't know what it was like for the rest of you who were involved with that. On one day they would say to us, You can't use

matching funds for that, that's the wrong way to expend matching funds. Got to take the money back or do something else.

The next day they said, Oh, yeah, you can use that for matching funds. One day they're saying the other funds that were not matching, you cannot use those for what you've done for elections. The next day you could use them. You can't transfer, then you could transfer. So it was a moving, moving target.

But I don't want to dwell on that. What I want to dwell on, and the first question I want to ask you, I thought the reason for this campaign matching funds using taxpayers' dollars to fund campaign elections for people who run, become candidates for the New York State Legislature, was to diminish big money and its impact on campaigns, get more people, more voters, more citizens involved in their representative democracy, and get our smaller donors involved. And by getting smaller donors involved, get more of our constituents, more of New Yorkers involved.

Now, I will ask you, is that close to the right definition of why the Majority for

the most part in both houses who control all levers of power, and the Governor, put this matching funds in place the way it is right now, I mean. Was that the reason?

SENATOR GONZALEZ: Through you, Madam President, our public campaign finance system was an important step towards ensuring that small dollar donors were heard in elections. We've had unprecedented spending in our local elections and our state elections.

And so my understanding is that in creating this program we were ensuring that we were equalizing the playing field between high-dollar donors and those smaller donors. And what I'm really excited to share is that in the last year, the last cycle that we've had this program, donations from 50,000 New Yorkers came into the amount of $250 and under, and last cycle those under $250 donations leaped from 5 percent of what our campaigns were running on, to 45 percent.

So not only are we seeing tens of thousands of small-dollar donors now participate in this program, but we're also seeing the impact of those donations on our campaigns.

SENATOR TEDISCO: Would the Senator yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: Through you, Madam President, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: Well, that's fantastic. Now I want to ask you this question.

What are the basic changes -- new requirements, new mandates, that are in this budget bill that are going to lead us to continue to get those small donors, enhance it, incentivize more small donors to donate and to be involved in their representative democracy. What are the changes here which will expand more small donors?

SENATOR GONZALEZ: Through you, Madam President. We certainly shared in some of the frustration from a new program. I know that the Senator had mentioned what some of your firsthand experiences had been. And in understanding that there were changes that needed to be made to address some of the frustrations we

collectively felt, we made some changes to contributions, some structural reforms, changes in eligibility.

What I'll say is a lot of these are common sense. They make the program easier for us to participate in. But the spirit of the program -- again, that prioritizes small-dollars donors, that's something that hasn't changed.

And in these changes, I would say for the most part it is always better for democracy when we make it easier for campaigns to account for these dollars, make it easier and clearer to have transparency and oversight. That is the spirit of these.

But again, I would not necessarily, you know, characterize this specific list of changes as, you know, any difference to what our goal has always been, which is, you know, a system that prioritizes small-dollar donors.

SENATOR TEDISCO: Okay. Would the Senator yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: Yes, I do.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR TEDISCO: Could you tell me what the highest donation is now that you can get matched as a candidate for the Senate or the Assembly?

SENATOR GONZALEZ: Through you, Madam President. In the current program donations up to $250 are considered matchable.

Previously, if you donated a dollar, for example, over that 250 cap, then your entire $251 donation was not going to be matched.

According to the changes here, the first $250 of any donation from a specific individual donor in our districts would qualify for matching up to a thousand and fifty dollars. And that makes it easier for us to ensure that we are matching those small-dollar donors and certainly making it easier on a lot of our campaigns to then go through that accounting process, which I believe was one of the issues that your campaign had as well.

SENATOR TEDISCO: Would the Senator yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: So the purpose of it initially was to get big money out of it. And the way it works now is $250 is the limit, but now we're going to get more people involved with lower donations by allowing them to donate a thousand dollars? Isn't that kind of hypocritical of what the initial program was all about? You're actually going up 300 percent of what -- does that not become a small donation anymore? You're matching 250 and then you're allowing a person to provide another $750. That's a thousand dollars -- I think it's $1050, as I read it here. It says that the purpose was to empower small donors.

Why does this bill allow donations up to 1050? You've actually diminished the ability to keep donations smaller. Why would you do that?

SENATOR GONZALEZ: Through you, Madam President, I would not agree with that characterization of the program. We're still only matching the first $250 of that individual's

donation.

And I will say there is a difference between a donor that can donate hundreds of dollars versus a donor who can donate thousands of dollars, which helps explain why a thousand is a reasonable number to have put into this bill.

I will also say that in this effort we were not necessarily encouraging a difference or increase in this number of donors. That is always left to the individual campaigns. So I do not think that we are changing the nature or intent of this program by simply, you know, qualifying again up to $1050.

SENATOR TEDISCO: Would the Senator yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: You had several groups, good-government groups which supported this program. Do they support these amendments to the program?

SENATOR GONZALEZ: Through you,

Madam President, I don't speak for individual groups. I know that we've worked closely with a lot of advocacy organizations that were invested in this program and collected feedback, some of whom did feel that these were reasonable changes.

But again, you will have to ask those specific groups, as I'm speaking on behalf of our body today.

SENATOR TEDISCO: Would the Senator yield again.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: So as I see it now, you could donate $250, and that's multiplied to the point of $2300. I think that's the highest matching right now.

SENATOR GONZALEZ: Yes. If someone has donated $250, then they will be receiving $2300. But --

SENATOR TEDISCO: I think that's what I just said, yeah.

SENATOR GONZALEZ: Yes.

So my question is, now in a primary you can get a donation, if you have a primary, of $250 -- by the way, I want her to yield. Is that okay if I can --

ACTING PRESIDENT MAYER: Yes, understood. The Senator yields.

SENATOR TEDISCO: So now you're going to increase it that in a primary it's 250, and then it's 2300, and also you can get a donation in the general. Doesn't that double the amount that can be donated, which was not in place before? So doesn't that continue to defeat the purpose of small donations?

SENATOR GONZALEZ: Through you, Madam President. Again, I don't agree with that characterization of the program.

And to clarify, in current law, campaigns -- or Senate campaigns specifically -- could qualify for up to 375,000 in the primary and 375,000 for the general.

Now, through these changes, for example, if a Senate campaign was able to raise enough to be matched for $200,000 and they didn't spend that $200,000 of public dollars, the remainder of what they have would be taken out of

the 375 they would qualify for for the general election.

So actually it's I would say a little bit of the opposite of what maybe was said before. But I think it's an important distinction because it's a clear effort to be mindful about the public dollars that we are giving campaigns, and to make sure that the cost of the program isn't exorbitant.

SENATOR TEDISCO: Would the Senator yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: Now, to qualify, what are the numbers again of donations just to qualify?

SENATOR GONZALEZ: Through you, Madam President. To qualify it will depend on what office you're running for. There are statewide offices, there are Senate offices, Assembly offices. So qualifications look different based on the office you're running for.

In the case of the State Senate, those qualifications for the most part remain the same. You need 150 individual donors. And depending on if your district is a high-earning district or a lower-earning district, you'll need to raise a minimum of $8,000 or $12,000 of -- again, in district donations in order to qualify for the program.

SENATOR TEDISCO: Will the Senator yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: As I read it in OO, it says now we will allow -- this is an adjustment -- for candidates to transfer their surplus funds. What's the definition of surplus funds?

SENATOR GONZALEZ: Through you, Madam President. The definition of surplus funds are private dollars that are raised. So these are not dollars that were public, that were received through the program.

And in these changes campaigns can roll over $50,000 of surplus and -- yeah, okay.

SENATOR TEDISCO: Would the Senator yield again.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: I'm not quite understanding what you said. How much of matching funds -- does matching funds count as surplus as well as legacy funds or what they call outside the matching funds process?

SENATOR GONZALEZ: Through you, Madam President, no. Matched dollars are not part of the $50,000 that is allowed in surplus.

SENATOR TEDISCO: Would she yield again for another question, the Senator?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SALAZAR: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: So everything

other, up to $50,000, if you have that left over, you can keep --

SENATOR GONZALEZ: Through you, Madam President, yes. Yes.

SENATOR TEDISCO: -- for the next election.

ACTING PRESIDENT MAYER: Would you repeat the question, Senator Tedisco?

SENATOR TEDISCO: Yeah. No matching funds, but every donation that is not a matching fund donation that you still have left in your campaign, you can carry over to the next election?

SENATOR GONZALEZ: Through you, Madam President, yes. If it is not a matched dollar and you have it remaining, yes, you can carry it over.

SENATOR TEDISCO: Would the Senator yield for another question.

ACTING PRESIDENT MAYER: Will you continue to yield?

SENATOR SALAZAR: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: Do you have to

set up another -- close your campaign committee and open up another campaign committee at the end of our elections? Because that's what we had to do in this particular case.

SENATOR GONZALEZ: Through you, Madam President, I think a lot of our colleagues will be excited to hear that we do not have to open new campaigns under these changes. As mentioned, of course, that is the current law. But with this we can keep the same committee, yes.

SENATOR TEDISCO: Now, it lists here -- would the gentlewoman yield.

ACTING PRESIDENT MAYER: Are you asking if she'll continue to yield? Senator, do you yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR TEDISCO: I say it lists in statute when a participating candidate shall be considered opposed by a competitive candidate. Previously, this was determined via regulation.

What's the difference between a statute and a regulation?

SENATOR GONZALEZ: Through you, Madam President, we are codifying -- I think what you're referring is codifying into law the competitiveness criteria.

Yeah, I think putting it in regulation is an important step. And currently in statute I think, you know, that is not something that is codified, and that is what we're doing here.

So happy to go back and do a 101 with Senator Tedisco.

SENATOR TEDISCO: (Inaudible.)

SENATOR GONZALEZ: But again, there hasn't been changes to the competitive criteria.

But certainly we are ensuring that now it is enshrined as part of our law.

SENATOR TEDISCO: Will the Senator yield.

ACTING PRESIDENT MAYER: Will the Senator continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: What is the definition of "competitive"? You're going to put

it in statute, so what is it?

SENATOR GONZALEZ: Through you, Madam President, we have several criteria for what is considered a competitive candidate in a race. So I'm happy to list some of these. Again, you know, I think it's an extensive list, so if there are specific criteria that you're interested in hearing about, you can always follow up and ask for more.

But in our definition a candidate is considered competitive if they had a previous race with a margin of victory that was 20 points or less, involving an opposing major party.

They are considered competitive if they've received a statewide endorsement. So that's an endorsement from someone who is holding statewide office.

They are considered competitive if they've received three or more endorsements from local elected officials or if they've had a family member in office in the last 10 years.

They can also be considered competitive if they are self-funding their campaign, if they themselves have previously held office.

They can be also considered competitive if an organization has endorsed them with significant membership and if they -- within the last eight years, they've received 25 percent or more of a vote in an election in public office in the area encompassing all or part of the district that they are currently seeking to run for.

SENATOR TEDISCO: Would the Senator yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: And who makes the decision, final decision, on that competition, whether it is competitive or not? Who makes the final decision?

SENATOR GONZALEZ: Through you, Madam President. The Public Campaign Finance Board makes this final decision. And I will just emphasize this remains unchanged from the previous cycle.

SENATOR TEDISCO: Will the Senator

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

SENATOR TEDISCO: So what actually constitutes that there's a primary taking place? Because this said if my -- any of our opponents are in a primary or we are in a primary, you'd be able to get another donation of $250, which again increases to 500 when you're in the general election.

Is it if they've signed up to run on the same line, or is it they've gotten the signatures and they're on the ballot and there's a primary? When does that kick in where you could get a donation for a primary, then later on another donation of 250 for a general election?

SENATOR GONZALEZ: Through you, Madam President, it's the latter. They have to have made the ballot as a result of the petitioning process.

SENATOR TEDISCO: Okay. Would the Senator yield.

ACTING PRESIDENT MAYER: Will you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: So we're going to continue, I guess, to raise matching funds from people and if they've sent me, let's say, $350,000 and I have $100,000 left, that money goes where that I have to give back? To the General Fund, or to the board or ...

SENATOR GONZALEZ: Through you, Madam President. In that scenario I would need a few more specifics. But if you have $100,000 left over after the primary, for example, and those $100,000 are all match funds -- I guess it would depend. Some of them may not be matched.

I guess through you, Madam President, I'd like to clarify with my colleague if he means those 100,000 are matched or unmatched.

SENATOR TEDISCO: I'm sorry, I didn't hear what she said at the end.

ACTING PRESIDENT MAYER: Can you repeat what you said, Senator Gonzalez?

SENATOR GONZALEZ: Through you, Madam President, I'll just make it brief, and to

clarify.

For example, if I had a hundred thousand dollars left over after my primary, and 50,000 of those dollars were public dollars, the other 50,000 were my private funds, the 50,000 I had left over would be subtracted from the 375,000 I would qualify for if I was advancing to the general.

So for the general election I would only be eligible for a maximum of 325,000 in public dollars.

Now, again, it always matters what, you know, is matched versus unmatched. If I was in the general election and I was in the same scenario, I had $100,000 left over, if $50,000 of those dollars were public dollars, I would give those back, right, as I am done with my general election. And I'd be allowed, under these changes, to keep the 50,000 in unmatched dollars, my privately raised dollars, and roll those over as surplus.

SENATOR TEDISCO: Would the Senator yield again.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: Maybe it was confusing the way I asked it. When we give it back, who does it go to?

SENATOR GONZALEZ: Through you, Madam President, the Public Finance Campaign Board.

SENATOR TEDISCO: The public campaign people.

SENATOR GONZALEZ: Correct, yes.

ACTING PRESIDENT MAYER: The finance board.

SENATOR TEDISCO: The finance board.

SENATOR GONZALEZ: Yes.

SENATOR TEDISCO: Thank you very much, Senator. That's all I have.

But I'd like to -- on the bill.

ACTING PRESIDENT MAYER: Senator Tedisco on the bill.

SENATOR TEDISCO: Yeah, I kind of think these adjustments defeat the purpose of what we were supposed to do. And all the

governmental -- good-government groups I see now were opposed to raising -- providing higher donations to reach the goal of what this was supposed to be all about. And the goal was to take big money out of campaigns.

Now what you've done is kind of played the system here. It's kind of like deja vu all over again. Two hundred fifty thousand dollars was the top, and then you could get the 2300.

Now you're saying you can donate $250, but now I can donate $750 more, and that's a part of your campaign. It may not be matching from the taxpayers, but that's bigger money. If we're going to get big money out of campaigns, you shouldn't increase the size of the donations.

My opponent maxed out, didn't have any problem getting maximum funding with the levels that we have right now. And I'm sure many of you maxed out. And the fact that the good-government groups are opposed to these adjustments I think tells you that it's kind of hypocrisy to increase the donation levels when you're using the argument you want to take big money out of government.

So I'm going to be voting against this particular bill. And thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Tedisco.

Senator Palumbo, why do you rise?

SENATOR PALUMBO: Thank you, Madam President. I'd like to ask a few questions, if I could, on the new Part RR.

ACTING PRESIDENT MAYER: Part RR.

SENATOR PALUMBO: RR. And I do not see our friends.

ACTING PRESIDENT MAYER: Senator Hoylman-Sigal, do you yield?

SENATOR HOYLMAN-SIGAL: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Good afternoon, Senator Hoylman. Thank you for yielding.

Could you just explain to us what this new Part RR does, briefly, please?

SENATOR HOYLMAN-SIGAL: Certainly.

It essentially decouples the obligation of the New York State Attorney General to conduct civil discovery on behalf of the

Executive and all of its numerous agencies when the Attorney General is a plaintiff in a lawsuit. As they were when they joined I think a dozen other attorneys general in a lawsuit against a number of social media companies, including Meta, last year, really in furtherance of our Child SAFE Data Protection Act, because of the argument that these companies were making products that were addictive to young people.

SENATOR PALUMBO: Would Senator Hoylman-Sigal yield for another question, please.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you.

When you said we joined other states, is this mirrored after some other similar state statutes?

SENATOR HOYLMAN-SIGAL: Through you, Madam President, yes. About a dozen other states have a similar statute in place.

SENATOR PALUMBO: Through you, Madam President, will the sponsor continue to

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Senator, would that non-obligation to provide discovery also apply to counterclaims?

If there were, say, a claim brought, an enforcement action brought by the Attorney General, who has very broad ability to bring all types of enforcement actions, would that also apply to counterclaims where the counter-plaintiff would not be able to access these documents unless it was direct from the agencies themselves?

SENATOR HOYLMAN-SIGAL: Through you, Madam President. It's not specified in the statute. So I would believe it would be up for the court to decide.

SENATOR PALUMBO: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.
ACTING PRESIDENT MAYER: The Senator yields.
SENATOR PALUMBO: And further, through you, Madam President, I pulled up another Attorney General's -- I mean, on their website they have all kinds of -- as we know, they have a civil recoveries bureau, a claims bureau, a litigation bureau, a real property, Medicaid fraud, it goes on and on. Civil rights bureaus.
So those are all deemed, from what I'm reading, as enforcement actions. So how would a litigant ultimately get the so-called discovery directly from these agencies?
SENATOR HOYLMAN-SIGAL: Through you, Madam President. The defendant, as you describe, could seek a subpoena from the various executive agencies that have the information the defendant believes would be useful to their case.
SENATOR PALUMBO: Will the sponsor yield.
ACTING PRESIDENT MAYER: Do you continue to yield?
SENATOR HOYLMAN-SIGAL: Yes.
ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR PALUMBO: Senator, in that regard -- and this is something that I think needs to be reconciled. Under the disciplinary rules -- I forgot which one it was, I looked it up -- 7-104, there's the no-contact rule where as a lawyer it's unethical to contact your adversary if they're represented by counsel.

And of course the enforcement is by the Attorney General on behalf of, let's say, the DEC for some environmental violations. So if they actually have a lawyer for the DEC, can you explain to me how we reconcile the no-contact rule when you will actually go directly to their, quote, client and be able to have free and full access to them to make demands and speak with them directly regarding disclosure?

SENATOR HOYLMAN-SIGAL: Through you, Madam President. I think the point of this and the dozen or so other states that have this in statute is that when the Attorney General is, as in the case against Meta and other social media companies -- which, you know, resulted in this proposal -- is that the Attorney General is acting on her own and not on behalf of the

Executive in these cases.

So therefore it is not the Attorney General's obligation to go to every executive agency that may have the information being sought by the defendant. That information could be sought, as I said, by the defendant through the normal course of issuing a subpoena.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So if I'm hearing you right, so the Attorney General is the, quote, prosecutor of the civil case. And the agencies that are underneath it, all state agencies, are required on their own -- they're not the agent, so to speak, on behalf of those agencies. I just can't seem to reconcile that when you have a district attorney that acts as a prosecutor on behalf of the agencies. Police officers are just witnesses.

Victims in a criminal cause are just witnesses.

So that agency, and under our current rules -- ironically, the discovery changes were rejected in the same bill. But for discovery, if they don't provide every single item, whether it's material or not, the district attorney is imputed to have all the paperwork of every police agency. How do we reconcile that on a civil case where you have a state agency bringing the action acting as the prosecutor? Because that's what they really are, enforcing these cases.

I just can't reconcile that, and I just ask if you could possibly explain the distinction and how we can go that far and cross that bridge.

SENATOR HOYLMAN-SIGAL: Through you, Madam President. This is only when the Attorney General is filing a claim or a lawsuit on her own behalf. Remember, of course, that she is duly elected independently of the Executive.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you, Senator.

And I think for the purposes, then, of legislative intent, I think we need to sort out what exactly -- and when I read the statute, a civil -- I think civil enforcement action initiated by the Attorney General. That's I think where my disconnect is. Because when I think of a civil enforcement action, that's almost everything they do -- Medicaid fraud, suing corporations. I went on the website, I saw a current president's name on every other action that was filed, as amicus briefs or otherwise.

But, you know, all that being said, they're bringing the lawsuit on behalf of not necessarily information -- for example, if it's an enforcement of an environmental regulation, the DEC is the witness. The DEC brings that information. The DEC is the complainant. The Attorney General's just the lawyer.

So could you possibly explain -- I'm sorry, this is kind of a convoluted question.

But it's very -- let me narrow it down to this. What is an enforcement action under this statute where this would apply that the Attorney General does not need to provide any of that information?

SENATOR HOYLMAN-SIGAL: Through you, Madam President. If DEC is bringing a claim, then this provision of the bill, as it were, would not apply.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Can you give me an example of an action, then, a civil enforcement action where an Attorney General is bringing the case and this statute would become applicable?

SENATOR HOYLMAN-SIGAL: Through you, Madam President. The Attorney General's ability to pursue antifraud claims under her own.

And I mentioned at the beginning of our conversation her lawsuit that she joined with

a dozen or so other attorneys general across the country in suing social media companies for the addictive feeds that they provide our young people.

SENATOR PALUMBO: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Okay, thank you.

Senator, just so I'm clear, this would be their own investigative bureau that comes up with these facts, they are the witnesses, all the documents within their control, of course, would have to be revealed. But if it's another agency involved, they only have to disclose their information and not the other agencies' information, is that correct?

SENATOR HOYLMAN-SIGAL: Through you, Madam President, I'm nodding yes.

SENATOR PALUMBO: Thank you, Chairman.

SENATOR HOYLMAN-SIGAL: Thank you.

SENATOR PALUMBO: On the bill, please, Madam President.

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Senator Hoylman-Sigal.

And I've got -- I do have a really significant concern with this because I understand what we're talking about, that the Attorney General, just in these really narrow circumstances, as if, for example -- and it's easiest to relate it to a criminal case. If you have a district attorney's investigators ultimately put a case together, then the district attorney's office would provide, through disclosure, all of that information.

However, if this leaks somehow into another agency, maybe a local police department, maybe the IRS, maybe some other -- Tax and Finance, maybe some other civil aspects of it or some other agencies that really are still considered agencies of the state or county, that somehow they wouldn't have to disclose that information.

That completely flies in the face of

the Civil Practice Law and Rules, where anything material or necessary must be disclosed, because you're now essentially putting the defendant at an unfair disadvantage. Because if the agency refuses to provide those documents, what's the recourse? A civil subpoena would ultimately result in a $50 fine. Big deal. Who pays the $50?

So now you have a defendant who's being prosecuted in a civil enforcement action by the Attorney General and is not able to defend themselves appropriately. And I think of this example. In the -- I think in the -- as far as civil enforcement division, I'll use Stony Brook University Medical Center in my district. They're prosecuting someone or they're coming after someone for a hospital bill, a $100,000 hospital bill that's not paid. They don't have to provide any of SUNY Stony Brook's billing information because, under this, they're not deemed to have that in their possession. When it's the exact opposite with our district attorneys in the state, where they're imputed to have everything. So this is completely inverted.

And when I read the legislative

findings, which are pages, it just kind of goes on and on. And quite frankly, with all due respect to whomever wrote it, possibly someone who -- maybe staff who don't -- have never really been in a court proceeding or involved with it, this makes no sense to me. That (reading) the Attorney General does not, in the ordinary course, gain access to, or legal or practical control over, state agency or entity materials outside the Department of Law.

But that's their job. They're the lawyer on behalf of the agency. So this I think is not going to -- I don't think that this -- I don't know if it's been tested in other states. I can't imagine that the language is this specific.

But to give an example, the example of the hospital bill, how is that fair? I mean, this is a body who's constantly talking about defendants' rights over all else. And just because you're a civil defendant and somebody's coming after you for now for a hospital bill you couldn't pay, you can't even get full disclosure in a civil lawsuit in the Supreme Court? That makes no sense to me, Madam President.

For those reasons, I'll be voting no.

ACTING PRESIDENT MAYER: Thank you, Senator Palumbo.

Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, if the sponsor would continue to yield with regard to this Part RR as well.

ACTING PRESIDENT MAYER: Senator Hoylman-Sigal, do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you, Madam President. Through you.

Senator, can you tell us who suggested this language be included in the budget?

SENATOR HOYLMAN-SIGAL: Through you, Madam President. The New York State Attorney General.

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

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: And, Senator, did the Attorney General's office provide the proposed language that was included in the budget and what we're reading here, including legislative intent and the language of the proposed bill itself?

SENATOR HOYLMAN-SIGAL: Through you, Madam President. As you know, most of the -- what we are voting on today is the collaboration among the three parties, the Assembly, the Senate and of course the Governor's office. They also provided input.

SENATOR MARTINS: Thank you.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: You know,

Senator, I appreciate you taking these questions and understand the position you're in. But I do have to echo some of my colleague's concerns.

And understanding that when there is a civil enforcement action -- and I certainly understand your example of the Attorney General bringing an action against a very large corporation, a multi-billion-dollar corporation that has the resources to defend itself. But for the most part, the Attorney General's office is prosecuting cases against small companies, sometimes individuals, and putting the weight of the New York State government and its resources behind that enforcement action.

And I want to be clear for the record, because my concern lies with that, the language that the Attorney General suggested. And you know, as lawyers, we read these things very literally. A civil enforcement action encompasses more than what you described in your -- frankly, in your description of what would be impacted.

How do we -- how do we read this to be narrower than the language that's here now?

SENATOR HOYLMAN-SIGAL: Through

you, Madam President. I mean, the language speaks for itself. But -- so I don't think you should offer any -- I don't have any alternative interpretation of it.

But I will say that any documents or information would be -- would remain discoverable by a defendant through the routine subpoena process.

SENATOR MARTINS: Madam President, on the bill.

Thank you, Senator.

SENATOR HOYLMAN-SIGAL: Thank you.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: You know, Madam President, I can't stress enough how troubling this is. You know, I would not have thought, when I walked in here today and I had read this earlier, and I did not think that this had come from the Attorney General's office.

I honestly didn't, because I wouldn't think that the Attorney General, in the spirit of transparency and full disclosure and giving the defendant the benefit of the doubt, would entertain, let alone promote language that,

when read literally, as I've been suggested we perhaps have to do, would exclude a defendant from access to information, basic information, when they are being sued by New York State.

And just think about this for a second. Think about the small businesses back home. Think about, you know, Senator Palumbo's example of someone who's being sued for medical treatment at a state university hospital. Think about all of the instances where the Attorney General would be enforcing the law, and they show up and they provide that person with a summons and complaint and then say, Go defend yourself, I don't have to provide you with any of the basis for which I am suing you, and I am going to challenge your livelihood, I'm going to force you to incur expenses, legal expenses. I'm going to change your life forever, and I'm going to bankrupt you. But I'm not going to provide you with even the basis for why I'm suing you.

Think about how absurd that is in 2025, in New York State, that we as a body would be considering disenfranchising everyone who is prosecuted by the New York State Attorney General. And by the way, at her request. How is

that possible?

And how is it possible that with a Governor, an Assembly Majority and a Senate Majority that it would pass all three houses and it's actually here for us to discuss and debate today?

The idea that you think that you can subpoena this information and somehow it's going to show up -- ladies and gentlemen, my dear colleagues, understand what it is to subpoena something and how hard it is to force a state agency to honor a subpoena, while at the same time you're defending yourself against charges that may not actually be accurate.

Now, we know that the Attorney General, when they put the summons and complaint together, have to have some information, right, Madam President? They have to have some information in front of them in order to actually prepare a complaint charging somebody with something.

But this language, if you read it literally, as our colleague has asked us to do, says they don't even have to give you that. They don't even have to give you, because they're not

deemed to even have that information, and so you can't ask about them. All you have is a piece of paper accusing you and potentially putting your life savings, your business, and your family at risk.

And why would we do this? Why in the world would we not provide the opportunity for that person to say, Okay, I understand what I've been charged with, give me some information so I can at least understand why you're bringing this against me. Show me what it is that you're charging me with. Give me something that I can actually read and review and make an honest decision on it.

What, I've got to go subpoena Stony Brook University? Or Medicaid? Or the State of New York or the DEC or any other agency? How is that possible that in New York, in 2025, we're being asked to vote on something like this on at floor? And again, at the request of our Attorney General. How? How do you do this?

Madam President, I'll be voting no. And I urge all my colleagues -- on your behalf, on your constituents' behalf -- to do the same thing.

ACTING PRESIDENT MAYER: Thank you, Senator Martins.

Senator Ashby, why do you rise?

SENATOR ASHBY: Thank you, Madam President.

Would the appropriate Senator yield for questions on Part L.

ACTING PRESIDENT MAYER: Part L.

Senator Myrie, do you yield to a question?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: Senator Myrie yields.

SENATOR ASHBY: Thank you, Senator Myrie.

Would you say the purpose of this new language is to promote online safety for children?

SENATOR MYRIE: Through you, Madam President, yes.

SENATOR ASHBY: How will this bill safeguard against the ambiguity and the age of the depicted person? For example, the AI-generated image obviously doesn't have a birth certificate. So what stops a defendant

from claiming that they generated an image of an 18-year-old or someone they didn't personally know?

SENATOR MYRIE: Through you, Madam President. I don't think anything in this statute would prevent the defendant from making that argument. But this at least gives the prosecutor the tool to bring the charge.

The purpose behind this change is to modernize our criminal statutes to allow for us to incorporate AI and other generative intelligence mechanisms in the space of obscenity as it relates to children and images. And so it would allow for the court to make the determination after the prosecutor has brought the charge and the defendant has made their case.

SENATOR ASHBY: Will the sponsor yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: I notice Senator Fernandez's bill, S3202, includes a

definition, "reasonably identifiable as a specific person." Was this language considered?

SENATOR MYRIE: Through you, Mr. President. We have, as you know, in the Codes Committee considered Senator Fernandez's bill. We look forward to having continued conversations outside of the budget process to advance a policy that is similar.

SENATOR ASHBY: Will the sponsor yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR ASHBY: So we obviously agree that depicting a child in this context is harmful. Would you agree that it's also harmful for children to consume pornography?

SENATOR MYRIE: Through you, Mr. President, yes.

SENATOR ASHBY: I'm curious --

ACTING PRESIDENT BAILEY: Senator Ashby, are you asking the sponsor to yield?

SENATOR ASHBY: Yes. Will the

sponsor yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: I'm curious, why do you believe that your colleagues on the Internet and Technology Committee voted against my legislation requiring adult websites to age-verify?

SENATOR MYRIE: Through you, Mr. President. My understanding is that we were discussing Part L of the Public Protection and General Government bill, and I will confine my answers to questions on Part L.

SENATOR ASHBY: Will the sponsor yield.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: Part L has to do with adult websites and the regulating of them.

I believe that this is germane to this, and specific -- and specific to it. So we can stay on this as well.

I mean, do you believe that these websites should age-verify like websites for tobacco and alcohol sales?

SENATOR MYRIE: Through you, Mr. President, I'm going to respectfully disagree with my colleague and continue to confine my answers to the scope of Part L.

SENATOR ASHBY: On the bill.

ACTING PRESIDENT BAILEY: Senator Ashby on the bill.

SENATOR ASHBY: Well, I appreciate my colleague's determination on this. I think you can -- I think this body can understand that they missed an opportunity here. They missed an opportunity to do what 20 other states, Democrat and Republican, are doing to help ensure the safety of our children and against the -- against the advances of an industry that is having very, very harmful effects on them.

And for what? What did we gain by missing this opportunity, right? Passing the buck. Right now children across our state will

continue to be harmed by this while we wait. Wait for what?

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Ashby.

Senator O'Mara, why do you rise?

SENATOR O'MARA: Thank you, Mr. President. I have some questions on Part C.

ACTING PRESIDENT BAILEY: Senator O'Mara has questions on Part C. Senator Salazar, I believe, is -- would be the person that you would be asking them to yield, if you are indeed asking them to yield.

SENATOR O'MARA: Will the Senator yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, this section states that it removes the residency requirement for state correction officers, right, so they could live in Pennsylvania or New Jersey? Is that what this is doing?

SENATOR SALAZAR: Through you, Madam President, yes. Or Mr. President, excuse me. Yes.

(Laughter.)

SENATOR O'MARA: All right. I thought maybe I was wrong, because you hesitated. I thought that was a pretty easy question.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: This applies to state correction officers. It does not seem to include New York City correction officers. Why not?

SENATOR SALAZAR: Through you, Mr. President. My understanding is the intent of this proposal from the Executive was to address the staffing challenges in New York State correctional facilities, and therefore it impacts only state correction officers.

SENATOR O'MARA: Mr. President, if

the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, I totally understand that, and the need at our state correctional facilities. But I've been advised that New York City Corrections is -- basically has half the numbers that they had in 2019 as far as staff, and they have a significant shortage as well.

So it seems the same logic of applying it to state correction officers would make sense to extend it to New York City correction officers as well.

SENATOR SALAZAR: Through you, Mr. President. I don't have a position on whether or not New York City correction officers should be required to live in New York City. I imagine that is potentially an issue that the City Council would address, or New York City would address in their forthcoming city budget.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: The section regarding residing out of state for a correction officer at a state correctional facility. If that correction officer residing out of state was to take the sergeants exam and move up to be a sergeant rather than just a correction officer, can that person continue to live out of New York State?

SENATOR SALAZAR: Through you, Mr. President, yes. My understanding is it would still apply to that individual even if, you know, they increased in rank as a correction officer or became a sergeant, et cetera.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: It appears to be there's no prohibition of a current correction officer that resides in New York moving across state lines, is that accurate?

SENATOR SALAZAR: Through you, Mr. President, yes, I believe that is accurate.

SENATOR O'MARA: Okay. Thank you.

Mr. President, now I have some questions on -- I guess they're probably related to Parts YY, SS, regarding changes to law enforcement retirement plans, basically.

ACTING PRESIDENT BAILEY: On Part SS I think you would be asking Senator Krueger to yield.

Senator Krueger, Senator O'Mara is asking you to yield. Will you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR KRUEGER: I'm just waiting for a staff person.

SENATOR O'MARA: Okay.

SENATOR KRUEGER: Happy to answer questions.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Thank you, Senator.

On these parts that are all new, meaning they weren't in the Executive Budget or 30-day amendments or our one-house budget and they've now been added at the last minute, they're making changes to the various retirement plans -- this goes from Part SS, TT, UU, changing it for police and fire members of New York City, changing it for members of the Division of Military and Naval Affairs, changes and enhancements to the retirements for NYPD and state law enforcement, retirements for State Park Police, Department of Environmental Conservation, DEC Forest Rangers, and SUNY Police -- giving them, in most of these circumstances, a 20-year pension.

Why have state or New York City correction officers not been included in these changes?

SENATOR KRUEGER: Through you,

Mr. President. This list I think was primarily in our one-house and/or the Assembly's one-house and were negotiated with the Governor and were successfully included in the budget, which is why we're seeing them here.

As to why there is not something for state correction officers, I don't know whether those were even on the table, but they obviously did not get included in the budget.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: I'm sorry, just to clarify.

SENATOR O'MARA: Yeah.

SENATOR KRUEGER: There was a request for the New York City correction officers to be included, and that was not accepted by the Executive.

ACTING PRESIDENT BAILEY: Senator O'Mara -- Senator O'Mara is asking you to --

SENATOR KRUEGER: I'm sorry. Yes. Yes. Yes. I will yield to the next question.

SENATOR O'MARA: Yeah. Were these pension enhancements that were done for the various entities that I mentioned, were they done to help with recruitment efforts?

SENATOR KRUEGER: It could be recruitment, but also very much retention. And I know that Senator O'Mara and I have sat through quite a few budget hearings where members of these forces have come to us and said, We are not going to be able to keep our members if you don't change this.

And so I'm personally happy that finally we are able to address many of the concerns that do keep coming to us year after year.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: I guess I just don't understand, given the dire needs for

correction officers in this state, and these pension changes for all variety of other law enforcement entities to help with recruiting and retention that's needed as much or more so in the Department of Corrections for correction officers -- and I think we've been asked for years by NYSCOPBA and others to make improvements to that pension system they have for these very reasons.

SENATOR KRUEGER: So I think we are trying to make progress, and that's reflected in the inclusion of many of these unions' concerns within this budget.

As I already answered, the Governor was not open to expanding to more categories than this year.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, was

expanding the correction officers' pensions as these other examples we have, was that brought up and discussed and negotiated?

SENATOR KRUEGER: Yes. It was a proposal that was not accepted.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Can you tell us who rejected that proposal? Was it the Governor, was it the Senate, was it the Assembly?

SENATOR KRUEGER: It was the Executive. Through you, Mr. President.

SENATOR O'MARA: Thank you. Thank you, Mr. President. Thank you, Senator.

On the bill, please.

ACTING PRESIDENT BAILEY: Senator O'Mara on the bill.

SENATOR O'MARA: It's kind of insulting to our correction officers, who are working under extremely horrendous and unsafe

conditions. And I don't oppose these enhancements for all these other departments and agencies and law enforcement officers, but it just shocks my conscience that we're not including correction officers in this to help them with the recruitment and retention efforts.

It's nice that we're going to hire people from out of state, and that will help open up attraction, I hope. I know in my district the Elmira Correctional Facility is like 9 miles from the Pennsylvania border, so it's certainly -- hopefully there's a pool of recruitment efforts down there.

But if we want to recruit and retain correction officers and have quality correction officers, they should be treated with I think the same dignity and respect that all these other law enforcement agencies are getting. So I just really have a problem with that, considering that in addition to not including the correction officers in these enhancements, that there's really no acknowledgment of the working conditions that they went out on strike for.

They didn't go out on strike for more money. They went out on strike because of

the dangerous and hazardous conditions that they're working under in the Department of Corrections. They deserve better, and they deserve it now, with everyone else.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator O'Mara.

Are there any other Senators wishing to be heard?

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

Excuse me, there's a substitution at the desk. The Secretary will read.

Substitution so ordered. The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Finance, Assembly Bill Number 3005C and substitute it for the identical Senate Bill 3005C, Third Reading Calendar 966.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Point of privilege.

As the presiding officer, I'd like to remind my colleagues of something that we refer to colloquially as Roxie's Rules. We have two minutes to explain our votes during the budget process.

Senator Mayer to explain her vote.

SENATOR MAYER: Oh, thank you, Mr. President.

I rise to explain my vote in favor of this bill but also to clarify what I think are misconceptions by my colleagues about Part RR, the provision related to the Attorney General's powers in a civil enforcement action.

And having spent 12 years in the Attorney General's office, much of it bringing affirmative actions on behalf of the people of New York State, not on behalf of any agency, this section deals with the parens patriae jurisdiction of the Attorney General, not its enforcement authority on behalf of an individual agency. And that is clarified in the

introductory paragraph where it says: "In such a civil enforcement action, the attorney general does not act as an attorney representing the governor, a state official, or a state agency."

It is in no way similar to an enforcement action, for example, for an unpaid bill by a person to a state agency or a state authority. Nor is it anything like a criminal action brought in which the defendant is entitled to discovery of documents. This is a completely different type of civil action that we want to encourage our Attorney General to bring, and we are pleased that our Attorney General wants to bring, as she is empowered to bring, actions on behalf of the people of the State of New York.

So I think my colleagues both misinterpret the authority of the Attorney General and the importance of this provision, which, given our current situation in Washington, we want to continue to empower our Attorney General to bring actions on behalf of the people -- not on behalf of an agency over which she does not have direct control, nor on behalf of the state as the plaintiff, but on behalf of the people.

So I vote aye, but I thought it was important to clarify what I believe was a misunderstanding and a misstatement of the basis for this provision, which I strongly support.

I vote aye.

ACTING PRESIDENT BAILEY: Senator Mayer to be recorded in the affirmative.

Senator Chris Ryan to explain his vote.

SENATOR CHRIS RYAN: Thank you, Mr. President.

So I will certainly be voting aye on this.

You know, what I've done to pass some legislation here has been kind of surrounding some worker protections, a couple of bills that I've had, doing our very best to support our state workers. And I'm really happy that this is going to specifically expand the pool of medical providers authorized to treat workers' compensation patients and enabling timely payments for care without requiring initial determination of liability.

It really helps our workers. This will go a long, long way.

And as far as the police pensions and the reforms, understand, some are in, some are out. But I think we owe those that were not getting the pensions that have come before us who so desperately needed to recruit and retain members of law enforcement, including our Forest Rangers, Park Police and SUNY Police.

So I'm going to vote aye, and I'm happy these pensions are in there and I'm glad they're changed, and like to see it continued.

Thank you.

ACTING PRESIDENT BAILEY: Senator Chris Ryan to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I wanted to call attention to one part of this bill, Part YY, which didn't get a lot of attention, but it is the product of years of advocacy by the PBA of New York State and by our conference. And it's a big step forward for recruiting, retaining and just acknowledging the hard work of our SUNY Police, our Park Police, our rangers and our DEC enforcement police.

I have five SUNY campuses in my

district, and I know how hard those police work and how complicated the work -- their jobs can be, especially at Upstate University Hospital, where the emergency room isn't just a place where people come with medical emergencies, there are often a whole lot of other emergencies going on, and the police are often involved.

I also have a state park and multiple lakes that require policing as well. The job of park rangers got a whole lot more complicated in the pandemic when people were showing up completely unprepared to have a wilderness experience and then found themselves in situations where they needed the help of a ranger or a police officer.

So I think they've struggled to recruit additional people -- the people they need, and I think this bill that gives them that 20-year retirement benefit will really make a difference.

So I'm pleased that this is in here, and I vote aye.

ACTING PRESIDENT BAILEY: Senator May to be recorded in the affirmative.

Senator Palumbo to explain his vote.

SENATOR PALUMBO: Thank you, Mr. President.

And without making reference to any pop icons, I did want to just further comment on that Part RR. And I forgot to mention this earlier, that we don't want to conflate the duties of the Attorney General and -- similar to district attorneys.

And I do agree to an extent with some of my colleagues, but disagree with one comment. Just like a district attorney is bringing cases on behalf of the people of the State of New York, on behalf of a group, they don't represent any agency, they don't represent any victim, quite frankly.

In my days in the DA's office I would make a decision on a case to dismiss or reduce a case. The witnesses and the police had zero ability to say that you couldn't do that. This was entirely up to that agency.

And the Attorney General stands in that same position. When someone sues, they represent the state. So people are sued in their official capacity, the Attorney General defends, because they are not necessarily the lawyer for

the agency -- I do agree with that aspect of it -- but they are certainly the attorneys appearing on behalf of the state, which encompasses all of those agencies and individuals.

So quite frankly, I believe this flies in the face of just basic fairness, and for those reasons I'll be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Palumbo to be recorded in the negative.

Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thank you very much, Mr. President.

I'll be voting yes on this bill, primarily because of the pension items that have been discussed that are important to recruitment and a valuable tool for retention.

I do want to voice my concern over Part OO, however, which I view as a major missed opportunity to fix a deeply flawed public campaign finance program.

And in particular, now that we've been through one cycle, although this was predictable, in my opinion, what we saw -- and it

happens on both sides of the aisle -- we saw less than credible candidates be able to rake in hundreds of thousands of dollars to be spent primarily on negative attack mailers and television ads, by virtue of effectively passing around a hat to town committee members, county convention party members.

And this program was supposed to be taxpayer funds for credible candidates who are able to demonstrate that they have public support.

We mentioned -- we heard some specific data before about how there's a greater percentage of small donors now in our system contributing to campaigns. I'm willing to bet there is a significantly greater number of party committee members donating into the system than before, and a significantly increased percentage of spouses and other family members donating than before, because we all play the same game where we have a donor from previous cycles and we call up and say, Hey, there's this new system, can you get your spouse to be supportive and send $50, and your adult children to be supportive?

That's a gaming, a rigging. That is

not some new system whereby we're encouraged to have additional conversation with more small donors. These are a hundred million dollars in taxpayer funds while New Yorkers are homeless on the streets of every community. I think it's a shame that we didn't tighten up this program and make sure that these funds are going to credible candidates.

ACTING PRESIDENT BAILEY: Senator Skoufis to be recorded in the affirmative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Madam -- Mr. President.

I really want to thank the SUNY Police for their advocacy not just for their 20-year pension, which they have been fighting for, together with the Legislature, for many years, but for future generations. Because what happens with the SUNY Police is that we train them and then they go off to another police department, and we've lost them.

I think this demonstrates the need for a unified SUNY Police system throughout the campuses of SUNY, and I proudly vote aye.

Thank you.

ACTING PRESIDENT BAILEY: Senator Stavisky to be recorded in the affirmative.

Senator Myrie to explain his vote and close.

SENATOR MYRIE: Thank you, Mr. President.

I rise to explain my affirmative vote as it relates to Part MM, which is the establishment of the Office of Gun Violence Prevention.

Last September there was a mass shooting in my district and I stood with community leaders, organizations and colleagues on every level of government to fight for the establishment of this office, an office that would have resources behind it to help end gun violence in this state once and for all.

So I am excited about the opportunity to officially have an office not subject to executive order, but in our statutes that has to identify funding opportunities, that has to strength data collection and research, increase public awareness on the causes of gun violence, facilitate and assistance organizations

and program development, annually report about the state of gun violence and also, very critically, coordinate responses when communities like mine and those similar all over the state are victims of mass shootings, when they are victims of incidents that rip through the entire community and require coordination not just from one agency, but every single state agency.

But we also have to give this office the resources that it deserves, particularly in light of cuts from the federal government, the complete elimination of an office of gun violence prevention on the federal level. So I look forward to a continued conversation about how we boost this office.

But I am proud to vote yes today to finally get this in our statutes. Thank you.

ACTING PRESIDENT BAILEY: Senator Myrie to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 966, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker,

O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Mr. President, at this time we're going to break for our colleagues in the Minority to conference the next bill that we'll be taking up, which will be the health budget bill.

And so call on Senator Lanza to make an announcement, and then we will stand at ease until 5:15.

ACTING PRESIDENT BAILEY: Senator Lanza to make an announcement.

SENATOR LANZA: Thank you, Senator Gianaris.

There will be an immediate meeting of the Republican Conference in Room 315 of the Capitol.

ACTING PRESIDENT BAILEY: There will be an immediate meeting of the Republican Conference in Room 315 of the Capitol.

The Senate will stand at ease until 5:15.

(Whereupon, the Senate stood at ease at 3:56 p.m.)

(Whereupon, the Senate reconvened at 5:19 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT PERSAUD: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:19 p.m.)

(Whereupon, the Senate reconvened at 5:32 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following bill:

Senate Print 3007C, Budget Bill, an act to amend Part H of Chapter 59 of the Laws of 2011.

The bill reports direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: Please move on to the supplemental calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 968, Senate Print 3007C, Budget Bill, an act to amend Part H of Chapter 59 of the Laws of 2011.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

SENATOR GIANARIS: Let's take up that bill on the controversial calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 968, Senate Print 3007C, Budget Bill, an act to amend Part H of Chapter 59 of the Laws of 2011.

ACTING PRESIDENT BAILEY: Senator Gallivan, why do you rise?

SENATOR GALLIVAN: Would the sponsor yield for a few questions.

ACTING PRESIDENT BAILEY: Certainly. Will the sponsor yield?

SENATOR RIVERA: Considering that the Knicks play at 7:00, yes, a few questions.

(Laughter.)

ACTING PRESIDENT BAILEY: The sponsor yields until the New York Knicks play.

SENATOR GALLIVAN: Well, on that note, I can't help but note the sporty Knicks sport coat that the president is wearing today.

Good luck tonight.

ACTING PRESIDENT BAILEY: Thank you, Senator Gallivan.

SENATOR GALLIVAN: The Governor proposed -- or in the Governor's proposed budget, if my numbers are accurate, regarding Medicaid spending she proposed an increase in the state share of Medicaid spending of $4.3 billion, which represented a 17 percent increase, to go along with an increase of about 5 percent last year. So that's a 22 percent increase in Medicaid spending in two years.

Well, two questions. The first question is, does the budget that's before us now, does that include that 17 percent increase in state-share spending? Or is there a different number that's being put before us for a vote?

SENATOR RIVERA: Through you, Mr. President, there is the -- what the Governor proposed and there is also, on top of that -- I'm sure that you're familiar there is something we sought last year from the federal government that we referred to as the MCO tax, which gave us a little bit more money. So we actually put that on top of what the Governor proposed originally.

SENATOR GALLIVAN: Would the

sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR GALLIVAN: So we are going -- I'm going to move to that MCO tax, that dollar figure. Is the dollar figure you're referring to $925 million, an additional 925 million?

SENATOR RIVERA: Through you, Mr. President, the amount is 1.4 billion.

SENATOR GALLIVAN: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR GALLIVAN: So in our review of the proposed budget and the MCO tax spending, we totaled it at $925 million.

And I'll read it quickly: Hospital outpatient services, 425 million; nursing home

services, 445 million; clinics, 40 million; assisted living programs, 15 million. So that's about -- like over $400 million that I'm missing. Can you tell me where that $400 million is being spent?

SENATOR RIVERA: So through you, Mr. President, I'd forgotten, because I was still thinking about the good proposal that we made in our one-house that we reinvest all of the MCO tax dollars into different parts of Medicaid -- I forgot. What the Governor wanted to do, which ultimately was what happened here, is that $500 million of it actually went to go to cover the cap costs.

You know that whole Medicaid cap that a lot of us don't like? Well, still there, the Governor wanted it. Five hundred million dollars went to that which could have gone to investments in other parts of Medicaid but did not.

When you add the 925 that you're referring to, to the roughly 500 that I'm talking about, we come up with 1.4 billion.

SENATOR GALLIVAN: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yup.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR GALLIVAN: So if we go back to the total of the two years of spending, an approximately 22 percent increase on the backs of the state taxpayers, how do we sustain that?

SENATOR RIVERA: Through you, Mr. President. First of all, I would say that part of that -- part of that, particularly the MCO tax, is about investing in a system that is needed by a whole lot of New Yorkers, not just in my district but certainly in yours and every other person in this room who is representing folks around New York State.

These are folks who are vulnerable and folks who need this coverage. These type of increases have to do with coverage for -- medical coverage for these folks, at least for a -- for an extension of an insurance product that is affordable to them that, you know, that actually they can afford, which means that, you know, we pay for it, they do not, because they can't

afford another one.

So I would say -- and again, the investments that we made from the MCO tax, we purposely went and got that money to be able to invest in a system that we know is going to require some level of stability which we're going to lose when the federal government comes and attacks us, as they already are doing.

So I would say that it is necessary to make these investments to try to stabilize a system which, again, is needed by so many New Yorkers and other people, certainly, across the country, but in this case we're talking about the budget of the State of New York. So it's needed by a lot of New Yorkers who are vulnerable and who are going to have a lot of this system be potentially taken away from them by actions of the federal government in months and years to come.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR GALLIVAN: Is there anything in this budget that is there to ensure that there is no fraud or abuse in the Medicaid program?

SENATOR RIVERA: Through you, Mr. President. There is a state agency, the Office of the Medicaid Inspector General, which is responsible obviously for looking -- as the name tells you, is the inspector general for the Medicaid system.

And just this year -- we can go and track the number of -- the amount of fraud that was identified by OMIG last year. But there is an agency that does that.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR GALLIVAN: Was there anything specific in this year's budget that was added to that unit's responsibilities or any

additional personnel or anything specific so that we know that they're doing their job properly?

SENATOR RIVERA: Through you, Mr. President. Some small technical changes, but overall, no.

SENATOR GALLIVAN: If we could move on to Part W.

ACTING PRESIDENT BAILEY: Part W. Senator Gallivan, are you asking the Senator to yield on Part W.

SENATOR GALLIVAN: I was just going to do that, Mr. President. Thank you.

ACTING PRESIDENT BAILEY: Senator Rivera I believe is also in charge of Part W.

Senator Rivera, do you yield?

SENATOR RIVERA: Apologies, what is it that --

ACTING PRESIDENT BAILEY: Part W, do you yield?

SENATOR RIVERA: I do yield.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR GALLIVAN: We have heard time and again the shortages of nurses that hospitals have, that nursing homes have, that

other healthcare providers have. And one of the things that the Governor proposed was entering into an Interstate Nurse Licensure Compact, and it was rejected in this year's budget.

Can you tell us why?

SENATOR RIVERA: Through you, Mr. President, it just didn't make it into the final deal.

SENATOR GALLIVAN: I'm sorry, I didn't hear that.

SENATOR RIVERA: Through you, Mr. President, it just did not make it into the final deal.

SENATOR GALLIVAN: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR GALLIVAN: Is this something that the Majority would continue to pursue after the budget in an effort to ease the nursing shortage that we have?

SENATOR RIVERA: Through you,

Mr. President. First of all, on this and for the sake of many other questions that might come in the future, the position of the Majority is clear in our one-house. So you could see all the different things that we had in there, so you can be sure, in the shortened amount of time that we have for legislative action, that we will certainly be open to exploring the things that were ultimately rejected here that are potentially legislative in nature. We will certainly try to get some of it done.

However, you know, we have so little time because of {gesturing to desk}.

SENATOR GALLIVAN: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yeah.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR GALLIVAN: Is there anything in the budget that I may have missed that tries to deal -- that deals in a different way with helping to solve the nurse staffing shortage?

SENATOR RIVERA: Through you, Mr. President, not enough. But again, it's what the Governor wanted.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR GALLIVAN: Every one of us have heard from our constituents about the changes to the CDPAP program that were adopted in last year's budget and the problems that are associated with it. And I don't think that there's anybody in this room -- although I would stand corrected if somebody pointed it out -- that is happy with this ongoing transition and that this is the proper way to go.

And the question is, does this budget address the problems with the CDPAP program in any way, shape or form?

SENATOR RIVERA: Through you, Mr. President, it does not.

SENATOR GALLIVAN: Will the sponsor

continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Sure will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR GALLIVAN: Why not?

SENATOR RIVERA: Through you, Mr. President, because it was not agreed to.

SENATOR GALLIVAN: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR GALLIVAN: What measures will the Majority take to try to work with the Minority and the members of the Assembly to ultimately try to solve this problem that our constituents are continuing to have? Clearly, not everybody is continuing to have the services that they need.

SENATOR RIVERA: Through you, Mr. President. This budget does not deal with

it, but we shall deal with it.

SENATOR GALLIVAN: All right. Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Gallivan.

Next on the list is Senator Rhoads.

Senator Rhoads, why do you rise?

SENATOR RHOADS: Thank you, Mr. President. I was hoping that the sponsor would yield to a couple of questions with respect to Part LL.

ACTING PRESIDENT BAILEY: Senator Rivera, do you yield with respect to Part LL?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR RHOADS: Thank you very much, Mr. President. Through you, Mr. President.

I notice that Part LL is a new addition to the budget. There had been, in Part K, temporary operator language that was actually originally suggested by the Governor.

ACTING PRESIDENT BAILEY: Senator Rhoads, as Senator Krueger is such a big LL Cool J fan, she will be answering Part LL on

this budget.

Senator Krueger, do you yield?

SENATOR KRUEGER: I do. What do they call that in sports when they trade us in and out?

ACTING PRESIDENT BAILEY: It was a substitution. The substitution was so ordered.

(Laughter.)

SENATOR KRUEGER: Okay. Hi, Senator.

SENATOR RHOADS: Let the record reflect.

SENATOR KRUEGER: I'm happy to attempt to respond.

SENATOR RHOADS: Thank you, Senator Krueger.

In the original Governor's budget proposal there was Part K, which was temporary operator language. And now we see in the final budget package there is this new provision, Part LL.

Part K, the temporary operator language, would have given the Department of Health authority to take over a struggling hospital and operate it through a financial

instability. We were concerned that that targeted Nassau University Medical Center and Nassau Health Care Corporation.

Now that's been removed and there's Part LL, specifically with respect to Nassau Health Care Corporation, which operates A. Holly Patterson and Nassau University Medical Center in my district.

What was the reason for the change?

SENATOR KRUEGER: Through you, Mr. President. There have been all kinds of financial and legal problems with the Nassau County University Medical Center. And so the Governor urgently concluded that she needed to insert herself in this to stabilize and assure the continuation of this important hospital.

So there's a series of changes being made through this budget process that will hopefully lead to a significant improvement, including successfully securing $50 million in funding for critical repairs to the hospital, which to my understanding, not being from Nassau County myself, is truly critical to make sure Nassau County Medical Center is able to -- excuse me, Nassau University Medical Center is

able to continue and effectively provide healthcare in your county, in your district.

The Governor has also worked out an arrangement where there will be significant changes to the board of directors, including six appointed by the Governor instead of eight, two appointed by the county exec instead of three, two directly by the county majority leader instead of three, one appointed by the county minority leader instead of zero.

The Governor will choose the chair from among the members, instead of the county exec doing so, and has changed the quorum to 50 percent instead of 60 percent.

There are a number of other changes, but you may want to be asking me separately about those.

SENATOR RHOADS: I appreciate that, Senator Krueger.

Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR RHOADS: Specifically, though, Senator Krueger, what was proposed by the Governor was a statewide bill. And now what we see is a bill that is specifically targeted to one hospital.

Did the Governor ever express what her rationale was behind targeting this specific hospital?

SENATOR KRUEGER: Through you, Mr. President. I don't know that I have the answer to why the Governor specifically dropped her other, broader proposal.

But I know that the reason she submitted this to get it done was the critical nature of protecting this hospital, which is technically a public hospital. And so it's providing funds that are desperately needed, making some change to the leadership and distribution of the board control, and trying to assure that this hospital is able to stably go forward to provide care to residents of Nassau County.

And again, this was already a publicly sponsored hospital.

SENATOR RHOADS: Thank you,

Senator Krueger.

Will the sponsor continue to yield, Mr. President?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: So it's your understanding that the Governor's rationale behind driving this proposal was purported financial instability of the hospital, is that correct?

SENATOR KRUEGER: That was a major concern. But I think there have also been other concerns about the operation of the hospital and the leadership of the board members.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

The sponsor yields.

SENATOR RHOADS: Would you care, Senator Krueger -- through you, Mr. President -- to articulate the other reasons other than

financial instability?

SENATOR KRUEGER: (Conferring.) I don't know that I'm privy to all the concerns, but two of the big ones were failure to pay the insurance coverage for their workers and very large debts being taken on.

SENATOR RHOADS: Will the sponsor continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

The Senator yields.

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

In fact the hospital had worked out a payment plan with respect to that arreared debt in the worker pension fund, and in fact was paying timely. Is that not the case?

SENATOR KRUEGER: Through you, Mr. President, I am not from Nassau County and so I don't necessarily have the day by day, you know, storyline. But I'm looking at an editorial from Newsday, "Change is Needed From the Top Down at NUMC," going into specific details of the problems -- apparently well known and

documented -- about this hospital. And the fear that it was going to collapse and no longer be available to provide healthcare for the people of Nassau County. And it's the only burn center in Nassau County, and one of the only facilities in the area to offer lifesaving care to cancer patients, autoimmune disorders, advanced infections, and other cases that require complex treatment. It offers indispensable mental health and substance abuse treatment. And frankly the demand for all of these services are at an all-time high.

So I think the Governor, hearing from many about the concerns, having her own people go in and see what the problems were, came up with a plan that hopefully will reverse all of these problems, stabilize the financial situation, commit an additional $50 million to this facility. And I actually think everybody should be saying hooray.

SENATOR RHOADS: Thank you, Senator.

Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: I would hope that state budget policy is not being determined through the editorial pages of Newsday but through actual facts, Senator Krueger. Just --

SENATOR KRUEGER: Previously I was accused of not reading Newsday enough by Senator Martins, another Nassau County Senator. So love it, hate it, I don't know. This is what they said.

Yes, excuse me. Please.

SENATOR RHOADS: But had the Governor's office made you aware with respect to the state share of funding that was actually provided to the hospital since 2020?

SENATOR KRUEGER: Through you, Mr. President. We don't have exact numbers because apparently part of the debate between the Governor's office and the existing leadership of this hospital was disagreements about the discrepancies in money and how it was spent.

I can ask for more details later, but that's the best I have right now.

SENATOR RHOADS: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Fortunately, Senator Krueger, I have those figures. In 2020 Nassau Health Care Corporation received $165,659,000 in state aid.

In 2021, when County Executive Blakeman became county executive of Nassau County, they received a cut of $87,808,000 in that aid, for a total amount of funding of 88,152,000.

In 2022, they received a further cut, which compared to 2020 numbers took them down to 128 million -- a total cut of $128,328,000, for a total amount of funding of only $47,632,000.

In 2023 they received a slight increase, but then in 2024 and 2025 they have received zero dollars in state funding.

In other words, over the last five years, there has been a cut in state funding to NUMC of over half a billion dollars.

Had the Governor's office made you aware of that cut in funding?

SENATOR KRUEGER: Through you, Mr. President. Again, I think that there are different understandings. And I'm not in the middle of this fight, per se, over whether the state didn't give them funding because they felt that they hadn't been doing what they had said they would do -- that their debt was growing, that they weren't making the payments, and that the concerns were rising.

So I don't necessarily dispute the specific numbers being quoted. I just don't exactly know who did what when so that they were in such enormous debt that they did not seem to be able to get out of under the current leadership.

SENATOR RHOADS: Will the Senator continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Thank you, Senator Krueger.

Well, if I can ask your opinion, do you think that a loss in funding over five years of half a billion dollars might contribute to financial instability?

SENATOR KRUEGER: Through you, Mr. President, I actually don't know how much they were supposed to be getting from the state, under what circumstances.

And again, I believe that this proposed package will help ensure, moving forward, that they do continue to get the money they need. Because now you have the Governor basically making a commitment to be working carefully with this board -- and I believe there's also going to be a change in CEO, subject to the board approval -- and the Nassau County Interim Finance Authority.

Because again, Nassau County has serious financial problems as a county and is under the authority of an interim financial authority. And so there have been lots of

questions about the financing of a variety of things in Nassau and their inability to make their payments.

So whatever led us here, I actually think this is a solution to a problem, not a creation of a problem.

SENATOR RHOADS: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Well, the issue that I have, Senator, is that it is a solution to a problem created by the person who's coming up with solution.

Are you aware, Senator, that -- or did the Governor make you aware that even this year federal DSH payments to Nassau University Medical Center, which were paid to every other hospital in the state, have been withheld from Nassau University Medical Center to the tune of $42 million?

SENATOR KRUEGER: (Conferring.)

Through you, Mr. President. Again, I feel like we're sort of in a courtroom without our court documents, because I'm hearing that they were behind 400 million in making their insurance payments to the State Insurance Program. I'm hearing that the Governor's people had been attempting to work with the board and management of this hospital to try to resolve things over multiple years, and things were only getting worse, not better. The delivery of promises were not being met.

And so frankly the state withholding some money and saying, Frankly, we need to get to the bottom of this, we need to come up with a plan that will actually work, seems like a reasonable approach.

But again, I'm not part of the Governor's team. I wasn't part of any of the meetings that were going on I'm assuming for multiple years. I just know that a variety of people who need this hospital to function in Nassau County are actually quite happy that this is happening and feel that there is more confidence that they all have going forward that the problems of the hospital will be stabilized,

the financial situation will improve, and that with a new leadership of the CEO and the board, that there will be a much better opportunity going forward for the problems to be resolved.

And I guess I'm just not sure why anybody really has a problem with that.

SENATOR RHOADS: And will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Senator Krueger, I apologize because I have to ask you these questions. If the Governor ever returned my phone call on it, I would have been happy to discuss them with her. But you're here in her place.

Let's talk about how this plan actually came to pass. In creating this plan, who exactly was involved?

SENATOR KRUEGER: Just to clarify. Through you, Mr. President. Meaning the plan as outlined about what's going to happen at

Nassau University Medical Center, who was involved in this plan?

SENATOR RHOADS: Correct.

SENATOR KRUEGER: This was submitted to the Legislature by the Executive.

SENATOR RHOADS: And if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR RHOADS: Thank you, Senator Krueger.

So was the current CEO or board of Nassau University Medical Center and Nassau Health Care Corporation at all consulted in this?

SENATOR KRUEGER: We did talk to them, yes.

SENATOR RHOADS: Okay. And will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR RHOADS: And who spoke to them? When you say "we," who was we?

SENATOR KRUEGER: I'm sorry, our staff who work on hospital and healthcare issues.

SENATOR RHOADS: And if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Was there any consultation with the county executive or the county executive's staff as the Nassau County underwrites the bonding for the hospital that that the state is now taking over?

SENATOR KRUEGER: We did not. We assume the Governor's people did have conversations like that. You would have to ask the Executive.

SENATOR RHOADS: Well, we know what happens when you assume, right?

Apparently some members in the chamber --

SENATOR KRUEGER: That wasn't a question --

ACTING PRESIDENT BAILEY: Are you asking her what happens when you assume?

(Laughter; overtalk.)

ACTING PRESIDENT BAILEY: Are you asking her to yield to that question?

SENATOR KRUEGER: I don't think that was a question.

SENATOR RHOADS: Some members in the chamber may not be old enough to remember The Odd Couple. But yes, that was -- that was an old skit.

Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR RHOADS: So if I can ask, were any of the representatives in this chamber or in the chamber across the hall consulted about any of these changes to the hospital in their community?

As the sponsor -- as Nassau

University Medical Center is located in my district, I can tell you that I was not. Are you aware of any members of either chamber that were involved in these discussions?

SENATOR KRUEGER: My understanding is Senator Bynoe was consulted, and I believe that she is supportive of this plan. I certainly have no idea about Assemblymembers and how they were consulted or not consulted.

Again, I don't know why you were not brought into this, Senator. That is not my call.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Indeed.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Thank you, Senator Krueger. And I know it's not you; I know you're here answering as best you can on behalf of the Executive, as difficult as that might be.

Did the Executive's office tell you that there had been a $69 million increase in revenue and a 600 percent increase in cash on

hand at the hospital over the course of the past year?

SENATOR KRUEGER: No, that wasn't discussed. And I have no record of knowing that or where that's coming from.

SENATOR RHOADS: Thank you, Senator.

Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

The sponsor yields.

SENATOR RHOADS: Turning to the creation of Nassau Health Care Corporation back in 1997, I noticed that this legislation here today is brought to the floor without a home-rule message. Could you explain what a home-rule message is?

SENATOR KRUEGER: (Conferring.) Through you, Mr. President. No, this was not determined to be requiring of a home-rule message. Because when something is done through the budget bills, it does not need a home rule. So there are people who are the counsel who are experts on home rule.

Yet again, it's amazing how many

things I'm not an expert on, but -- an endless list -- but I am told that when things are done this way through a budget process, you don't need to go the home rule path.

SENATOR RHOADS: And would the sponsor continue to yield, Mr. President.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Thank you, Senator Krueger. Through you, Mr. President.

Would you concede, however, Senator Krueger, that had this been brought up through the normal legislative process with appropriate disclosure, hearings, and the opportunity for the elected representatives to be heard, that it would have required a home-rule message, just as it did to create the Nassau Health Care Corporation?

SENATOR KRUEGER: Through you, Mr. President. Because this does involve budget, and a cost to the state, it is appropriate to have gone through the budget.

I sincerely don't know what level of discussion has taken place in Nassau County around this issue, whether there's been legislative discussion by the county legislature, whether there have been mayors and other elected officials in Nassau County who have been involved with proposals or this proposal.

What I know is that when you look at this proposal, you feel like we've got some solution coming. And I think that's really what everyone cares about in Nassau County, making sure that this important medical center continues, survives, continues to provide quality healthcare desperately needed by large numbers of people in Nassau County.

I sincerely believe that that was the Governor's goal and intention with going down this path, to make sure that we were stabilizing and improving the chances of a future for this medical center.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR RHOADS: Thank you, Senator Krueger.

I want to turn for a moment to the -- I want to turn for a moment to the language itself. As I had mentioned previously, the county is the bondholder for debt incurred by the corporation. Is there any provision within LL that the state, in addition to seizing control of Nassau Health Care Corporation, would in fact also be taking responsibility for the debt of the corporation?

SENATOR KRUEGER: Through you, Mr. President. No.

But also the term "seizing control" is interesting, because the Governor is actually reducing the number of board members appointed by her. So I don't know that "seizing" is legally the right term to use in this storyline.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Well, Senator Krueger, under the proposed legislation the Governor has six appointments out of an 11-member board, and reduced the quorum for being able to conduct business from a 60 percent majority to a simple majority. Meaning that the six appointed members by the Governor could meet without anyone else and determine policy for the corporation.

So why wouldn't the term "seizing control" be accurate?

SENATOR KRUEGER: (Conferring.) Through you, just to clarify. When it says what I read before it's six appointed by the Governor, two of those six are actually at the recommendation of the leader of the Senate and the Assembly. So the -- our Legislature continues to play a role here.

And I believe that the quorum issue was necessary to make sure that the board is able to meet and have discussions that lead to specific actions that are needed that apparently there were real problems even getting board

meetings, with people there voting continuing the problems.

So again, I'm just not sure that "seizing," particularly since it was and is a public facility, not a private hospital being taken over, is the correct language.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Senator Rhoads, I think that Senator Krueger is in search of a further response.

SENATOR KRUEGER: I'll be happy to answer more questions. That was the question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Under the new structure, it would be four appointments by the Governor, another two appointments by the Governor on recommendation of the President of the Senate, Temporary President of the Senate, and the Speaker of the Assembly.

Meaning that the appointments on

behalf of the state can act without any input from any of the appointees from local government who actually are served by this hospital. Is that not a fact?

SENATOR KRUEGER: Yes. Because -- well, just to clarify from before when you said the quorum percentage changes but the total number of board members also changes.

So we would go from 15 board members to 11 board members. And so, yes, you would need the majority, 50 percent, 51 percent of the board members to be recognized as a quorum.

So yes, does the state, between the Legislature and the Governor, have a slightly greater weight in the board than they did in the current model? You are correct.

SENATOR RHOADS: Thank you, Senator.

Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Senator, are you

familiar with the case of United States Trust Company versus the State of New Jersey?

SENATOR KRUEGER: I have to admit I am not.

SENATOR RHOADS: And will the sponsor continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: Will the sponsor yield? The sponsor yields.

SENATOR RHOADS: So this particular case had to deal with the issue of bonds by the Port Authority of New York and New Jersey. And it had to do with whether a transfer of those bonds or a changing of conditions of those bonds was actually legal, based upon the reason that they were issued in the first place.

In this instance do you foresee there being a problem with bonds being issued for the purpose originally, in the creation of Nassau Health Care Corporation, being issued to allow Nassau University Medical Center to effectively compete with nonpublic providers, as being consistent or inconsistent with the financial stability argument that the Governor appears to be making here?

SENATOR KRUEGER: I'm sorry, Mr. President, through you. The beginning of the question seemed to involve bonds that have been taken out for this hospital and the obligation of the county to be a fiduciary obligor on the bonds. The end of the question doesn't sound like it was related to the bonds. So it was two questions, and I just got them confused.

SENATOR RHOADS: Not a problem. I'll --

ACTING PRESIDENT BAILEY: Senator Rhoads, could you rephrase?

SENATOR RHOADS: I will rephrase.

SENATOR KRUEGER: Thank you.

SENATOR RHOADS: Through you, Mr. President. The question that I have is the case stands for the principle that when bonds are originally issued and there's a change in the conditions under which the bonds were issued, the reason for the change has to be consistent with the original purpose of the issuance of the bonds.

In this instance we have a hospital -- or Nassau Health Care Corporation, that was created to make it easier for the county

to be able to compete with nonpublic providers in obtaining grants and other funds. Yet the reason that's being given for the change in condition to those bonds is the fact that the hospital's facing financial instability.

Do you believe that to present a problem, a legal problem?

SENATOR KRUEGER: So I never comment on whether something's legal, not legal, who's going to challenge. We live in a litigious society, so everybody does litigation.

I do think, though, understanding the question, that the goal here was to make sure the hospital is stable to go forward, which increases the chances nobody defaults on the bonds, hence there's less worry for the County of Nassau if in fact they're an underwriter of the bonds.

So a more stable hospital going forward with less problems, less debt, less risk for bonds and bondholders, is a win and would continue to assure that this hospital could meet the goals, as described by my colleague, of having a public hospital in Nassau County able to -- I believe the term he used was compete with

the private facilities.

And a public hospital in financial debt, owing hundreds of millions of dollars, not making insurance payments, actually puts it at far more risk of not continuing to meet its medical health obligations to the county or being able to make its debt payments over time.

So I don't know the legal case. I don't know what the strategy would be for an argument. But I actually think if I was in that courtroom I'd go, Oh, this is all going to work out better, I don't really have a problem.

SENATOR RHOADS: Thank you, Senator Krueger. I appreciate the questions. I'm sure others will follow up.

I'd like to go on the bill briefly.

ACTING PRESIDENT BAILEY: Senator Rhoads on the bill.

SENATOR RHOADS: Senator, I want to thank you for answering those questions.

Here's the reality. We are facing a situation now where financial instability is being cited as the reason for Part LL in this year's budget. Unfortunately, if you look at the statistics, Nassau University Medical Center, as

I've said many times in this chamber, has been defunded by the state to the tune of half a billion dollars.

This is a situation where the Governor has created a set of circumstances where the hospital is financially unstable, in order to create that situation to effectuate a takeover. That is the simple reality. This has nothing to do with providing healthcare and everything to do with power and control.

There would be no reason why this hospital, over the course of the last two years, when we have provided additional funds for distressed hospitals, received zero dollars in funding from the Distressed Hospital Fund.

This has to do, in my opinion, with respect to a lawsuit that was actually brought by NUMC alleging on behalf of the state there being fraud in the issuance of DSH payments, where money was being sent, the state's contributions were being sent to an offshore account in the Cayman Islands. And it is alleged that that money was clawed back by the state as an incentive for receiving federal matching funds for the federal portion of those payments. If in

fact that's true, on top of the half a billion dollars the hospital would have lost a billion additional dollars in funding.

So this -- respectfully, and Senator Krueger, I appreciate you trying to answer those questions -- this is a self-fulfilling prophecy that has been generated by the Governor as an attempt to seize control of Nassau University Medical Center for purposes we don't know. The purposes in the bill certainly mention that there will be a review of hospital systems and functions, there will be review of the property that's owned by the hospital.

And based on the Alvarez report, we are concerned that the hospital will in fact be turned into -- portions of it into a psychiatric center, as opposed to providing the vital patient care and services like the burn center, like the bariatric chamber, like the fact that the hospital provides -- is a -- is a safety net hospital for those most vulnerable. Those services may very well be disappearing as a result of this legislation and the ensuing consequences of it.

And so I would ask my colleagues to

take a serious look at this proposal and the motivations behind it, to question the information that's been provided to you by the Governor as well as her motivations for providing it, and to vote against this provision.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Rhoads.

Senator Canzoneri-Fitzpatrick, why do you rise?

SENATOR CANZONERI-FITZPATRICK: Thank you, Mr. President. I would like to know if Senator Krueger would answer a few questions also on Part LL.

ACTING PRESIDENT BAILEY: Senator Krueger, do you yield on Part LL?

SENATOR KRUEGER: Sure.

ACTING PRESIDENT BAILEY: Senator Krueger yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator Krueger.

I wanted to ask some follow-up questions to what Senator Rhoads has been asking. Section 3402(a) of the Public Authorities Law, as it's been amended in the budget, calls for a

study of the modernization and revitalization of the Nassau Health Care Corporation. But in the earlier part of this bill, we're basically revamping the entire structure of how it's governed.

And I'm wondering why don't we do the study first before we dismantle the structure that's currently governing, because maybe they're on the right path. And maybe they're doing some things, but you're going to completely start over and scratch the whole structure. And I'm wondering why don't we just do the study first and see what that tells us.

SENATOR KRUEGER: Through you, Mr. President. I've been advised that nobody trusts this board to do that study, frankly. So we need a new board and new leadership.

I'm reading about the FBI investigating the Long Island hospital chair being fired after thieves broke into his house, didn't steal anything but all the documents that would show what's happening with the money at this hospital.

So does it need a study? Yes. Should it be people we trust to do the study, as

opposed to people being investigated by the FBI and others? I'd say yes, we need both. I don't think we would want to wait to do the study done by them. We would want an independent study.

And with all due respect, on the previous statement, it's not like the Governor is looking to take over distressed hospitals and take responsibility for them. Many in this room could make the point it's just the opposite, that we've had governor after governor who wants to try to get rid of public hospitals, not take responsibility for distressed hospitals, and just hope everything goes away and isn't a problem.

And here we have a Governor who's saying we recognize a problem, it's serious, we need to try to save this hospital for the people in the communities that use it in Nassau County. There are problems. They have been documented. They're getting worse. The state frankly now is putting itself on the hook to take responsibility for making it better. And I think that is all a win for Nassau County.

SENATOR CANZONERI-FITZPATRICK: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So, Senator Krueger, you'll probably be happy to know that the person that you were referencing was already removed by the county executive. He took action.

And I would suggest that the Governor's not really taking responsibility for this, she's really just taking it over.

But that lends myself -- leads to another question. Because if this was done outside the context of the budget, this would in fact require a home-rule request, the way it did when this entity was set up. And I'm wondering, we -- this is déjà vu for me, because there was a parkland alienation bill that was in this house that did not come through my office affecting parkland alienation in Nassau County.

And I'm seeing a pattern that when things are going on in Nassau, we're kind of bypassing our home-rule request. So I'm very disturbed by the fact that this is done in the

context of the budget.

My question, though, is that since we have Nassau County Senators on this side of the aisle, four of them, why isn't there an appointment by the Minority Leader of the Senate to make sure that Nassau County has, you know, representation from the party that is really in control in Nassau County?

SENATOR KRUEGER: That was many questions.

So, again, on the home rule, because it is $50 million of money, it needs to be within the budget.

It is a regional hospital system, as explained to me, beyond just Nassau County, and therefore it would not necessarily fit into any home-rule definition, whether in a budget or not.

As to who is being given appointment authority on the board, frankly I think people have been complaining about not enough Minority representation on boards versus Majority representation, so I hear and respect that issue.

But again, this was the Governor's proposal that was accepted and put in her budget.

SENATOR CANZONERI-FITZPATRICK:

Will the Senator still yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you.

So I haven't had a lot of time to review Part LL because, you know, we just received the legislation very recently, so I haven't been able to see anything about $50 million. But I'll take your word for that, Senator Krueger.

But one of the other things that I wanted to ask is that there was litigation recently filed in December of 2024 where NUMC is suing the State of New York for approximately $1 billion in Medicaid funds. And I'm wondering if that litigation has any impact on what's going on here in the budget.

SENATOR KRUEGER: Through you, Mr. President. Again, this has been defined as a failing hospital for many years, owing hundreds of millions of dollars being built up.

I respect everybody's right to sue. So if they have a basis for that lawsuit, I don't know that this basis for that lawsuit goes away because of what we're doing here today.

SENATOR CANZONERI-FITZPATRICK: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So, Senator Krueger, can you point to another hospital that the Governor has taken over as far as control of another public benefit hospital that's had success in this state?

SENATOR KRUEGER: Through you, Mr. President. This hospital is established already within State Public Authority Law. So again, the argument that somehow this is a hospital being seized or taken over by the state isn't actually factually correct.

Are there examples where the state has come in and provided additional funding and assisted hospitals in exchange for them agreeing

to certain conditions before the -- before they got state money? Yes, there are examples of that and examples of other kinds of public authorities also in financial trouble where those storylines have happened.

Is there an identical storyline to this one? We're not aware of it right now.

SENATOR CANZONERI-FITZPATRICK: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So just following up on some of the other legal ramifications.

Public Authority Law 3402 affords certain governance control to the county over this hospital corporation, and therefore, by extension, this hospital. And in reliance on that, the county guaranteed over $303 million worth of bonds issued by the Nassau Health Care Corporation. And this legislation appears to interfere with those contractual relationships.

I'd like to know, how do we get around that?

SENATOR KRUEGER: Through you, I don't think either of us are bond counsel, but we are advised that the Governor's bond counsel reviewed all of this and says all of these actions will have no impact on the existing bonds or the fiduciary responsibilities of what happens.

SENATOR CANZONERI-FITZPATRICK: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So yes, Senator Krueger, I'm not bond counsel either, so I am relying on the advice of some others.

But I'd like to know, you've mentioned a few times that this hospital's been failing, it's in trouble. And, you know, the Legislature's obviously put forth this bill before us. So I'd like to know what's the basis

of those statements. Because I'm wondering if, you know, the county executive has been consulted about what's going on, if there's been attempts to resolve this before we put forth this litigation -- this legislation.

SENATOR KRUEGER: Apparently it is well-documented that the debt has been growing. They owe the state hundreds of millions of dollars. I was just told that their plan currently is they'll pay $2 million down on that debt every month. But their debt is growing $7 million every month, so they're not really paying down the debt, they're just growing their debt.

And I think, again, it has been well-documented in a number of different documents and news articles over an extended period of time -- I forget the second part of the question, I apologize. Can I ask the sponsor to -- the sponsor?

(Laughter; overtalk.)

ACTING PRESIDENT BAILEY: Certainly. What I'll do, Senator Krueger --

SENATOR KRUEGER: Yes, ask to repeat the second part of the question.

ACTING PRESIDENT BAILEY: Senator Canzoneri-Fitzpatrick, could you repeat the second portion of your question for Senator Krueger.

SENATOR CANZONERI-FITZPATRICK: Of course, Senator Krueger.

So my question was has the county executive, Bruce Blakeman, been consulted regarding any steps to take or any steps that he might have taken to improve what you've characterized as a failing hospital?

SENATOR KRUEGER: Through you, Mr. President. We did not have a discussion with the county exec.

But again, even the county exec has to go through the Interim Finance Authority Board for these decisions. Because it's not just the Governor saying there's financial problems with this hospital; there's a financial authority board in place because the whole county is determined to have financial problems.

So there's lots of people involved with lots of steps when it comes to various Nassau County government financings.

SENATOR CANZONERI-FITZPATRICK:

Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Senator Krueger, I'd like to also point out to you, under Section 3412 of the Public Authorities Law, the state has pledged to and agreed with the holders of bonds issued by the Nassau Health Care Corporation, and with those persons or public corporations who may enter into contracts, that the state will not alter, limit or impair the rights vested in the Nassau Health Care Corporation to operate the hospital, which was financed by these bonds.

And any attempt potentially could constitute a violation of that -- of the state's pledge. And therefore, I'd worry that what we are doing is opening up the state to litigation. And I'd like to know if that's been considered in proposing this.

SENATOR KRUEGER: Through you, those are the terms of existing bonds. And

again, a different way to answer the same question, the bond counsel for the Governor has assured us that there is no risk or conflict in the obligations of the existing bonds through these changes.

I will just point out another provision of this change is that the Nassau County Interim Finance Authority can impose control periods on the hospital and can access all financial information and records. Which means we're adding another layer of transparency and audit by an entity I'm sure you're familiar with which is authorized to oversee financial situations in the County of Nassau.

And I also think that's probably a plus as well. Because you're going to have another set of eyes on all of this. Not the Governor's office, not this chamber, but the financial control board overseeing finances in Nassau County.

SENATOR CANZONERI-FITZPATRICK: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So, Senator Krueger, making it a very direct question, is the state going to guarantee these bonds and take the obligation away from the county?

Because as was stated by my colleague, the Governor is going to be able to appoint six people to a board of 11. She will be able to control what goes on. And the county executive no longer has a say or control over this board. And therefore, you have saddled the county with debt that now the state is controlling the board that's making the decisions.

So I'd like to ask directly, will the state now guarantee the debt instead of the county?

SENATOR KRUEGER: So my understanding -- through you, Mr. President -- is there is no change in who is responsible for the debt on the existing bonds. So there will be no change in that arrangement, no change in the

bond, no change with the fiduciary responsibility.

There will be more oversight through the Nassau County Interim Finance Authority on continued spending and financial decisions by the hospital -- again, I think a good thing.

And a, I think, significant commitment by the Governor in taking these steps and agreeing to give another $50 million right away to the hospital to stabilize it is a sign that the state is doing this in order to help ensure a stable future for this hospital and nothing else.

SENATOR CANZONERI-FITZPATRICK: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Canzoneri-Fitzpatrick on the bill.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator Krueger, for answering the questions that I've tried to pose.

I'm deeply troubled by what's going on here. As we've stated, NUMC is the only safety-net hospital in Nassau County. It is the burn center for all of the volunteer firemen in Nassau County. It has so much weight on this

hospital. It needs to succeed. It needs to stay with local control, which is something that I have argued continuously, whether it's review of windmills offshore, whether it has to do with zoning and housing. And I think it applies in this case as well.

Deciding what goes on with this hospital should remain local. And the fact that the county executive, in my opinion, from what I've heard, has not properly been consulted about what is going on, and the county is going to continue to be responsible for $300 million of debt -- while they don't have control -- is simply wrong.

And it is an affront to the residents of Nassau County that I represent and that the Senators on this side of the aisle represent, that we are not even given an input in how this hospital will be run.

For those reasons and many others, I will be voting no on this.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator.

Senator Martins, why do you rise?

SENATOR MARTINS: Mr. President, if the sponsor would continue to yield for a few questions.

ACTING PRESIDENT BAILEY: Certainly. Will the sponsor yield on Part LL as well, Senator Martins?

SENATOR MARTINS: Yes, Mr. President.

ACTING PRESIDENT BAILEY: On Part LL, Senator Krueger.

SENATOR KRUEGER: I am certainly learning quite a bit about the situation, yes indeed. Thank you.

(Laughter.)

ACTING PRESIDENT BAILEY: The sponsor does indeed yield.

SENATOR MARTINS: Thank you, Senator Krueger.

And once we're done here, I will welcome you to visit Nassau County, and I think you'll learn a lot by going there. And perhaps, Senator, you can ask questions about how people actually feel about a state takeover of their local hospital. And I hope you will take me up on that offer.

With regard to what I do consider to be seizing control -- the term has been used. I know that it's been rejected in responses. But if there is an appointment by the Governor effectively of a majority of the board and an ability to call a quorum, a simple majority, do you have any sense or can you assure the people of Nassau County and the residents of Nassau County that that lawsuit that Nassau County has against the state for the underfunding that currently is pending, that that will not be withdrawn by the new board and the new executive?

SENATOR KRUEGER: I'm so sorry, can you just repeat just the last part of the question.

SENATOR MARTINS: Sure. Nassau County --

ACTING PRESIDENT BAILEY: Senator Martins.

SENATOR MARTINS: Thank you, Mr. President.

Nassau County Medical Center is currently suing the State of New York for a billion dollars as a result of underfunding that

they claim -- funds that they claim they were due and didn't receive. That lawsuit was authorized and is currently pending.

If the Governor replaces the board and appoints a new executive, can you assure us and the residents of Nassau County, who are relying on that lawsuit to receive their fair share of funds that they did not receive, that that lawsuit will not be withdrawn?

SENATOR KRUEGER: (Conferring.) Through you, Mr. President. Again -- I should get a nickel for every time I say I'm not a lawyer on the floor of the Senate. But we think that that is possible.

We also don't know anything about that lawsuit or what standing it actually had.

We did research the previous lawsuit referenced by your colleague about the U.S. Trust Company versus New Jersey, et al., and in that case it involved reissuing of securities and changing the status of who was responsible and the covenants, which is not parallel to this. So I do not think that lawsuit is on point for the questions.

But that's a different lawsuit. I

just wanted to answer Senator Rhoads from before. Thank you.

SENATOR MARTINS: Always, Senator Krueger. Not a lawyer, but doing exceptionally well.

SENATOR KRUEGER: I play one on TV, indeed.

(Laughter.)

SENATOR MARTINS: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Martins on the bill.

SENATOR MARTINS: Thank you.

You know, I am -- I'm a little disappointed, I have to say. We -- certainly if this were a hospital in Onondaga County, I'm sure we would be speaking to Senator Ryan and to Senator May about it, and we wouldn't -- certainly I wouldn't suppose to stand here and tell you, Mr. President, or anyone else, how people in Onondaga County felt or how happy or unhappy they were. I would take it that you would be able to tell us, as members of this Senate who represent each 300-plus-thousand people in that county, that you'd be able to tell

us whether or not people in Onondaga County are happy.

I can tell you that -- as a representative who represents a large section of Nassau County, I can tell you that people in my county are concerned about the possible debt that we're going to have to incur and pay if the hospital fails.

And I've heard that all of this is going to be great, that there's going to be $50 million, the $50 million that if the Governor just simply released the DSH money that they withheld as, you know, maybe tough love -- but certainly withholding money when the hospital needs money seems to be the worst prescription, Mr. President, possible for a hospital that is sorely in need of money. How do you hold $50 million and say, We're going to hold it but we'll give it back to you when we get to replace the management of this hospital? How does that even make sense?

So there's a lot more confidence perhaps on that side of the aisle than on this side of the aisle that the Governor and that the state are going to properly govern and run this

hospital.

But I do know that if the hospital does fail, it is my residents and the taxpayers of Nassau County who are on the hook for paying off those bonds as guarantors. And effectively, this is a state takeover and seizure of the hospital system in Nassau County without consideration for their county executive, their legislature. There's no home rule. And obviously it's being done in the budget so that there wouldn't be a home rule.

Come on. Let's call this what it is. Let's call it what it is. Onondaga County, Westchester County, Queens County, Bronx County. Let's call it what it is. If this were in your community, you would all be screaming, and rightfully so.

I don't ever remember an instance where this body gets together and decides to go into a county to take over a facility that didn't even ask for help. It's like the guy they're burying him, right, and he's saying, I'm not dead yet. And they keep dropping dirt on him.

Think about it. No one asked for our help. Release the $50 million in DSH money

that they're entitled to, let them go about their business, and let them fix what they know they need to fix.

You know, I heard some comments about NIFA, the Nassau Interim Finance Authority. Hey, New York City -- here's a quick -- New York City still has a finance authority from the 1970s. That has nothing to do with the condition of New York City, nor does it have anything to do with the condition of Nassau County. Nassau County is being run properly. It has surpluses. It is paying its own debt. And frankly, if NIFA would just go away, they could actually go out to the market and get their own bonds. So let's not talk about Nassau County being somehow at risk. It's not. Unless, of course, you drop $300 million worth of guaranteed bonds on them by taking over the only safety-net hospital they have. The hospital that this state has refused to properly fund.

And it's no coincidence -- it's no coincidence. We all know better -- that that funding stopped once the current administration was elected down there. Because all of these things we're talking about were there beforehand.

And it only became an issue when they actually tried to fix it.

And by the way, the county executive and the majority in the legislature happen, just by coincidence, happen to be of the other party from the Majority in this chamber, from the Governor's party, and from the majority in the other chamber up the hall.

So let's not pretend that this is something else. This is not about doing the right thing for the folks in Nassau County. you know, someone who says that that's a regional hospital -- it's the Nassau County Medical Center, guaranteed by the residents and taxpayers of Nassau County.

It's shameful, it really is. And to have to get this bill a few hours ago, when this has been negotiated certainly for months, absolutely for weeks. But no, we can't talk to you about it. It isn't as if we haven't asked. We're not even going to talk to your county executive or your legislature, we're just going to do it because we here in Albany know better than you in your own county.

Where does that ever happen? Give

me another example. No, only in Nassau County. And by the way, we can paint it any way you want. But the reality is look at the numbers. There isn't a safety-net hospital in the state that has not been funded and has not seen the decrease in funding.

So this is a setup. My county safety net hospital was set up to fail. Hundreds of millions of dollars were withheld on purpose. We're dealing with the poorest people in the county, those people who have no other alternative. And this state and the leadership in this state was willing to put them at -- risk, I'll say it, for political purposes.

There are ways of doing this. This isn't it. So yeah, I'm disappointed. Everyone in this chamber should be as well. Because I know that I would not stand by and allow this to happen to any other county in any other community without having that consideration and courtesy that we've always had for each other in our own communities.

Senator Canzoneri-Fitzpatrick talked about what happened with that alienation bill last year. I remember that. You should too.

But here we are again.

So when decorum and tradition begin to break down and we start using gimmicks in order to get around home-rule requirements that are place specifically to allow local communities to make those decisions for themselves, that's not what we're supposed to do.

So I'll ask you this. I'll ask you to leave our safety-net hospital alone. I'll ask you to release the money that they're entitled to. I'll ask you to help, because we can always use help. But the last thing we should be doing is appointing people to a new board, revoking the board that's there, and stomping on the will of the local communities that are there.

And I'll point one more thing out. Of the Governor's six appointees, two of them can be from outside of Nassau County. Which means, effectively, in order for them to make a decision, you need six votes. And those two votes may very well be the deciding factor on who or what happens in my county by people who don't even live there.

Because if the five local appointees think it's a bad idea and the four who are

appointed by the Governor and by majorities think it's a good or a bad idea, those two from outside of the county are going to make that difference. That's just salt in the wounds. That just makes it worse.

I wouldn't wish this upon any one of you, or any one of your communities. Keep that in mind.

I'll be voting no, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Martins.

Senator Krueger on the bill.

SENATOR KRUEGER: Thank you. I'm addressing LL, since we've been quite involved with it.

So I want to read the Newsday Editorial Board editorial. I don't always agree with Newsday or their editorial board, but I think those people here think they do have their ear to the ground on Nassau County.

"Nassau University Medical Center is accusing New York State of game-playing, suggesting the state owes the hospital money and isn't treating it fairly. But it's the hospital that's playing games -- with its patients, staff

and finances. It has gone on for too long.

"NUMC and its public benefit corporation, Nassau Health Care Corp., suffer from a toxic mix of mismanagement, poor governance and troubled finances, all the result of prioritizing patronage over patient care. For more than a year, state officials have tried to work with hospital and county officials, by providing clear directives and meeting with Nassau County Executive Bruce Blakeman. But NUMC's leaders, including the board, chairman Matthew Bruderman and chief executive Megan Ryan, refuse to take the steps needed to improve hospital finances and management.

"NUMC, in lawsuits filed against New York State and the Nassau Interim Finance Authority, the county's fiscal watchdog, claims the state committed fraud and owes NUMC $1 billion in payments for distressed hospitals.

"Let's set the record straight," says the Newsday editorial board. "The 'disproportionate share hospital' payments, as they're known, are part of a byzantine and long-established funding system involving the hospital, county, state and federal governments.

But the county and the hospital have yet to present any evidence that the state defrauded NUMC of anything. Yet Bruderman and Ryan are bizarrely counting the $1 billion they hope to win in court as ready cash in their budget projections and debt analyses. That strategy allows them to say that they reduced NUMC's operating deficit by $100 million and no longer owe more than $400 million to the New York State Health Insurance Program, or NYSHIP, which handles medical insurance for employees and retirees.

"Both claims are false.

"Meanwhile, NUMC officials are seeking more money from Governor Kathy Hochul and state lawmakers in current budget negotiations." It goes on and on and on.

"Currently, the county exec and county legislature appoint or recommend the majority of board members. The county exec picks the board chairman and approves the CEO. Giving the state -- which is responsible for much of NUMC's funding and oversight -- a greater say would help. NUMC needs capable, thoughtful professionals throughout.

"The slogan promoted by Ryan is correct: 'Nassau Needs NUMC.' But no one needs the dysfunctional mess Ryan oversees. County residents need a thriving, well-managed safety net hospital. With the state's intervention, they might get it."

Maybe it won't work, but it sounds to me like the people who track this from Nassau County, the Newsday Editorial Board, are frankly desperate for us to take this action. I think it's a good reason to support it.

Thank you.

SENATOR MARTINS: Would Senator Krueger yield.

ACTING PRESIDENT BAILEY: Senator Krueger, do you yield?

SENATOR KRUEGER: Thank you.

SENATOR MARTINS: Thank you.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: On that issue, that's an editorial from Newsday, right?

SENATOR KRUEGER: The editorial board, yes.

SENATOR MARTINS: Not an article or

a report.

SENATOR KRUEGER: No, no, the editorial board of Newsday.

SENATOR MARTINS: But an editorial and an opinion that the editorial board provided, correct?

SENATOR KRUEGER: Yes, it's an editorial board.

SENATOR MARTINS: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MARTINS: Just a statement --

(Overtalk.)

ACTING PRESIDENT BAILEY: Wait a minute. Certainly, hold on one second.

Will the sponsor yield?

SENATOR KRUEGER: Of course I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Thank you.

What I said about Newsday and getting a subscription and reading it? Forget

it.

(Laughter.)

SENATOR MARTINS: Thank you, Mr. President.

(Laughter.)

ACTING PRESIDENT BAILEY: In the legislative record, Senator Martins.

Senator Oberacker, why do you rise?

SENATOR OBERACKER: Thank you, Mr. President.

I just have a couple of questions, for the record, on Part EE, if I could get the Senator to yield for some questions.

ACTING PRESIDENT BAILEY: Certainly. Senator Brouk will be yielding to the questions on that part if she is so obliged, Senator -- so inclined.

Senator Brouk, do you yield?

SENATOR BROUK: I do.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR OBERACKER: Thank you, Senator Brouk. And excuse me that I'm going to be facing the microphone instead of you directly.

So my first question, when I looked

at this in the bill, it says it adds a new criteria, a substantial risk of harm due to an inability or refusal caused by mental illness to provide for essential needs such as food, clothing, medical care, safety and shelter.

Through you, Mr. President. My question is, does overdose fall under that criteria?

SENATOR BROUK: Through you, Mr. President, correct. This is a changing to the standard.

What's also in this part of the budget bill is the fact that these determinations would be made by physicians, and in some cases a physician and a psychiatric nurse practitioner. That's another change that occurs in this bill.

And so those would be the providers, the physician and potentially another physician or a psychiatric nurse practitioner, who would have to make the call if this individual's underlying mental illness is preventing them from being able to carry out these essential, you know, activities of life, essential needs like food, clothing, medical care, et cetera.

So that would really be in the hands

of the individuals at the hospital to make the determination for an involuntary commitment.

SENATOR OBERACKER: Thank you, Senator.

Through you, Mr. President, would the Senator yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR OBERACKER: As I look at the actually first bullet point, it says, again, a likelihood to result in serious harm.

Could we apply the same standard that someone who -- wouldn't you agree that someone who has overdosed or is in the throes of substance use disorder, there's a likelihood of serious harm?

SENATOR BROUK: Through you, Mr. President. I think that's certainly possible.

I think we work on a lot in this chamber and obviously we've studied -- especially, you know, as chair I've studied this

topic a lot. But I certainly don't pretend to be a physician or a psychiatric nurse practitioner, those who have spent their lives, you know, licensed with this.

So I'm not comfortable saying the exact circumstances by which someone would have to find themselves to be involuntarily committed. But part of what was brought up is substance use disorder, which is a recognized mental illness. And so if there were present an underlying mental illness -- in this example, substance use disorder -- and this individual were deemed to not be able to essentially take care of themselves on a daily basis, then it is possible that that could be used.

But again, you know, I think as with -- you know, the same way if you're diagnosing cancer, I wouldn't try to guess based on what you present with in this chamber that you would have that diagnosis. Mental health is sometimes I think even more nuanced and complex. So that is why we leave it to the professionals.

SENATOR OBERACKER: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator

Oberacker on the bill.

SENATOR OBERACKER: And thank you, Senator Brouk, for those answers and those very detailed answers. I appreciate that.

Just as a kind of a point of fact, that there are 38 states that have the ability for involuntary commitment, and when it comes into substance use disorder and with overdose. So I felt like it was very important, of course, to bring this up. As the ranking member on the Alcoholism and Substance use Disorder Committee, I really felt as though that -- we all need, we all need to do everything in our power when we have not only family members -- not only family members, Mr. President, in the throes of substance use disorder, but all. But all.

You know, I'm reminded, real quick, I worked for a gentleman when I lived in Atlanta, his name was Bob Burns. And Bob was wise beyond his years, Mr. President. And he always had a saying, and I loved it and I think it was something along this line. He used to say: "The mind magnifies what it focuses on. Imagine what we could do if we pointed at solutions."

Senator Brouk, I would love to work

with you more on this and to see if we couldn't somehow make substance use disorder in there.

Thank you. Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Oberacker.

Senator Murray, why do you rise?

SENATOR MURRAY: Thank you, Mr. President. I was hoping I could ask someone about Part O, some questions about the opioid-related proposals.

ACTING PRESIDENT BAILEY: Certainly. Part O for the -- now I would say we will ask Senator Krueger if she would be willing to yield, and then we will rearrange the deck chairs if necessary.

SENATOR KRUEGER: I'm not sure I'm the right one, but you know me, I'm always willing to give it a shot.

ACTING PRESIDENT BAILEY: Senator Krueger does yield.

SENATOR MURRAY: Okay. So let me start with Part O basically is where the Legislature is rejecting --

SENATOR KRUEGER: I think it's

really an appropriate question for Senator Fernandez.

SENATOR MURRAY: I thought so.

SENATOR KRUEGER: I didn't see you fast enough. Thank you. If you don't mind.

ACTING PRESIDENT BAILEY: We'll call a time out and we'll --

SENATOR KRUEGER: I'm substituting out.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

SENATOR MURRAY: Tagging in, tagging out.

ACTING PRESIDENT BAILEY: Senator Fernandez, do you yield?

SENATOR FERNANDEZ: Yes, I do.

ACTING PRESIDENT BAILEY: Senator Fernandez yields.

SENATOR MURRAY: Thank you.

So as I was saying, Part O is where the Legislature has rejected the Executive proposal to align the state's Controlled Substances List with the federal Drug Enforcement Agency's Controlled Substance List.

Why did the Legislature reject that?

SENATOR FERNANDEZ: Well, we have information, statistics, that show that scheduling has never proven to reduce deaths.

And actually there has been data as well that in I think it was 2012 or 2002 that we did schedule fentanyl when it was only seen in 2 percent of drug supplies out in our communities. And within a short number of years, with the scheduling on fentanyl, it has actually created new drugs.

So what we know and see is that when we schedule drugs, it actually is creating new drugs out there. Which is why we see xylazine out there. Which is why we see fentanyl formulas continually changing. Because drug dealers know how to work around it and make the new drug to sell.

SENATOR MURRAY: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR FERNANDEZ: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MURRAY: For the sake of

clarity, could you explain what scheduling -- when you say "scheduling," what do we mean when we're scheduling the drugs?

SENATOR FERNANDEZ: What is scheduling?

SENATOR MURRAY: Yeah.

SENATOR FERNANDEZ: Right now the scheduling is for the current chemical compounds of fentanyl, which is a synthetic opioid that is being found in drug supplies on the streets and stuff.

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR FERNANDEZ: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MURRAY: With that said, we're not just talking about fentanyl. When we're talking about the scheduling of controlled substances, we're talking about many controlled substances, and we need to actually identify which drugs we're talking about.

So I know you're pointing to

fentanyl quite a bit, but are there other drugs that could be scheduled as we said? For example, you brought up xylazine.

SENATOR FERNANDEZ: Well, yeah, that's the -- xylazine is now only in the mix in the conversation because when we scheduled -- when we scheduled fentanyl, the chemical compounds then, working around to not have the drug -- like -- okay.

Scheduling has allowed xylazine to come into the market, to come into play. So scheduling, what we know now, is only going to entice drug creators, drug dealers, to find a new drug that is technically not illegal.

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR FERNANDEZ: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MURRAY: So is there anything in this bill -- we're talking about xylazine. Xylazine, for those who don't know, is a drug used in agriculture, basically on farms.

It is a sedative for large farm animals. It is in no way, shape or form for human consumption.

So is there anything -- because the number of xylazine-related deaths continue to rise, and overdoses continue to rise. Is there anything in this budget addressing xylazine?

SENATOR FERNANDEZ: Yes. Actually a new part in this section is Part II, which is a transparency legislation to enhance transparency with our opioid settlement dollars.

What we know that does work to help prevent deaths and overdoses is harm reduction, is counseling, peer support advocates, programs that the settlement dollars are helping to support. And the transparency language is literally showing us where these dollars are going.

Before this language there was money that we didn't know how it was being used. And it may not have been used to actually help people stay alive and to prevent overdoses and get their continuous care if they're in recovery.

So the legislation that then the language that is there adding this transparency will further help us save lives, keep people

alive, and preventing drug use. Because we know what it's being used for.

SENATOR MURRAY: Thank you, Senator. Thank you for your answers.

I'd like to go on the bill, please.

ACTING PRESIDENT BAILEY: Senator Murray on the bill.

SENATOR MURRAY: Sure. I would just -- it's one of those cases where we're going to have to agree to disagree.

I completely respect Senator Fernandez's efforts in the problems we are having with drugs, with overdoses, with deaths. Unfortunately, these overdose deaths are continuing to rise.

And I do disagree completely regarding the scheduling aspect. Scheduling is not why we have xylazine. Xylazine -- why we have xylazine is there is nothing stopping us, nothing stopping the drug dealers from using xylazine. What they're doing is either using it straight or they're using it to cut the fentanyl and other drugs.

This isn't about just fentanyl. This is -- they're cutting marijuana, which we

legalized, by the way, they're cutting that with fentanyl. The reason these dealers do it is because they're getting it, it's cheap and it is available, because it is not a controlled substance right now.

The Governor tried to make xylazine a controlled substance in the budget a couple of years ago. That was taken out. So we've done nothing directly to stop this.

Now actually what's happened is because more of the drug dealers are using xylazine, they're using these animal sedatives -- and I hope I get this name right. I also hope we can charge Newsday for all the plugs we're giving them today. But in a recent Newsday story, they cited a marked increase in animal sedatives being used by drug dealers like medetomidine, I believe is how you pronounce it. It's another animal sedative that is now being used by dealers.

I spoke to the DA's office a little earlier and asked, Are we seeing more and more overdose deaths involving xylazine? He said, Yeah, we're up to almost 20 percent of the deaths, of the autopsies that were done in Suffolk County, showed xylazine was part of the

reason. That's an increase. It was 16 percent the year before. It's continuing to grow because we're letting it.

When I say xylazine is available, it is -- there's nothing preventing anyone here from getting as much as you want. You could turn into a xylazine dealer tomorrow -- I do not recommend it, but you could, because we're not stopping it.

By scheduling it, it would make it a controlled substance. It makes it illegal. See, I asked what scheduling was. It makes it a controlled substance so it makes it illegal. You can then arrest the drug dealer, the one peddling this poison, and get him off the streets if we would, you know, keep him there.

But this is the problem. Something gets put in the budget, it gets pulled right back out. And it doesn't feel like we're making any steps. We're hearing from these family members of overdose victims, people that are getting hooked on opioids -- not due to anything they did wrong. They got a prescription, they hurt their back or had a tooth pulled, and they got hooked. They need help.

These drug dealers are taking

advantage of this. And we're not helping when we don't allow law enforcement to crack down. I'm not saying we can arrest our way out of it, because we can't. We've proven that. But it takes an all-in approach to battle what is now a deadly, deadly disease.

So, Mr. President, I'm just -- I'm frustrated and I think a lot of people are frustrated right now because it feels like every time we start to take a step forward to save lives, we take a deadly step backwards and take it out. And we took it out of the budget again just when we could have made some progress.

So for that reason I'll be voting no.

ACTING PRESIDENT COONEY: Thank you, Senator Murray.

Senator Helming, why do you rise?

SENATOR HELMING: Thank you, Mr. President. If Senator Rivera will answer a few questions on Part R, emergency medical services.

But, Mr. President, before I ask the questions I'd like to go on the bill to give a brief background.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: So back in March of last year the New York State Comptroller issued a report on emergency medical services. And I want to read the first couple of lines from his conclusion.

It reads: "Reliable ambulance services are a public health imperative, literally a matter of life or death. New Yorkers expect to receive timely and capable emergency medical services when needed -- without having to worry about all the things that need to be in place to make it happen."

I think probably everyone on this floor agrees with that sentiment, and that's the reason why three years before the Comptroller issued his report, this body took action: We passed the Rural Ambulance Services Task Force. We created the task force to study the challenges in our rural communities with quality of service, with delivery of service, and to make recommendations back to the State of New York.

So now on to my question for Senator Rivera, if you'll yield.

ACTING PRESIDENT COONEY: Senator Rivera, do you yield?

SENATOR RIVERA: I'll yield.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR HELMING: So Senator Rivera, what I'm wondering is if the task force recommendations were taken into consideration when we were developing or when the Majority and the Governor were working on Part R, emergency medical services?

SENATOR RIVERA: Through you, Mr. President. Part RR is no longer part of the finished budget.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: Senator Rivera, have you ever seen the recommendations from the task force?

SENATOR RIVERA: Through you, Mr. President, yes, I have.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: And Senator Rivera, I want to say thank you, because over the last several years I've asked during the budget hearings, I've asked the Commissioner of DOH for a copy of that report, and there's just like a blank stare. I actually ran out of time, I couldn't ask this question this past hearing, and you asked the question for me.

So was it after you asked the question that the Department of Health made that report available to you?

SENATOR RIVERA: Through you, Mr. President. I should restate. I am aware of some of the general recommendations, but I have not had the report in my hands.

SENATOR HELMING: Through you, Mr. President, quickly on the bill.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: I'm not sure the report exists.

But if the sponsor will continue to yield to questions.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: I will.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: Senator Rivera, the Governor's budget included language which would have designated general ambulance services as an essential service. Why was this excluded from the final version of this bill?

SENATOR RIVERA: Through you, Mr. President. I will tell you that as I stated a bit earlier, all the positions of the Majority Conference in the Senate were clearly expressed in our one-houses, and I'm sure that you remember.

And one of the things that we did --

and I want to certainly point out Senator Mayer's insistence that we get something done on this. Unfortunately, an agreement was not able to be reached. Our colleagues in the Assembly did not share our -- the level of concern that we have for this issue.

But as I said, many of us -- and certainly I know that Senator Mayer cares deeply about this issue, knows more about it than probably anybody else in our conference. And I look forward to working with her to see if we can get something done before the end of the year.

SENATOR HELMING: Through you, Mr. President, on the bill briefly.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: So I want to go back to the Comptroller's report from March of 2024. He says the stakes are too high and the issue is too complex for counties and other local governments to have to address on their own. The current circumstances call for direct state involvement to support the efforts of counties and other local governments to turn fragmented and ad hoc responses into comprehensive

solutions.

So, Mr. President, if Senator Rivera will yield for a few questions,

ACTING PRESIDENT COONEY: Senator, will you yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR HELMING: So, Senator Rivera, with Part R omitted, which would have established special districts to finance and operate general ambulance services and provided for a statewide comprehensive emergency medical system plan, what in this budget will help ensure access to EMS services, especially in our rural communities?

SENATOR RIVERA: Through you, Mr. President. There is one part, Part KK, if I'm not mistaken, that did increase user fees -- extended user fees for a five-year period. And that is unfortunately the only thing that we could actually get into the final budget that will help this area.

SENATOR HELMING: Through you, Mr. President, if the Senator will continue to

yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: Senator Rivera, I would argue that that is not new, that that is just an extension, right, of something we already have. And our ambulance companies are suffering. So in my opinion -- and I am curious whether you agree or not that this -- this doesn't do anything or much to alleviate the issues that we have.

SENATOR RIVERA: Through you, Mr. President. I actually will acknowledge, as my colleague said, that it is not a new thing. Instead, it is an extension for five years.

And I will also agree with my colleague that we did not do enough in this budget. But again, this is what was ultimately agreed upon after much pained negotiations over the last couple of weeks.

SENATOR HELMING: If the Senator will continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR HELMING: Thank you.

Senator, I wanted to switch to FQHCs for a minute. And I can't give you a section of the budget because I can't find anything.

So our -- and I know that you know how important our community health centers are. Right? I work with one very closely, Finger Lakes Community Health. They provide tremendous coverage to multiple counties in upstate New York. But they're struggling. I've heard from them time and time again how -- that the reimbursement rate structure is fundamentally broken.

Are there any meaningful changes that are in the budget that would improve the reimbursement structure for these community health centers?

SENATOR RIVERA: Through you, Mr. President. We did add a little bit more money. Some of the -- as I referred to it

earlier, the MCO tax gave us a little bit of resources to be able to distribute and to invest in this.

But to directly answer your question, no, we did not do something that fundamentally helps federally qualified healthy centers. We tried to move legislation in the past and will certainly try to -- we tried to do it again in the Senate, but we need partners. And unfortunately we have a partner on the second floor who doesn't really help us in this regard.

SENATOR HELMING: Mr. President, on the bill briefly.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: Senator Rivera, I think I've shared this with you before, and I think you're in agreement too. But organizations like Finger Lakes Community Health, they have a backlog for dental care services of 6,000 people. Six thousand people waiting for services. And the fact that we can't do something in this budget to prioritize getting them better reimbursement rates doesn't speak well, I think, of the people responsible for negotiating the

budget. Or getting this final budget in front of us.

Is there any chance that after the budget that there will be some changes to make improvements to reimbursement rates?

SENATOR RIVERA: So through you, Mr. President, I would respectfully disagree with a part of what my colleague said. As I will state again, the position of the Senate Majority was clear in our one-house. And if you go back to our one-house budget, you will see that we have -- that we did all that we could, that we certainly tried to do more for Federally Qualified Health Centers to be able to have them be better funded.

We also restructured what the original proposal was as far as the MCO tax so that more money could be invested in Federally Qualified Health Centers. Unfortunately, we do not have a good partner on the second floor. And so what our proposal was, was not made into the final agreement.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: Senator Rivera, continuing on with FQHCs, but moving to telehealth parity, I know that you carry a bill that would ensure that the FQHCs are fully reimbursed when conducting services via telehealth, regardless of the location of both the patient and the provider.

You've heard from many of us, this legislation has broad bipartisan support. It's cosponsored by over half the members of this body. Is this proposal to ensure adequate reimbursement for FQHCs included in the budget?

SENATOR RIVERA: You probably know -- through you, Mr. President -- that that is a trick question. And by that I mean it was included in our one-house but did not make it to the final proposal -- to the final agreement.

SENATOR HELMING: Through you, Mr. President, on the bill quickly in response to what Senator Rivera just said.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: So, Senator Rivera, actually it wasn't a trick question. I just got this bill language, a summary of this bill language, like just a couple of hours ago.

I haven't even had a chance to reach out to all of my healthcare centers to ask them if they have any concerns with the budget or issues they'd like me to raise.

So it wasn't a trick question. It was serious. I am very, very concerned about our rural healthcare providers, whether they're FQHCs, whether they're EMS providers, or whether they're our local hospitals. They are struggling, and they need to see increases in their reimbursement rates. So --

SENATOR RIVERA: Through you, Mr. President, if I may just quickly. And I will restate and I will actually say that when I said "trick question," I guess what I meant -- because it was actually not directed at my colleague, Mr. President. It was actually directed to the second floor.

And what I mean to say by that is that many of the things that you are deeply concerned about, and I am, and which we, as you know, we share the concern. And I'm going to obviously let you express the rest of them.

Probably I can just tell you that most of these instances, what happened was that we fought like hell to make sure that our priorities would make it into the final agreement, and they did not. And a lot of it had to do with what happened on the second floor.

So it was not meant as a disrespectful statement towards my colleague, and I apologize if it was taken as such. It was more to say that unfortunately in most of the instances of things that you're going to ask, we tried like hell to get a better deal for Federally Qualified Health Centers, for doctors, for nurses, hospitals, et cetera, et cetera, and unfortunately not a good partner downstairs.

ACTING PRESIDENT COONEY: Senator Helming, the floor is yours.

SENATOR HELMING: Through you, if the Senator will continue to yield.

SENATOR RIVERA: I will yield.

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

SENATOR HELMING: So this question is on Part FF, human services inflationary increase.

SENATOR RIVERA: Yes.

SENATOR HELMING: So going quickly on the bill to give a little background.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: So, Mr. President, despite rising cost pressures and workforce instability across the nonprofit human services sector, this year's 2.6 percent adjustment is the lowest inflationary increase since 2022.

As someone who was a direct care staff for almost 10 years, I have stood with the advocates for years calling for reasonable increases. This year I stood with the advocates calling for a 7.8 percent inflationary increase. The enacted 2.6 percent adjustment in Part FF is only one-third of that request. It's falling so far short of what the providers know is needed to maintain operations and workforce stability.

So, Senator Rivera, if you'll yield for a few questions.

ACTING PRESIDENT COONEY: Does the Senator yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR HELMING: Senator Rivera, do you know, will the inflationary adjustment be applied across all eligible contracts uniformly? Or is it going to be like prorated or tiered or something by agency, by region, or by service type?

SENATOR RIVERA: Through you, Mr. President. The original proposal from the Governor was 2.1. We certainly thought that that was not enough. And the proposal that we put forward in our one-house was in the neighborhood of 7.8.

And unfortunately in the negotiations -- in the one that we have, the agreement before us, we did manage to get it up to 2.6. It is not sufficient, but it is the best that we could get.

SENATOR HELMING: Through you,

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

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR HELMING: Senator Rivera, is there a specific portion of the 2.6 that is earmarked or must be earmarked or utilized to provide for increases to direct care professionals?

SENATOR RIVERA: Through you, Mr. President, it -- it is -- no.

But we did include -- in our one-house we did -- when we suggested the 7.8, we did make -- we did include in there that a chunk of it needed to go to direct care. But that did not make it to the final agreement.

SENATOR HELMING: Through you, Mr. President. I truly appreciate Senator Rivera's questions and your answers, your responses, not only here on the floor but during the budget hearings and during our conversations.

Thank you.

And, Mr. President, I'd ask to go on the bill.

ACTING PRESIDENT COONEY: Senator Helming on the bill.

SENATOR HELMING: Thank you, Mr. President.

The health and mental health budget bill that's before us shortchanges our rural communities. There are no real solutions or support for our EMS providers or our rural ambulance services.

This bill fails to provide rate reform and telehealth parity for our FQHCs, and it fails to even acknowledge the problems that continue to exist with the CDPAP program. And again this year we shortchanged our most vulnerable New Yorkers and the direct care workers and mental health workers who allow them to live as independently and safely as possible.

Mr. President, I am more than willing to work with the Majority to make the changes that are needed. But until we make these changes to support our rural communities, our healthcare centers, and our most vulnerable New Yorkers, I am a no vote on this bill and I

urge everyone in here to vote no.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Weik, why do you rise?

SENATOR WEIK: Thank you, Mr. President. On the bill.

ACTING PRESIDENT COONEY: Senator Weik on the bill.

SENATOR WEIK: So back to Part LL, where we talk about Nassau County University Hospital, we're talking about -- I am one of the four Senators on this side of the aisle that represents Nassau County as well. And instead of the Newsday editorial board dictating its interpretation of the situation, I have a letter from the people who actually work at the hospital. It's lengthy, so I'll only read part of it.

"We, the Medical Board of Nassau University Medical Center, write to you as a single body encompassing the complete spectrum of healthcare and community service. Our members represent a broad swath of physicians, nurses, residents, clinical chairs, administrators, dietitians, community affiliates, and frontline

caregivers who come to work not just because it's a job, but because it's our purpose, our passion.

"The long-term consequences of the current chessboard maneuvering cannot be ignored. We, the pawns, have sacrificed the sideline for too long. We are compelled to raise our voices not in defiance, but in defense of our lifelong mission, one that is now under the greatest threat it has ever faced.

"We stand in full and unwavering opposition to any plan that seeks to strip NUMC of its autonomy, replace its leadership with political appointees, or downsize its scope under the guise of sustainability.

"We propose changes to our institution will irrevocably alter the most fundamental principles of public health and care and equity in the State of New York. NUMC is more than a hospital -- it's a promise, a commitment, and a lifeline. It is the only public safety net hospital in Nassau County, serving tens of thousands of uninsured, underinsured and undocumented patients, nameless and voiceless people whom others overlook and who have nowhere else to turn. Some cast no ballots

and carry little sway, yet they bear our highest duty and respect.

"The intent to dissolve our board in favor of one handpicked by the state severs our connection to the very individuals it claims to protect. We firmly oppose the inclusion of any language in the 2026 New York State budget that would alter, terminate or replace the NHCC Board.

"NUMC must remain under local control. Decisions about the future of this institution should be made with input from those who know it best, those who live it every day -- not imposed from above.

"At Nassau University Medical Center, providing constant compassionate care to the underserved isn't just part of what we do, it's our calling, it defines who we are, it drives every decision we make. Our emergency room remains open to all regardless of ability to pay or language spoken. We do not deny care. We embrace every patient with compassion, provide treatment without judgment, and affirm their inherent dignity.

"If NUMC is dismantled or diminished, these patients will not disappear.

They will flood neighborhood hospitals that are already stretched to their limits and may fall through the cracks, potentially triggering a public health crisis.

"Should the proposed takeover and downsizing proceed, the fallout will be deep and damaging, shattering community systems and lives. Emergency departments across the region may be pushed past capacity with extended wait times and diminished outcomes. Ambulance diversions will become more frequent, delaying critical stroke, trauma and cardiac care. Minutes and seconds matter.

"Our designation as a Gold Plus Stroke Center and an ACS Level 1 Trauma Center reflects years of dedication and relentless efforts. We are so proud to hold additional recognitions, including designation as a Bariatric Surgery Center of Excellence, a Robotic Surgery Center of Excellence, and an AHA's Get with the Guideline Heart Failure Gold Plus Quality Achievement Award, each reflecting our commitment to excellence and evidence-based care.

"If service is reduced, continuity would be lost for many of our patients who depend

on NUMC for critical care.

"NUMC is more than just a safety net for the underserved. It's a safety net for other hospitals in the region. We care for our patients that others can't, absorb overflow in times of crisis, and provide specialized support where it's needed most. We are the place of education and research. Our ACGME-accredited training programs educate hundred of future doctors, nurses and technicians each year.

"Most of our physicians are trained at top academic institutions, and they choose to stay here because our mission is unparalleled. Our work is showcased at national conferences where we stand alongside leading institutions. Here at home, we host research and quality seminars that spotlight innovation and inspire the next generation of healthcare leaders.

"That inspiration begins early. Just last week, hundreds of children joined for a Bring Your Child to Work Day, and many left saying they hope to be doctors, nurses and technicians themselves."

This is a community hospital, based in a community, and this is a place from -- this

is coming from the frontline workers who work in that community, that serve all of Nassau County. And this is where the decision should be made. It should not be coming from the Governor. It should be with the consultation and the direct input from the community.

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Weik.

Senator Walczyk, why do you rise?

SENATOR WALCZYK: Mr. President, I hope the sponsor would yield on Part W. And then I'm going to go to Part R real quickly.

ACTING PRESIDENT COONEY: Senator Rivera, do you yield on Part W?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR WALCZYK: On Part W, the nurse licensure compact multistate licensure solution, which allows nurses, RNs, LPNs -- that was intentionally omitted from this budget. Last year in debate, when asked, you said it was the Assembly that rejected this. And then, you know, about an hour and a half ago you said it was the

Governor, this is what she wanted.

Why was the nurse licensure compact removed from this year's budget?

SENATOR RIVERA: Through you, Mr. President. It just didn't make it to the final agreement.

SENATOR WALCZYK: Yeah, I understand that.

Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR WALCZYK: Yeah, I understand that it was intentionally omitted. My question is why.

SENATOR RIVERA: Through you, Mr. President, it just didn't make it into the final agreement.

SENATOR WALCZYK: Briefly on the bill, Mr. President.

ACTING PRESIDENT COONEY: Senator Walczyk on the bill.

SENATOR WALCZYK: Forty-three states already have a nurse licensure compact. It's been around for 20 years, but they've been increasing. Today is actually Fort Drum Day, and you heard the needs of the commander, the great partnership that they have with institutions within the community. One significant thing about Fort Drum is they think don't have a federal Army hospital, they depend on the hospitals within our community, who are short nurses.

And not only are they short nurses, the Army brings a solution. Many spouses are in healthcare. Because of this nursing compact with 43 states, there's a lot of different installations across the United States that you could get stationed at and your spouse can work. New York State unfortunately, not in this. You may be on the waitlist to get your license to be an RN for a year or more.

The solution is there. We should enter the compact.

All right, I'll leave that one. And if the sponsor would yield on Part R.

ACTING PRESIDENT COONEY: Will the

sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. Last year this house passed unanimously -- and you mentioned earlier Senator Mayer's bill, a bill deeming emergency medical services essential in the State of New York.

The Governor included that language in her budget. And the one-house from this chamber included $5.2 million to implement that plan. Why was it removed by the Assembly?

SENATOR RIVERA: Through you, Mr. President. You got to ask the Assembly on that one.

SENATOR WALCZYK: Mr. President, on the bill.

ACTING PRESIDENT COONEY: Senator Walczyk on the bill.

SENATOR WALCZYK: Volunteers are declining and -- I'm all set, thank you. Thank you, Senator.

Volunteers are declining and

ambulance services are failing in the State of New York. Paid services don't even pay enough and are short-staffed as it is. In fact, 21 counties are now spending money on EMS. Just a few years ago, it was only a handful of counties.

Thirty-seven percent of paid EMS employees say they're planning to leave the profession within the next five years. The Department of Health, the Comptroller, this Senator and many others around this state have been raising the alarm on this issue.

The total number of ambulance services dropped 10 percent in the State of New York over the last 10 years, and 52 percent of volunteer responder agencies report significant delays in response time because of short staffing.

When people call 911, they expect an expedient response. It's unacceptable that the legislation that was offered up by the Governor, has been passed unanimously in this house, was rejected in this budget. And people will literally die as a result. I don't say that to be hyperbolic. I've talked to a lot of EMS

providers and EMS workers that are stressed out, overworked, understaffed, and know what the wait times look like, want to be able to do a better job. They need this critical legislation.

There are plenty of pet projects jammed into this state budget. And for $5.2 million, I think the least we could do is provide the essential services that 19 million New Yorkers know are absolutely essential.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator.

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I want to take a second to thank all of my colleagues who asked questions on this piece of legislation.

A couple of things that were not mentioned that I wanted to mention. And I will tell you that in many of the ways -- although I will not at this moment be in the same level as my colleague James Skoufis, I will tell you that Senator Skoufis and I are very much on the same page in a lot of the arguments that he made about this entire process.

But through the spine of our leader and the insistence of our leader, there are some things that did make it into the final version which I want to make sure get underlined.

One of them is regarding school-based health centers. These are vital institutions, Mr. President, that exist all across the state that serve hundreds of thousands of children. And there was a change that was proposed initially by the administration which we

were able to delay for a year to make sure that these centers continue to operate.

This is an incredibly important thing that I'm glad we were able to prioritize and get done.

And also, although we haven't -- didn't get it quite right as it relates to the Medical Indemnity Fund, which was created back in 2011 to fund healthcare costs resulting from birth-related neurological injuries that are caused by medical malpractice, we were able to -- there is a lot of things that we need to do in this program, particularly related to the families that are already in the program.

There are certainly questions about the long-term existence of this program, but for the moment there is a commitment that we have to the families that are part of it, and to the children who are part of it.

And although we did not solve all the issues that are facing the families, we were able to stop the rate cuts, we were able to cap the program to establish a system to decide who qualifies, to allow time to address the solvency of the program by extending it to June 2026.

So we will be doing some work not only to push for my ombudsman bill, but also to make sure that we get it right.

So bottom line, this is still a very late budget and a process that we're going to talk about for a long time. And I will be voting in the affirmative under protest.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Rivera to be recorded in the affirmative.

Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you.

I too am very proud of this conference for our might and our grit to really fight to make sure that this budget was doing the most that it can to help our needy New Yorkers that are suffering with substance use disorder, mental health concerns, and more.

I'm happy to know that we did invest in a pilot program reflecting Daniel's Law. I'm happy that we saved our school-based health systems.

And as the chair of Alcoholism and Substance Use Disorder, I would be remiss if I

didn't speak about Part O, because it started good. The original proposal was a pretty good proposal. It did have a scheduling, which as you heard I wasn't for, and I'll explain a little more later. But it had policy to allow EMTs to administer buprenorphine in cases of emergency. That was something we could have kept in there.

It allowed -- it codified a drug checking program that we have in the state right now that would have helped us to further understand what is the drug supply out there. We know it's changing, we know there's new drugs getting mixed in. And that's because of the scheduling.

So I'm happy that we took out the scheduling because we have seen over and over again that it perpetuates new creations of drugs that are getting people addicted.

The better part of this that we kept is the transparency. We fought hard, and I'm grateful to our Attorney General that has won that battle to make sure that we do have funds to help with services that work, like harm reduction, like counseling, and so much more.

I'm glad for the little bit that we

have in clubhouses, because that is a real lifeline support system that keeps people alive and safe and getting on a better path.

The transparency legislation that we have here allows us to see exactly what we're investing in, exactly where those dollars are going. They are precious dollars. Every dollar that we have for this area is needed, and it's important that we know it's being used correctly.

So I really thank everyone for making sure that the transparency legislation is there, because we need to make sure that we're doing the right things and helping people stay alive, stay healthy and on the path to recovery.

I vote aye. Thank you.

ACTING PRESIDENT COONEY: Senator Fernandez to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President. I rise to explain my vote.

I'm voting aye on this bill. There's some things that I'm very supportive of, and some things I'm very disappointed about. But on balance, I want to be -- express my strong support for the change to school-based health

centers and the fact that they are now carved out of Medicaid managed care for one year.

For our students and schools to have a school-based health center provide direct healthcare to so many students who don't have access to primary care and frequently because of immigration status are unable to obtain the care they need -- these are a lifeline, and I'm glad we were able to preserve them for one year.

For the myth that Senator Rivera referred to, the malpractice -- the Medical Indemnity Fund, this is a fund and a project that needs improvement. We have families that are struggling to take care of their significantly injured children. They are forced into this fund by changes that were made in the law, and now the fund does not treat them adequately, nor is the money adequate.

We were able to preserve the status quo for one year. That is extremely important, and I'm grateful.

Two things I'm very disappointed about. One is my colleagues on the other side and Senator Rivera referenced the omission of EMS. And I want to credit the Majority Leader,

who absolutely gave her all to get this in. We negotiated as hard as we could. We had a whole -- really a whole compadre {sic} of supporters, and in the end it did not survive. That is a shame, and it is not acceptable, and we need to fix it.

And lastly, we should have fixed CDPAP in this budget. We are in the middle of a crisis. Everyone knows it. We need to fix it. This was an opportunity right here to extend the deadline and to change the move to one fiscal intermediary. We are failing the disabled people in our districts and their caregivers. We should have fixed it.

With those caveats, I vote yes.

ACTING PRESIDENT COONEY: Senator Mayer to be recorded in the affirmative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

I, like many of my colleagues, will be voting in the affirmative for this, but I wanted to draw particular attention to Part D, in reference to the reduction in resources that will be directed to New York City's Health + Hospitals

system. The city system stands to lose close to $452 million as a result of Part D. And the hospital in my district, Kings County Hospital, stands to lose close to $50 million as a result.

I want to pay particular attention to this because there are conversations about the future of SUNY Downstate, an issue that is not strange to anyone in this chamber. And there have been suggestions that Downstate could move into the city system to somehow make up for the future, or somehow be a transformation.

And the Governor cannot with one hand suggest that we move Downstate to Kings County and then on the other hand cut money to Kings County Hospital. So I wanted to ensure that that was on the record.

That notwithstanding, I will still be voting in the affirmative.

Thank you.

ACTING PRESIDENT COONEY: Senator Myrie to be recorded in the affirmative.

Senator Harckham to explain his vote.

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

I too am rising to vote in the affirmative, but I also am rising with a cautionary note about Part EE.

I want to thank our Majority Leader and many of the Senators on our side of the aisle, and our talented staff who worked tirelessly to fix this section.

But when we talk about involuntary commitment, I really hope that we're doing this because we're caring about folks with serious mental illness and serious substance use disorders, and not pandering to the New York Post, who slanders these individuals on a daily basis.

This is a public health crisis. This is not a crime issue. And criminalizing people with behavioral health issues is just wrong. And let's be very clear that people with mental health disorders are 10 times more likely to be the victims of crime than to be the perpetrators of crime.

And so, you know, any of the folks who you talk about who may fit under this bill, they are no stranger to the behavioral healthcare system. They have been in the behavioral

healthcare system dozens and dozens of times. So getting into the system is not the issue. It's having a system that doesn't fail them time and time again.

And that takes money, and that takes resources. That takes long-term residential beds, which this state has spent years cutting. And it also takes long-term supportive housing, something that we have far, far, far too few units of.

So I'm supporting this bill, and I'm keeping a cautious eye on Part EE.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Harckham to be recorded in the affirmative.

Senator Bynoe to explain her vote.

SENATOR BYNOE: Thank you, Mr. President.

I will also be voting in the affirmative, but today I wanted to speak on Part LL.

NUMC University Medical Center is not a stranger to me, although it sits in another Senator's district. See, the large majority of its patients come from Senate District 6.

More intimately, I know Nassau University Medical Center because it was there that my grandmother, who migrated here to the United States and was a domestic, received her medical care. It was there that my grandmother took her last breath.

It was also Nassau University medical center where my high school best friend was treated for a rare case of cancer. And although she succumbed to that disease, it was the brave healthcare heroes who served her passionately and with dignity.

That hospital has served Nassau County during its darkest moments during COVID.

It's unfortunate. It's unfortunate that the county system allowed this hospital to be in peril for as long as it has been. It's unfortunate that they allowed the employees who work there day in and day out, and the community members who are patients there, to be in a constant state of anxiety because they failed to answer the call.

See, there's a need. And the state was willing to step up and provide that need.

But it was stubbornness, it was obstinance to do what was right and follow that corrective action plan. It has long been a patronage mill. It has long been riddled with nepotism, cronyism, and misguided fiduciary responsibility led by a board.

So I'm sad that today it had to come to this. But I am incredibly thankful for the leadership of this Senate. Majority Leader Andrea Stewart-Cousins and Deputy Leader Mike Gianaris assisted in making sure that we bolstered the Governor's plan by putting in guardrails, putting in money that will go to giving this hospital what it needs for its infrastructure.

So we talk about this being a state takeover? I say let's stop playing games. Let's stop playing games. The people, the good people of Nassau County will be selected to serve on that board and breathe life back into that system.

I vote affirmatively today. Thank you very much.

ACTING PRESIDENT COONEY: Senator Bynoe to be recorded in the affirmative.

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Mr. President.

I too am intimately familiar with Nassau University Medical Center. It is a place where my father and my father-in-law took their last breath after receiving outstanding care. They did the best they could.

It's a hospital that serves our community, serves every community in Nassau County, and 1.4 million New Yorkers rely on it for care.

I too am sad, but for a very different reason. I disagree respectfully with my colleague. While there was certainly instances of mismanagement in the past, the hospital seemed to be to be moving in a positive direction.

And I would disagree and say it wasn't the county that allowed the hospital to get to this state -- it was the state that did so. It was the state that did so by purposely starving that hospital of funding to the tune of half a billion dollars over the last five years. We talk about $400 million in debt. How do you

think it happened when you lose half a billion dollars in revenue.

That hospital is the county's only safety-net hospital. Eighty-three percent of its patients are Medicare, Medicaid or have no ability to pay. Its Medicaid reimbursement rate is 72 cents out of every dollar, so it loses 28 cents out of every dollar that it provides in medical care. How do you expect that hospital to be solvent without assistance and state aid?

And the Governor's solution? The Governor's solution was, I'm going to starve you of funding until you gain weight. It simply doesn't make sense.

And now it's used as the pretext for a takeover of that hospital to be run by the state. Same state that has rolled out the disastrous CDPAP program. The same state that put COVID patients inside of nursing homes is now going to be responsible for the only safety-net hospital in Nassau County. It is unconscionable.

And while there are some good things in this health budget, unfortunately this is one thing that compels me to vote against it. And I wish I had my colleague's optimism, but I'm

afraid that this is a pathway to an eventual closure of that hospital or certainly a fundamental change of that hospital and the services that it provides to our residents.

I vote in the negative.

ACTING PRESIDENT COONEY: Senator Rhoads to be recorded in the negative.

Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Mr. President.

I rise, first and foremost, with great appreciation to our Majority Leader, Senator Andrea Stewart-Cousins, and the tireless Senate staff who have worked so hard these past few months during budget negotiations.

This budget is not just about numbers. It makes investments in lifesaving care for New Yorkers. It's no secret that mental health is complex. Mental health is nuanced, and it requires our careful attention.

The current mental health crisis requires us to reimagine and redefine what mental health care looks like in New York State. But our reimagination of what can be doesn't have to include expanding involuntary commitment.

Our state budget reflects our values. And when we expand forced detentions while cutting funding for evidence-based services that have the power to transform lives, we are sending the message that coercive action is the statewide priority.

These evidence-based services are lifesaving and effective programs like INSET, peer bridgers, clubhouses and our ACT and SOS teams. In fact, medical research tells us that forced detention and treatment do not improve care and individual outcomes.

A study from Bellevue Hospital compared the effectiveness of voluntary and involuntary outpatient treatment and found there was no statistically significant difference between rates of rehospitalization, quality of life, or arrests. We know linking mental health care with criminalization is not the answer.

People with mental health conditions, as my colleague Senator Harckham pointed out, are more likely to be victims than they are to be perpetrators of crimes. I'll repeat: Those with mental illness are more likely to be the victim of a crime than to be the

perpetrators of a crime.

So this begs the question: Why are we expanding involuntary commitment when we could be funding ACT teams and other voluntary services? We know that these evidence-based treatments work.

To that end, I'm proud of the steadfast work of the Senate to reimagine crisis services here in New York State and fight for peer-led support and compassionate, culturally competent care, which we are doing by putting pieces of Daniels Law, key pieces of Daniel's Law into this year's budget.

This budget bill is far from perfect, and I fear the negative impacts we will see with the expansion of coercive measures. However, I remain proud of the progress it makes to improve and transform our mental health crisis response system.

And for that reason, I vote aye.

ACTING PRESIDENT COONEY: Senator Brouk to be recorded in the affirmative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you,

Mr. President.

You know, listening to this debate and even the -- my colleagues explaining their votes, there's one thing that is for certain that we know. It doesn't matter if it's Nassau County or the North Country, if it's Buffalo or the five boroughs: Healthcare in New York is a mess. Most hospitals in the state are hemorrhaging money. Not bleeding it, hemorrhaging it. By the hundreds of millions of dollars.

So we have to ask ourselves, what has been done in this budget or just in general in Albany to fix that? Well, unfortunately we have been an accelerant. We have poured gasoline on the fire here in New York State, here in this government. We have brought in millions more people to be on Medicaid. In fact, we can't even prove a million of them aren't eligible for Medicaid. Medicaid's missing million, as the Empire Center calls it.

We are wasting billions of dollars a year in waste, fraud and abuse. We allow people on Medicaid to wander into an emergency room with a nonemergent problem and treat it like their primary care physician. And then, to add insult

to injury, we don't reimburse enough those hospitals for caring for that person, for that nonemergent care that they've received.

We have destroyed the healthcare system, for whatever reason. And now we're asking ourselves why. Why does Nassau County need hundreds of millions of dollars? Why does Kaleida in Buffalo need hundreds of millions of dollars? Because we have made it impossible for them to deliver healthcare. We haven't given them enough reimbursement, and we've allowed nearly half of New Yorkers to be on Medicaid.

When I came here five years ago, it was about one in four New Yorkers. Now it's over 40 percent are on Medicaid. We have ruined the system. Look in the mirror if you want to know why healthcare in New York State is a disaster.

I vote no.

ACTING PRESIDENT COONEY: Senator Borrello to be recorded in the negative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I appreciate the hard work of the leading chairs of Health, Mental Health,

Substance Abuse for their commitments to making this section of the budget better than we started. We didn't get to a lot of it, but we got some critical issues done.

And I want to just again repeat the issues with the Medical Indemnity Fund, that we haven't solved the problems but at least we have ensured that the funding continues for the over a thousand children who are in this program.

And we have expanded -- excuse me, we have expanded the time frame under which the existing resources will be available. While having to come back and finally try to fix this program next year, it matters so much to these families and children I can't tell you, even if you don't understand what the program is.

I'm also enormously appreciative of the work done by Chair Samra Brouk, as she just spoke. But many of us highlighting that the assignment, when talking about involuntary commitment, isn't that part of it? I come from Manhattan, where almost all the nightmare stories you hear about crime from people being attacked by mentally ill people. And the vast majority of mentally ill people are much more likely to be

the victims, not the perpetrators.

But some people are out of control because they need help. And they are very often in my district, because I have Midtown Manhattan and Penn Station and Times Square and all of these areas. And I worry that we have now told the public it's all going to stop because we did this.

But this isn't going to stop the problem. The assignment is much bigger, and we didn't get to that part of the assignment. Not enough. It's actually guaranteeing that when someone is brought into a hospital based on an evaluation that they cannot take care of themselves or are a risk to themselves or others, or may have committed a crime, that the hospital shouldn't be allowed to discharge them back into the streets. They should actually have to make sure services are there, a place is there, and that that person is then going there when they are stabilized and determined not to need hospitalization.

And that's not going to happen because we didn't put that requirement in the law. So that the requirement should be, if

somebody's brought into your facility by the police or social workers, determined to be unable to control themselves, that the hospital can't discharge you until there's a plan for where you're going.

And so I worry because it's my district, very often, that people are going to say to me, Oh, well, this was supposed to be the solution, Liz. And in six months when it isn't, they're going to go: What happened, Liz?

And a year, when it isn't the solution, they're going to say, I thought you told me this all worked.

So for the record, I'm voting for this bill. There's lots of good things in it. But I'm not going to tell anyone it's all fixed and you're not going to have crime on the subways and you're not going to have mentally ill people on the streets, because that's simply not true. Because we didn't deal with the assignment of ensuring there was quality residential facilities, supportive housing with services, psychiatric beds. And that's the part of the assignment we've got to get right before we can declare victory.

So yes on the bill. More work to be done. Thank you very much.

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

Senator Fahy to explain her vote.

SENATOR FAHY: Thank you, Mr. President.

I rise as well today to vote yes on the budget, but once again with a number of serious reservations on the bill.

Specifically, let me start with the 2.6 percent targeted inflationary increase, or the COLA increase for direct service professionals and others providing human services.

I'm the new chair of the Disabilities Committee, and I would be remiss if I didn't point out the extraordinary care given by the caregivers to some of our most vulnerable New Yorkers, particularly those with intellectual and developmental disabilities.

We have spent -- after a decade of disinvestment, we have been trying to reinvest there. And the 2.6 falls very short in terms of the pay adjustment that is needed. These are

critical, thankless jobs.

So it is something I plan to double down on, to work toward getting these workers better pay. And again, this is one of the biggest reservations of this section of the budget.

I should also note another part in my district is the inability to ascertain funds for St. Mary's Hospital in Amsterdam. They are an independent hospital. Not only are they not eligible for the Hospital Transformation funds, we were not able to get them additional funding while they have dire infrastructure needs there.

Also concerns -- and I hope we will continue conversations on EMS, the telehealth parity for the FQHCs, as well as more on the CDPAP.

So thank you. And with that, again, Mr. President, I vote yes with reservations.

Thank you.

ACTING PRESIDENT COONEY: Senator Fahy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 968, voting in the negative are

Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR GIANARIS: Please call on Senator Lanza.

ACTING PRESIDENT COONEY: Senator Lanza.

SENATOR LANZA: Thank you, Senator Gianaris.

There will be an immediate meeting of the Republican Conference in Room 315.

ACTING PRESIDENT COONEY: There will be a meeting of the Republican Conference in Room 315.

Senator Gianaris.

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

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

SENATOR GIANARIS: Move to adjourn until tomorrow, Thursday, May 8th, at 10:00 a.m.

ACTING PRESIDENT COONEY: On motion, the Senate is adjourned until tomorrow, May 8th, at 10:00 a.m.

(Whereupon, at 8:00 p.m., the Senate adjourned.)