NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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4:54 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask all present to please bow your head in a moment of silent reflection and prayer.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 16th, the Senate met pursuant to adjournment. The Journal of Saturday, March 15th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: The Assembly sent for concurrence the following bill. On motion by Senator Skelos and Senator Klein, said bill ordered to a third reading: Assembly Bill Number 2597A.

ACTING PRESIDENT GRIFFO: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we go to Assembly hand-down A2597A.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 288, by Member of the Assembly Moya, Assembly Print Number 2597A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

SENATOR LIBOUS: Lay the bill aside, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

The Secretary will ring the bell.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time can we do the controversial reading of Assembly 2597A, please.

ACTING PRESIDENT GRIFFO: Assembly Bill Number 2597A is before the house.

The Secretary will read.

THE SECRETARY: Calendar Number 288, by Member of the Assembly Moya, Assembly Print Number 2597A, an act to amend the Education Law.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested.

Senator Klein.

SENATOR KLEIN: Mr. President, this legislation would create the New York State DREAM Act, which in turn creates the New York DREAM Fund Commission and a New York DREAM Fund to

provide scholarships to college-bound children of immigrants.

Students eligible for scholarships from the New York DREAM Fund would be required to have at least one parent or guardian who emigrated to the United States, and to have resided with a parent or guardian in New York State while attending a public or private high school for at least two years prior to receiving a high school diploma or its equivalent.

This legislation also expands access to state-funded financial aid programs and allows immigrant families to better save for higher education expenses by allowing individuals to open up a New York State 529 family tuition account under the New York State College Tuition Savings Program.

If at a later time -- if Senator Peralta would like to elaborate on that.

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Thank you, Senator Klein.

Mr. President, we have an opportunity here to do something that the federal

government has not been able to do. We have an opportunity to pass the New York State DREAM Act.

Year after year, election year after nonelection year, we've been promised on a national level that there's going to be some form of immigration reform. And year after year, election year after nonelection year, it has failed.

New York has an opportunity to step up to the plate and hit it out of the park and help children of undocumented immigrant parents live that American dream. These children have come here by no fault of their own. They have no choice in the matter, and they have come here at a young age, some as young as a year old or 2 years old.

Passing the DREAM Act would make New York the fifth state to offer state college financial aid to the children of immigrants regardless of status, behind Texas, New Mexico, California and, just a few weeks ago, Washington State. So let me be clear, this is not the same as the federal DREAM Act. There is no path towards citizenship.

But what we do here is we want to

provide immigrants on the same footing as other New York students when it comes to accessing higher education. This bill will follow the same criteria as in-state tuition that has been available in New York since 2002.

Now, my great friend and colleague Senator Espaillat led the way in 2002 in the Assembly while he was in the Assembly. And right here in this very body, in-state tuition was passed in 2002 by a vote of 41-20. So this bill lays out the same criteria of in-state tuition so that individuals can get a higher education.

In addition to that, in order to be eligible, an undocumented student must also submit an affidavit stating that he or she has filed an application to legalize his or her immigration status. So these individuals, the children of the undocumented parents, will be eligible for TAP, HEOP, EOP, C-STEP and other programs.

This measure will also create a DREAM Fund, a DREAM Fund committed to advancing the educational goals of the children of immigrants through privately funded scholarships, and broaden access to the New York State College

Tuition Savings, the 529 program. The family tuition accounts will be available to anyone, anyone who provides a valid taxpayer ID number or an ITN number.

My fellow colleagues, this is an opportunity, an opportunity to do the right thing. This is about improving our pool of talented children that want to better themselves. This is about an investment. We will get a huge profitable return on our investment. This is about making economic sense. This is about maintaining our status as a progressive and trail-blazing state. This is about being and maintaining ourselves as the capital of the world.

Let's do the right thing today. Let's pass the DREAM Act. Let's make history, and let's allow individuals who want to better themselves become productive members of society.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

The legislation before us poses a

very simple question: Do you believe that every New Yorker should have a fair shot at a quality college education?

There are those who would seek to complicate this answer by actually complicating the merits of the bill before us, by instilling fear and manipulating the meaning of exactly what this important piece of legislation is meant to do.

So I wanted to make it very clear what this bill does. It allows for every New York student to have the same shot at a quality college education, nothing more or nothing less. This bill levels the playing field for high school graduates across the state, giving them access to tuition assistance regardless of their ethnicity or household financial situation.

Getting into a battle about immigration policy may be the conversation some would like to have, but to turn the DREAM Act into an immigration debate really misses the point. The point is this, that we have thousands of children who were brought here at a young age, have been educated here, and are just as much a

part of the next-generation workforce of the state as any of our children.

So to say that we are just going to cut them out of the system by denying them the chance to further their education is not just bad economic policy, in my opinion, but a blatant denial of our own history and heritage.

As our former Governor and President, the great Franklin Delano Roosevelt, once said: "Remember, remember always that all of us, and you and I especially, are descended from immigrants."

You know, it's often that on the floor of Senate I've spoken about my grandparents, my grandparents on my dad's side of Hungarian ancestry, and on my mom's side, Polish ancestry. And I think it's worth talking about the fact that somehow, just somehow we forget who we are and where we came from.

Each and every one of us in this chamber are descendants from immigrants. Somewhere in our family there was someone who came to this country who had the courage, the determination to make a new life. We always have to remember that. Either they came here through

steerage or in chains, but nonetheless they came here for a better life.

We also have to ask the question, what's the difference between the prior immigrant generation and those who come here today? And the answer is nothing. They're all the same. They come to make America their home. They come to make a better life for them and their family.

And the reason why immigrants have succeeded for hundreds and hundreds of years in our society is because of a very simple truth. When you think of what makes an immigrant, it's somebody who leaves their family and friends behind, they leave the life that they know best behind. They build up the courage to start anew. And to start anew, it's always for a better life for their family.

So I think we really have to wrap our arms around the fact that maybe the names have changed in the past from O'Leary and Goldberg and Solano, and maybe now they're Gonzalez and Chang and other names. But nonetheless, they're still the ancestors, and those are the people who were the giants that came before us who still come here today.

The lessons and spirit that they instilled in us are the words and actions that are rooted in enduring truth, that in America everyone gets a fair shot. In America, if you treat others with respect, honesty and kindness, and most importantly, if you work hard, you will find success.

And I believe that the spirit of America that my grandparents instilled in me and everyone else in this chamber, an America of integrity, hard work, opportunity and reward, has always been the enduring spirit of America. So let us remember that we are a country of inclusion, not exclusion. America is not some exclusive club, and educational advancement in this country is not only meant for some, it is meant for anyone on this soil who is willing to learn and has the dedication and determination to succeed.

The ideals that this country was built on are timeless. They should not change with the political tides or fade over time. We are a nation built on the notion that opportunity exists for all, and when we put a stone in another's path, we are not being true to the

values of our state or the spirit of our country.

These young people are no more responsible for the decision and actions of their parents than you and I are responsible for the choices our parents may have made. We are not here to be gatekeepers, picking and choosing who gets a shot to learn and grow and be a success. That is not our job. Our job as public servants is to make space, create channels and open doors for New Yorkers so that they can live a strong and prosperous life. No one in this chamber gets the right to stand in the way of someone else's education. It's not what we are about.

I believe, my colleagues, that this is not even a Republican or a Democratic issue, nor a liberal or conservative issue, nor an issue of immigration or citizenship. Because I firmly believe that this is a right to have a decent education. Just because someone is undocumented does not make them unworthy of an education.

I'm sure many of you, over the last couple of years, have spoken to some of the Dreamers. And you just have to sometimes I think maybe put yourselves in their shoes. During their formative years they know that their

parents' choice to come here illegally -- and I can only imagine it wasn't easy to have had to keep that secret buried deep inside while all the while feeling just as American as those sitting right next to them in class.

I made a promise that this bill would come to the floor because I think it's important that we get a vote on the DREAM Act. Each and every one of you I think have a duty, my colleagues, that every New Yorker has a fair shot at a quality education. It is a yes or no answer, and with your answer, your vote, you're either standing up for these students to get their shot or standing in the way.

I stand with these students and vote yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

We see here today an important day in the history of this body. As Washington continues to gridlock, many states have had to take piecemeal pieces of the immigration reform that many across the nation wait for. Today it

is New York's turn.

And back in 2002, we were successful in passing in-state tuition, with a Republican Governor and a Republican Senate. And we were able to pass that bill, and it benefited 8,000 students in the system, in the university system across the State of New York, offering them an opportunity to access higher education. But we saw that many of them could not afford the cost of college tuition and that many of them were not able to enter college.

And this bill that comes before us today has been approved by the Assembly. The Governor has said that he will sign the bill if it comes to his desk. It has gotten the support of all the major newspapers in their editorial boards -- the New York Post, the Daily News, the New York Times, Newsday, AM New York and others.

This bill has the support of Cardinal Dolan and the Catholic Conference of Bishops. It has the support of labor. And many in the business community see this as an important piece of legislation. How could they all be wrong?

This is an important piece of

legislation that would allow 8,000 undocumented students -- many of them came here when they were one year old. Many of them may have difficulty speaking their native language. Many of them don't have any relatives back home where they came from. These are young people that graduated from a New York State high school or got a General Equivalency Diploma from the State Department of Education. They deserve an opportunity, they deserve a shot.

And many have estimated, including the Fiscal Policy Institute, that college graduates on an average pay $3,900 more annually than non-college graduates in taxes.

So this is an investment for our state, for the future professionals of tomorrow that will pay taxes and build the middle class. We must continue to support their efforts. And I'm happy to be here in support of this particular bill.

In the past, many have used scare tactics to make us think that they are adopting policies in New York State that will drive others out or that will hurt some of our own. Nothing could be further from the truth.

This is a state that is a state of immigrants. This is a body, the Legislature, that should have open arms to all that come to us in goodwill. And these young students definitely are the best among us. They have faced adverse conditions, in many cases, circumstances in their lives, and yet they want to access higher education. They want to make sure that they are the professionals, the taxpaying professionals of tomorrow.

Mr. President, I am happy to stand here in support of this bill, and I congratulate Senator Peralta, the leading sponsor of this bill, for his efforts to bring it to the floor. And I congratulate also Senator Jeff Klein for bringing this bill to the floor.

Let us vote up or down on this. Let us vote our conscience. This is a good bill for New York State. This is a good bill for all of us. It will make our state stronger. And I will be voting in the positive, Mr. President.

Thank you so much.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you,

Mr. President.

Ladies and gentlemen, life sometimes brings surprises. For the past three years, I have been angry, I have been upset, I have been disappointed, I have written columns, I have written columns criticizing many people. I have asked my colleagues not to vote on the budget until the DREAM Act comes to the floor. And for the past years, I have been the only one voting on every part of the budget no because of the DREAM Act.

Today, today is the day that God has made. Today is one of those days when you realize that things are done according to God's will, whenever He wants and through whoever He chooses. And today He has chosen Jeff Klein and Senator Dean Skelos to allow this bill to come to the floor.

So we are very happy, we are very honored that finally this bill is coming to the floor, came to the floor. And as Senator Espaillat said, Governor Cuomo said that he will sign it if it passes.

Senator Klein, in my heart is a lot of gratitude for you. You have proven to be a

leader, you have proven to be a person that we could trust. You told me Saturday that it was coming to the floor, and now you are saying and I see it is so. Thank you very much, I appreciate that, and to Senator Skelos.

So I tip my hat to you, and I hope that today we're done with this. I hope today we all do away with this and bring happiness to 8,000 students waiting for this to happen.

To my colleague Senator Peralta, you have worked hard. You have worked hard, and today you see your fruits come true.

Senator Espaillat, you have proven to be also a person that fights hard.

And to Assemblyman Moya on the other side, and to my former intern, Assemblymember Marco Crespo -- he's been also all over fighting and working. I remember Marco Crespo, the Assemblyman Crespo, when he was my intern, he's from Peru. Half Puerto Rican and half Peruvian. And I know how happy he will feel today to see this pass. Marco, congratulations. You've been fighting too for this.

To all of you guys, thank you very much. Whatever comes to be the end result, I am

very happy, very glad that Senator Jeff Klein and Senator Skelos finally bring this to the floor and that we have the opportunity to say yes or no.

But this is the day that the Lord has made. Rejoice, be happy, be content, praise the Lord. This is the day. Now it's up to you guys.

Thank you very much.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Parker on the bill.

SENATOR PARKER: I rise to add my voice to those congratulating the members of the house for bringing this very important bill to the floor.

I represent the 21st District in Brooklyn, which is Flatbush and East Flatbush, Midwood, Ditmas Park, Kensington, Windsor Terrace and Park Slope. This is a district that is predominantly Caribbean immigrants, many of which will benefit from the result of this bill.

I'm very, very happy that we are bring it to the floor. Let me say a particular congratulations to Senator Peralta for this great accomplishment.

There are many of us who have been carrying the baton. I actually introduced this bill back in 2003 and actually held it with now Senator Espaillat but then Assemblyman Espaillat. And when he passed it and we were not able to get it to the floor -- I know it was a version of the bill, not this bill. And Senator Perkins I know had a version of this bill for a while, and he carried the baton for a while.

And so, you know, this is a good case study on what it takes and the amount of fortitude that it takes to actually get important legislation to the floor. But the important thing is that we persevered, that this chamber and the people of this state continued to move forward in the right direction, in a progressive direction, to make sure that we upheld our values.

And we often say in this chamber that there is more nothing more important than education, and particularly education because not

only does it help you, you know, take the step to get a better job and have access to better economic opportunity and seek the American dream, but we know that people with better educations have better health outcomes, they have less interaction with the criminal justice system, they have higher rates of homeownership. And their children also have better health outcomes, better homeownership, and so on and so forth.

And so that this is something that we're doing not just for those Dreamers today, but we're doing this for the citizens of tomorrow who will benefit from us having a better-educated citizenry around the State of New York.

Congratulations to the members of the Senate.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

It is not every day that I can stand on the floor of the Senate and say that I am going to be supportive of something that Senator Diaz is supportive is, that the New York Post is supportive is, that business owners are

supportive of. It is absolutely a great day, just like a lot of my colleagues have said already.

The fact is that this is something that is very simple. We have students that are here in our school systems that have been successful, that have been successful all the way to high school and then find themselves on the way to college and without necessarily being able to afford it.

These folks, as some of my colleagues have said, were young people that came here without necessarily wanting to. Their parents brought them here. They brought them here to make better lives for themselves, to make a better life for them. And when they find themselves right now at the cusp of being able to access a higher education institution, one of our wonderful colleges in either the CUNY or the SUNY system, then they find themselves, if they can't afford it, that they cannot go.

And what we're doing here today is something very simple. We're providing them that access. It's not guaranteed money, but what it is is if a student is successful, if a student

can demonstrate that they are worthy of our educational system, then they should be able to continue it.

I have a been a proud supporter of this bill for a very long time. I certainly thank my colleague Senator Peralta, Assemblymember Moya, Senator Espaillat, all of which have been very strong advocates for it. And I certainly thank Senator Klein for being able to bring it to the floor today.

But again, I ask all my colleagues on the other side of the aisle who might be on the fence about this, as I stated last week, this is a diminutive cost. It is about $25 million at most. And this is to guarantee access for students who have already been successful in the educational system, give them the opportunity to continue to be successful.

That is all that we are asking for here today. That is all that the Dreamers are asking for us. And I'm very proud to say I vote aye on this bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Smith.

SENATOR SMITH: Thank you very much, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Smith on the bill.

SENATOR SMITH: Colleagues, today represents exactly what New York State, what this country is all about.

You take a moment to think about it, here we are, Senator Peralta, on the day they consider to be the luck of the Irish, that you are now going to pass the DREAM Act, which is going to benefit a lot of our immigrants. A lot of Irish immigrants themselves I'm quite sure would consider this a very important day. So the luck of the Irish we hope will be with us on this day.

Senator Peralta rightly gave you all the economic benefits as relates to the DREAM Act, and he's correct. The Comptroller's office made it very clear, somebody with an associate's degree, over their lifetime, will probably pay an additional $25,000 in taxes. That's important to New York State. Someone with a bachelor's degree will probably pay an additional $60,000 in their lifetime in terms of New York taxes. That's

important to this state.

Senator Klein gave you all of the sociopolitical, geopolitical, economic concepts as well as historical benefits of a bill such as this and what it would mean to the state, what it would mean to so many people around this state, in particular in communities in New York City.

Assemblyman Crespo, who has been fighting for years for this, has made this a personal, has made this a personal mission on his part. One in which not only did he lobby his colleagues but spent a lot of time at home just sort of personalizing and digesting what this would mean to so many people.

And I know that, Assemblyman Crespo. While you may have held that in, I know how much it means to you, your family, and to your heart.

So, colleagues, last week as we talked about the one-house budget, I had the opportunity to talk about a few good ideas that I thought would be important to us. As you know, history always dictates and history will continue to dictate not only what a good idea is but what are right ideas.

Back a couple of years ago, many of

you who had some second thoughts about it, our President came up with a concept called Obamacare. While many people thought that was a challenge, Obamacare was and is a good idea. The right idea was this body and our Governor putting together a health exchange which now has over 500,000 people who are registered in it. That became the right idea.

A good idea -- and I know this is always a good idea, tax relief. There's no question about it, we all believe in tax relief and believe that individuals should have some tax relief in their lifetime. The right idea is whether or not we do a circuit breaker or we did a tax cap, which we did last year and maybe we'll do this year. There is always a right idea that benefits from a good idea.

Good idea. Senator Klein, Senator Skelos, Senator Libous, Jose Peralta, Brother Crespo all decided and worked to make sure that the DREAM Act came to the floor today. That is a good idea. The day that it comes, again, is St. Patrick's Day, luck of the Irish.

The right idea will not just be the bill coming to the floor, the right idea will be

that we pass this bill and the Governor of this state will sign this bill so that there are many individuals who will have the right to a decent education, will have the right, as you have had and I have had, to raise a family, to try to do all that you can, as the American dream says, that you can reach the highest heights as long as you have an opportunity to an education.

Ladies and gentlemen, the one thing, the one thing that is driving me this session more than anything else is the need to make sure that the individuals of our state -- young, middle-aged and old -- have the opportunity to have an education, have an opportunity to fulfill that dream which they were told they could have if they came to this state.

This is the day that we have the right idea. So when we finish this debate and those who are speaking on the bill, let's make sure that history continues to have that lineage that continues so often, and that is when you come up with a good idea, the actual yield that comes from that is the right idea.

Mr. President, the right idea is that we pass this bill today and send a message

to all those who came to this state, and to across this country, that New York State still stands by that creed. And that is if you come here, we will make a path for you to have one of the best lives that you can have, and for your children.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Dilan.

SENATOR DILAN: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Dilan on the bill.

SENATOR DILAN: I rise to support this piece of legislation which will benefit many of my constituents. Many of those that live in New York City are in the melting pot of the world. And if New York City is the melting pot of the world, so is New York State.

I just want to say happy St. Patrick's Day to all, and let's hope that we draw a four-leaf clover today and that it will be a lucky day for all those Dreamers that have been looking towards this day.

First I want to thank all those

responsible for bringing this bill to the floor and ask all my colleagues to consider this generation, which is seeking this dream to live the American dream and just be educated in the place that they know as their home.

So I will be voting in favor of this bill.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Just briefly, you've heard me stand on this floor and say that just in the City of Mount Vernon, which is only 14 percent of my district, over 92 different languages are spoken every day, from South Central Latin America, from Portugal to Brazil, every Caribbean island, every community that calls itself Caribbean in the Caribbean Sea, is represented in the City of Mount Vernon.

Therefore it's incumbent on me to stand here before you and tell you, on behalf of all of those people, it is important that what we do today impacts them very positively. Too often I have stood here and condemned some of the bills

that we have passed that have been detrimental to their safety and to their way of life. But today we have an opportunity before us to do something so important to our children.

Having spoken to many of the children and to families who have been in this country for many years and who have young children who have never seen their homeland, they only know America as their homeland. They only know New York as the place of their friendships, their relationships. And because of that, they're also not going home, they are staying in America, because this is home for them.

And if it is, then it's very important for us to understand that we need to do everything right by them to make it possible so that the lives that they live are exemplary. And to do this, offering them a college education is a major step toward making that happen.

I would like to hope that no matter what your political standing is that you will understand clearly that this is not just about children of color, but this is of every immigrant group that comes to the United States looking for and finding succor and shelter here in this

country.

Thank you, Mr. President. I will be voting yes.

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Serrano on the bill.

SENATOR SERRANO: It really is such an amazing feeling and opportunity to rise before my colleagues to talk about such an important bill.

And listening to my colleagues who spoke before me, you can hear in their voices how personal this is, how long they've fought for this, and the stories of their own immigrant families and how they have had to deal with so many of the obstacles and challenges there are before them in achieving the American dream.

And in many ways it's very fitting that we're taking this vote on St. Patrick's Day. My district that I represent, East Harlem and the South Bronx predominantly, is home to wave after wave of immigrant communities from all walks.

For years it was the Irish immigrants. And think about the obstacles that the Irish had to overcome -- the prejudice, the discrimination.

The Italians, the Puerto Ricans, all immigrants, migrants, people come from other places, all understood that the key to overcoming the obstacles was education. That education was the great equalizer, that it would be the one hope that the next generation had to doing better than their parents were doing at that time.

And this is such an easy way to ensure that the new immigrants achieve that American dream that many immigrant families before them were able to achieve. Education is far more expensive now than it was in years past. The obstacles are far greater in many ways.

And I think it's so important that we take a very strong stand and understand that the future of our society, the future of our economy depends on a strong, well-educated workforce. And the immigrant community, as we know, will be a backbone of that workforce.

So I'm very happy to join my colleagues in voting yes on this bill.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you very much. I want to speak on the bill.

ACTING PRESIDENT GRIFFO: Senator Perkins on the bill.

SENATOR PERKINS: I want to begin by taking a moment to express my appreciation for those who have been in this struggle on this particular type of legislation before myself and who have continued to keep the faith that this day would come.

I myself was the lead sponsor of the DREAM Act in this body. I am intimately familiar with the moral and social imperative that this act embodies.

I first heard these arguments delivered with a personal and compelling authenticity back in early 2011, when I sat down with a group of inspiring young leaders from the New York State Youth Leadership Council, also known as YLC. To know something deep and meaningful about the DREAM Act is to know the tirelessly committed young women and men of the YLC. Their dreams are without limit, and the

actions flowing from their dreams are equally boundless.

The courageous members of the YLC were singularly undeterred by past repeated DREAM Act failures at the federal level and knew that the fight for equality had to be taken to the grassroots enclaves of state and local government. The courage of the YLC members is especially great due to the fact that they're actually undocumented themselves. Their advocacy was born of personal experience and gut-level fortitude that belied the great personal risk undertaken by each and every Dream member.

In short order, due to their intense focus and personal investment, we rolled out the cornerstone of the New York State DREAM Act, comprehensive access to higher educational opportunity programs for all undocumented youth.

This cornerstone was designed and constructed by the YLC. No amount of cutting, pasting or other sources will ever change the bedrock truth: Their partnership fashioned the very first version of the DREAM Act ever introduced in the New York State Senate. And I am honored today to be able to vote on this

particular bill.

Langston Hughes wrote a poem, "A Dream Deferred." At that time he was talking about another group of so-called immigrants who actually were never immigrants. Those of us who are African-American were never immigrants. Nevertheless, today we are honored to be able to see the opportunity for a dream come true.

Thank you very much. I vote aye on this bill.

ACTING PRESIDENT GRIFFO: Senator Sanders.

SENATOR SANDERS: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Sanders on the bill.

SENATOR SANDERS: I represent the simple and hardworking people of Springfield Gardens, Rosedale, South Ozone Park, Richmond Hill, the Rockaways and other parts of a great city called New York City. And I've been wrestling with this idea of this bill for a little bit. And let me see if I understand it.

I'm understanding that youth, sometimes infants, were brought by their parents

to a land unknown to themselves, and often against their wishes. Hmm. As an African-American, I certainly can appreciate that. My own family fled a dictatorship, a harsh place that they fled to get to a better life. We of course fled the Jim Crow South for a better life, in which education was the most important thing that was preached to us from morning till night.

My family was so simple in one sense that, after a while, I could have held the book upside down and they would not have known. But they insisted that we get education by all means.

So I absolutely understand when people say that there is a need for education, especially in the 21st century that we find ourselves in.

My friends, this one is not that difficult once you start wrestling with it. Once you look at the positives and the negatives, you see something simple, something clear, something American, if you wish. Something that says that we will not close the doors. That Lady Liberty, who still is out there in the water, will not be by herself, that we in the State Senate will join

together with her on such a great day.

On one hand, we can celebrate chasing away the snakes. And I think that perhaps we need to chase away miseducation, that we need to chase away backwardness. And one of the best ways of doing that is to allow children to become educated.

It is St. Patrick's Day, and I congratulate all of those who share that fine lineage. I will leave you with a Chinese saying. I couldn't find a good Irish one with enough time, so I will appropriate a Chinese saying. It says that if you are preparing for one year, you plant wheat. If you prepare for 10 years, you plant trees. But if you prepare for a hundred years, my friends, educate children.

Let's prepare for a hundred years. I'm going to vote aye.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Well, my

colleagues are so convincing and they have been so articulate about the reasons why we must vote for this bill today.

And I just ask each of my colleagues who might not have already realized that the right answer is to vote yes to think of their own family histories, to think of how their grandparents or great-grandparents came to this country and why.

My own escaped the pogroms of eastern Europe. And I'm quite sure, because I've checked, that most of my family, when escaping to the U.S., didn't have paperwork. And they hoped that they be welcomed in when they got here on the ships, but they didn't know for sure. They just knew that they couldn't go back, that they didn't have a home country, and they wanted better for themselves and their children and their children's children.

And that is exactly the story of each of these young people who are asking us simply to let them go to school.

And each of my colleagues who have told the story perhaps from their own generation of this experience, if the rest of us just close

our eyes and think about the stories we heard in childhood from our grandparents about why they came here or about why their parents before them came here, none of us will really have a different story.

Not only is it the right thing to do, it's the best thing to do. Why is this the best country in the world? Because we opened our arms to immigrants from throughout the world who wanted to come here to help make it the best country in the world.

Why is this the greatest state in this country? Because we have been the entry port for immigrants from throughout the world generation after generation.

And what made each of these generations of new New Yorkers, new Americans, become the leaders of where this country was going and is going? The fact that they were able to get the education that they needed to help make this country better, to help make sure that their children accomplished better.

It's so simple. It's simply the story of our nation and our country. That's all we're being asked to do today, just allow the

next step for a few of the next generation.

I can't imagine anyone voting no, Mr. President. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: As many people in this chamber know, I represent the Lower East Side and Chinatown in Lower Manhattan, parts of Brooklyn. Like so many others in this chamber, I represent an area that doesn't just have the current constituents but has so many who came before.

How many people in this chamber had their family's journey in this country start just in that little part of the world? Whether German or Irish, Jewish or Chinese immigrants, it is who we are as a country.

And you know, my grandparents started there too. And my father went to City College and found a great life in this city. It would have been unthinkable in that generation to

say if you work hard and you do your best and you want to go to college, the government says no. You work hard, you do your best, you want the next generation to stand on your shoulders, but the government says you're on your own. It would have been unthinkable a couple of generations ago.

And today, what message does it send? We have lots and lots and lots, thousands upon thousands of young people who are here, who are here under tough circumstances, many of them brought here without documentation when they were kids, even very young kids. They're doing their best despite all the challenges that that brings. It wasn't their decision.

Now they want to go to college. And we want the government to say no way? Well, that's what's been happening in this state. And that's what this bill can solve. It can say if you do the things that you're supposed to, we will support you in making sure the next generation can stand on your shoulders. It's very simple.

You know, also in my district is the Statue of Liberty. And it's appropriate that it

sits there in New York Harbor surrounded by the places in New York City that it does, surrounded by the great state that all of us together represent. And certainly it's an image that puts an extra obligation on each of us, because we are the place where so many -- not just across this state, but across this country -- started.

And the fact that we would be the fifth state to do this is disappointing. But it's also appropriate that we would be among the first states to do this, because we do stand alone. We alone have that statue in the harbor urging people to come here if and only if they're going to do their best to better themselves and their families.

And that's what bill is about. I'll vote aye, and I hope that enough of my colleagues will to give folks who want to a chance in this country.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator

Hoylman on the bill.

SENATOR HOYLMAN: As our colleagues have mentioned, Mr. President, it is appropriate that we are discussing this important piece of legislation today. And everyone is wearing their green ties and lapel pins and scarves.

Mr. President, I should add that I think you have the greenest tie of all today. So well done on that.

I wanted to say that I think it's rare for us to take a single vote, as we are today, that will have such a potentially profound impact on an individual's life. And that's 4500 lives a year, 4500 undocumented students graduating from New York State public schools who are being denied an education, the opportunity for an education.

And I wanted to read from a recent newspaper editorial which says "New York has an opportunity to fix one of the most perverse incentives of the failing status quo and help some high school grads go to college. Few New Yorkers would deny a child college aid on the grounds of his father's crime. So even if you think these student's parents were criminal for

coming here without a visa, why do it to them?" And that's not the New York Times, that's not the liberal Village Voice or The Nation, that's the New York Post.

Immigration, Mr. President, is now a bipartisan issue. It's a postpartisan issue for a whole host of reasons. There's the justice and equality aspect, but there's also -- and I think my colleagues, our friends on the other side of the aisle, recognize it -- an important economic reason.

And to that point, Mr. President, the State Comptroller released a report last summer stating that the DREAM Act could provide economic benefits at a very small cost. He estimated that a person with an associate's degree pays more than $35,000 in additional state taxes over their career than someone with only a high school diploma, and a person with a bachelor's degree pays $60,000 in additional state taxes.

So I'm proud to be standing here supporting the DREAM Act, thanking my colleagues for bringing it to the floor, thanking Senator Peralta for his tireless effort in doing so, and

voting aye on this very important piece of legislation for the future of New York State's economy.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Are there any other Senators wishing to speak?

Senator Peralta to close.

SENATOR PERALTA: Thank you, Mr. President.

My fellow colleagues, it's not too often that we come to decide a bill by a razor-thin vote. And here's probably what's going to happen. This will either pass or fail by a razor-thin margin.

My colleagues, we have explained why it's important, the moral issue, the moral argument. But let me talk a little bit about some of the facts that you may not know.

The DREAM Act has been in place for three years in California. The DREAM Act has been in place for five years in New Mexico. The DREAM Act has been in place for over a decade in Texas, signed by Governor Rick Perry.

Most of these individuals that we're talking about will qualify under DACA, the

Deferred Action for Children Arrivals Act, signed by executive order by the President of the United States.

And some may question, Well, how will they get jobs? Well, they can either become independent contractors or they can own small businesses. In fact, scholars have estimated that as many as 8 to 10 percent of all undocumented immigrants start up small businesses.

And if some ask the question, Well, why are we giving TAP or Opportunity Programs to those individuals who are undocumented because they don't pay taxes, well, let me tell you this. In 2010, undocumented immigrants in this great state of ours paid $744,276,000 in taxes. And when you look at the federal level, every single year the Social Security Administration keeps $6 billion to $7 billion in Social Security contributions from W-2s that cannot be matched. And the vast majority of that money comes from the undocumented immigrants. In the United States of America alone, undocumented paid $10.6 billion in state and local taxes.

We are not removing a single United

States citizen from receiving TAP with this piece of legislation. That's something important to keep in mind.

As you know, in 1982 the United States Supreme Court ruled in Plyler v. Doe that undocumented children and young adults have the same right to attend public primary and secondary schools as do United States citizens. So we've been paying for education from K through 12 based on that decision. Now these kids are going to hit a ceiling, and what we're going to do is create a permanent underclass if we don't vote for this.

In that decision, Plyler v. Doe, a quote from Justice Brennan: "Even if the state found it expedient to control the conduct of adults by acting against their kids, legislation directing the onus of a parent's misconduct against his kids does not comport with fundamental conceptions of justice." In other words, New York should not be a place that punishes children for the actions of their parents.

Do we really want to punish the children for the actions of their parents? I

don't know any one of you that would punish your children for the actions that you've taken. I don't know any one of your constituents that would punish their children for the actions that they took.

But if that doesn't convince you, let me read a quote from Governor Rick Perry: "We must say, to every Texas child learning in a Texas classroom, 'We don't care where you come from, but where you're going, and we're going to do everything we can to help you get there.' And that vision must include the children of undocumented workers. That's why Texas took the national lead in allowing such deserving young minds to attend a Texas college at a resident rate. Those young minds are a part of a new generation of leaders. The doors of higher education must be open to them. The message is simple: educacion es el futuro, y si se puede."

But let me go one closer. Mayor Bloomberg: "We're not deporting you, but we're not letting you succeed either, even though our economy wants you and needs you. That's about as dumb a policy as I can think of, and we must change this."

Ladies and gentlemen, my fellow colleagues, we have an opportunity here. And some of your constituents may say: Vote no, vote nay. But some of those same constituents that are telling you to vote no own small businesses, own restaurants, are contractors. And guess who is the cook in those restaurants, guess who is the valet driver in those restaurants, guess who is the dishwasher in those restaurants, guess who is the day laborer for that contractor? Undocumented immigrants.

So it's okay for those small businesses who are voters to say, Vote against this, but yet I am living the American dream through those undocumented individuals, through the parents of those undocumented individuals, but it's not okay to educate the children, their children, who worked hard, who excelled, who want to make difference.

All they're asking for is to meet the criteria that's already in state law and to get that higher education so that they can get the jobs. They can either become independent contractors or open up their small business, or they qualify for DACA, which means that every two

years they will qualify to live here, work here, and get a Social Security number.

So here we have an opportunity, my colleagues. Not often do we get an opportunity to make or break a certain piece of legislation. This is one of those times.

I know in my heart of hearts that some of you on the other side of the aisle would like to vote for this. Here's your opportunity, this one chance to make it happen. You've got to ask yourself, are you going to be on the right side of history or will you be on the wrong side of history?

I'm going to be on the right side of history, and I'm going to vote yes. Because we need to send a loud message that not only this country but this state became great because of immigrants.

Let's not create a permanent underclass. Let's ensure that these individuals -- and we're only talking about 4500 or so -- these individuals that want to excel, excel. It's up to you. We need a few votes. Let's make it a reality.

I vote yea, Mr. President.

ACTING PRESIDENT GRIFFO: The debate is closed.

The Secretary will ring the bell.

Read the last section.

SENATOR GIANARIS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Gianaris, why do you rise?

SENATOR GIANARIS: Mr. President, we have five members requesting a slow roll call on this vote, please.

ACTING PRESIDENT GRIFFO: Senator Gianaris, in accordance with Rule 9, seeing five Senators rise, a slow roll call is so ordered.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Senator Libous, why do you rise?

SENATOR LIBOUS: We certainly, Mr. President, want to oblige the slow roll call. But if I could ask that if you could call out of order for Senator DeFrancisco, then Senator Ritchie, then go back to the beginning of the roll.

ACTING PRESIDENT GRIFFO: The Clerk

is so instructed.

The Secretary will call the roll.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Ritchie.

SENATOR RITCHIE: No.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Yes.

THE SECRETARY: Senator Avella.

SENATOR AVELLA: Yes.

THE SECRETARY: Senator Ball.

SENATOR BALL: No.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: No.

THE SECRETARY: Senator Boyle, excused.

Senator Breslin.

SENATOR BRESLIN: Yes.

THE SECRETARY: Senator Carlucci.

SENATOR CARLUCCI: Yes.

THE SECRETARY: Senator DeFrancisco recorded in the negative.

Senator Diaz.

SENATOR DIAZ: To explain my vote.

ACTING PRESIDENT GRIFFO: Senator Diaz to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

As I said before, for the last three years I have been asking my colleagues to vote no on the budget because the DREAM Act was not included. My colleague Senator Gustavo Rivera says that he's amazed that he's voting, he finds himself voting with me for something that I've voted.

You know, this is something that it's incredible. Because as a Democrat, I make no second to no one. Only two issues I'm voting against the Democrats, gay marriage and abortion. But any other issue, Mr. President, and my colleagues know, I'm the one fighting. I'm the one fighting the Governor, I'm the one criticizing people for not voting the way that they're supposed to be voting to help our community.

So yes, yes, I'm proud to vote yes. I'm proud that Gustavo Rivera joins me today. I am sorry he didn't join me three years ago or the last three years when I asked him to vote no

because the DREAM Act was not there. But today I'm honored that he's joining me in voting yes today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Diaz to be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Yes.

THE SECRETARY: Senator Espaillat.

SENATOR ESPAILLAT: Yes.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: No.

THE SECRETARY: Senator Felder.

SENATOR FELDER: No.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: No.

THE SECRETARY: Senator Gallivan.

SENATOR GALLIVAN: No.

THE SECRETARY: Senator Gianaris.

SENATOR GIANARIS: Yes.

THE SECRETARY: Senator Gipson.

SENATOR GIPSON: Yes.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: No.

THE SECRETARY: Senator Griffo.

SENATOR GRIFFO: No.

THE SECRETARY: Senator Grisanti.

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

SENATOR GRISANTI: Thank you, Mr. President.

My colleagues, it's going to come as no surprise with regard to the DREAM Act, no surprise to anybody that I vote no. And I've been vocal on this ever since Speaker Silver brought this to the floor.

This has nothing to do about grandparents of anybody here in this room. Our grandparents went through a naturalization process and are here legally. So when you talk about grandparents and they came through, yes, my grandparents came here, they worked very hard, it was very difficult for them, but they fought and they went through a naturalization process where they had to fill out forms and came here legally.

Now, I simply cannot vote for this legislation because of spending tens of millions of taxpayer dollars annually to pay tuition for illegal immigrants when so many legal families

are struggling with the high cost of college education right now.

Roughly 76 percent, 76 percent of legal New York State college individuals going to college right now are not eligible for TAP. These are your constituents. They came here by the proper channels, are legal citizens of this great state of ours that don't have access to TAP. Seventy-six percent.

We need to focus on what we did in our one-house budget. We need to focus first on increasing our TAP and increasing the requirements for TAP so those that are here legally and those who went through the proper channels have access to TAP first and foremost. That's what we need to do.

And recall that in 2010, prior to me getting here, in 2010 the Senate Democrats, when you guys were in power, you voted and took away TAP for graduate students that are here legally. You took away the TAP for graduate students.

When you did that, you then put those legal students that are going to college in financial peril in 2010. That was only four years ago. You know what happened?

Unfortunately those kids in graduate school couldn't go ahead and finish. That's what happened.

And what is the federal government doing about this? Well, nothing. Nothing. Since 1994 the federal government has denied Pell grants to illegal immigrants, a policy upheld by both Democrat and Republican presidents. Since 1994, no Pell.

Without action from the federal government on the citizenship status of these undocumented illegal individuals, the vast majority would not even be able to hold a job legally. They can't pay taxes legally, state and federal. They cannot be hired legally or else employers would be subject to severe penalties.

Enacting the DREAM Act does not convey citizenship on an individual. Enacting the DREAM Act does not convey citizenship. It takes away TAP from the legal residents, those 76 percent that don't have the ability to afford college either.

This proposal may be popular in New York City, but the overwhelming majority of my district in Western New York -- Buffalo,

Hamburg, Orchard Park, Tonawanda, Grand Island -- they do not support it. With the limited state resources, we owe our citizens here in New York State an education first and foremost, and that's what we tried to do in our one-house budget.

I cannot support this legislation, and those are my reasons. It has nothing to do about my grandparents or anything else, it has to do with the legal residents being taken care of first in this great state of ours.

I vote no.

ACTING PRESIDENT GRIFFO: Senator Grisanti to be recorded in the negative.

Continue the roll.

THE SECRETARY: Senator Hannon.

(No response.)

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Aye.

THE SECRETARY: Senator Hoylman.

SENATOR HOYLMAN: Yes.

THE SECRETARY: Senator Kennedy.

SENATOR KENNEDY: Yes.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator Krueger.
SENATOR KRUEGER: Yes.
THE SECRETARY: Senator Lanza.
SENATOR LANZA: No.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: No.
THE SECRETARY: Senator Latimer.
SENATOR LATIMER: Yes.
THE SECRETARY: Senator LaValle.
SENATOR LaVALLE: No.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: No.
THE SECRETARY: Senator Little.
SENATOR LITTLE: No.
THE SECRETARY: Senator Marcellino.
SENATOR MARCELLINO: No.
THE SECRETARY: Senator Marchione.
SENATOR MARCHIONE: No.
THE SECRETARY: Senator Martins.
ACTING PRESIDENT GRIFFO: Senator Martins to explain his vote.
SENATOR MARTINS: Thank you, Mr. President.
You know, I stand on this bill -- first of all, let me make it clear, I will be

voting no.

As I have mentioned to many of our colleagues when we've had discussions on this bill over the years, this is a bill that resonates. We are a country of immigrants. We all understand that. Some of us are sons of immigrants, grandchildren of immigrants. We've heard examples throughout our conversations today. And I want to thank my colleagues for their eloquent pleas on behalf of this bill, because it has been heard.

And if this bill was about providing an opportunity for those children who arrived here as infants with their parents and providing them an opportunity, those same children who we have educated and who we put through K through 12 and we have a commitment as a community to support, we'd be having a different discussion.

But this bill doesn't do that. Let's be frank, this isn't what that bill is about. This bill opens the door far wider than that which we're discussing here.

And this isn't about opportunity for people to go to college. This great house and this great state and the people of this great

state made that decision back in 2002 when they allowed in-state tuition for every resident in New York State, including undocumented immigrants.

So let's get that straight. The taxpayers of New York State today spend over $22,000 a year for every student in the SUNY system, over $22,000 a year. The in-state tuition for SUNY is $6,000. My dear colleagues, the residents of my district, the residents of your district, the taxpayers of this great state are subsidizing every student in the SUNY system right now to the tune of $16,000 per student, today, because of the actions of this house and many of the people who are in this room today.

I have family that emigrated to this country. I don't believe that that makes them an underclass. Personally, I think we're beyond that. When they came here, they came looking for opportunities for their children and a better life. That's what this is about.

This state is the most generous state in the country, bar none. We take care of our own. And to the extent that we have already, and to the extent that this bill goes well beyond

what we talked about in many of the examples that we heard here today, I will be voting no.

You know, someone said just because someone is undocumented does not make them unworthy of an education. I agree. I agree. And this state agrees, and the taxpayers of this state agree, and the residents of this state agree. That's why we have allowed for in-state tuition for everybody. For everybody. But this bill goes well beyond that, far beyond that.

And so until we are able to provide every student in this state with a free education -- graduate, undergraduate -- Mr. President, I'll be voting no.

ACTING PRESIDENT GRIFFO: Senator Martins in the negative.

Continue the roll.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator O'Brien.

SENATOR O'BRIEN: No.

THE SECRETARY: Senator O'Mara.

SENATOR O'MARA: No.

THE SECRETARY: Senator Parker.

SENATOR PARKER: To explain my vote, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Parker to explain his vote.

SENATOR PARKER: I rise to vote yes on this bill. But I think it's important for us to get the record straight on a few things.

We shouldn't think about the money that we are putting into education to advance our citizenry as a subsidy. It is an investment. It's an investment. For years, you know, and Simcha Felder can back me up on this, we represented the same district in Borough Park. In Jewish culture the first thing that you build when you go into a community is a shul, a school. It's the first thing that you do. Before you build a temple, before you do anything else, you build a school. Because education has to be the prime thing that we do.

And I think that I'm disheartened by the number of no votes that I'm hearing here, and I think that we don't understand how important it

is to educate our citizenry no matter what the circumstances are in which they come here.

But as we come and talk about the circumstances in which our folks have come here, we should be clear that what people's grandparents and great-grandparents did in order to become naturalized, let's not act like it's the same process, because it's not. Right? Because what people are doing now to become citizens is very, very different than writing your name as you got off a boat. That's different. Right?

Now people are getting background checks and all kinds of things that just literally did not exist a hundred years ago when people's grandparents got here. So let's not pretend like there was some rigorous process that anybody went through and they got pledged and all that. Because it wasn't that. So let's be very clear about that.

Also, as we talk about TAP in 2010 and the vote that was taken, that vote that was taken was not a vote on TAP for graduate students, it was actually a vote on an extender to extend government in which the Governor then

put other things in the extender and advanced the budget. It was a horrible vote. It was horrible that our budget process was in that state of disrepair in 2010. But that's what it was. And so we should have the record straight that there was not a vote by Democrats to vote against graduate TAP.

However, there was an opportunity just last week for the majority party to put graduate TAP in their resolution, and I did not see that in their resolution. So correct me if I'm wrong, but I didn't see us putting graduate TAP back in the budget resolution. Nor did I see us, you know, extending it for part-time students in a way that people could really access it.

So again, if we want to do those things, I'm happy to work with all of my colleagues in this body to see those things get done. As both a graduate student myself and as a college professor, again, I think that stuff is absolutely critical for us to advance all of our citizenry and make sure that education becomes the primary value of this body.

Thank you very much. I vote aye.

ACTING PRESIDENT GRIFFO: Senator

Parker is recorded in the affirmative.

I want to remind all members that in accordance with the rules -- we have been somewhat flexible with all members, but let's exercise the two-minute explanation in voting and explaining your votes.

The Secretary will continue the roll.

THE SECRETARY: Senator Peralta.

SENATOR PERALTA: To explain my vote.

ACTING PRESIDENT GRIFFO: Senator Peralta to explain his vote.

SENATOR PERALTA: Thank you, Mr. President.

Interesting points that were just recently made. I don't know if some of my colleagues were in the room when I was speaking, but I think all of you were. But the points that were made were they don't pay taxes.

Well, let me reiterate. In 2010, undocumented immigrants contributed an estimated $744,276,000 in taxes in New York State. Overall, in the country, $6 billion to $7 billion in Social Security contributions without W-2

forms. The vast majority of that money comes from undocumented immigrants.

They can't work here. Okay, let me reiterate. A lot of them will qualify for DACA. Many of them could be independent contractors. And most of them will be small business owners, which don't need paperwork, in terms of this issue, to move forward.

Let's see. It's not about young children, it's about -- it's not about young children and it's not about opportunity. Well, it is about young children because many of these children have come here at a very young age, very young age. And they qualify for DACA. For those of you who don't know, DACA, you have to be here before the age of 16. Many of those children did not make a decision on their own to come here, their parents brought them here.

Opportunity that will open the doors to illegals, to the undocumented. Well, let me tell you this. According to the Comptroller, the undocumented have decreased since 2004. So there's not this mass opening of the floodgates.

Actions that were taken by this very body in 2002, in-state tuition. Well, let me

tell you this. Sixteen Republicans voted for in-state tuition in 2002, including Senator Hannon and Senator Skelos. So the action that you're referring to in 2002 was passed by this very body when the Republicans were in control.

Another point, taxes. It was very well-articulated by my colleagues that, according to a DiNapoli report, if you graduate with an associate's degree, if you graduate with an associate's degree, that individual will pay over $30,000 in their lifetime in taxes. If you graduate with a bachelor's degree, that individual will pay over $60,000 in their lifetime. They will continue to pay taxes just like they're currently paying taxes.

Let's be clear. Let's not muffle or spin the issue. Because I was very clear when I spoke in terms of taxes and when I spoke about the 2002 vote. So please, let's be very clear in terms of what these individuals are doing to promote the betterment of New York State.

ACTING PRESIDENT GRIFFO: Senator Peralta --

SENATOR PERALTA: Thank you, Mr. President. I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Peralta to be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Perkins.

SENATOR PERKINS: Aye.

THE SECRETARY: Senator Ranzenhofer.

SENATOR RANZENHOFER: No.

THE SECRETARY: Senator Ritchie in the negative.

Senator Rivera.

SENATOR RIVERA: Sí.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: No.

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: Aye.

THE SECRETARY: Senator Sanders.

SENATOR SANDERS: Emphatically yes.

THE SECRETARY: Senator Savino.

SENATOR SAVINO: Yes.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: To explain my vote.

ACTING PRESIDENT GRIFFO: Senator Serrano to explain his vote.

SENATOR SERRANO: I just want to make clear, I believe and so many people believe wholeheartedly that this is not a handout, this is an opportunity for people to show their strength, which is so much of what the American dream is all about. This is not a handout, this is an opportunity to let people shine.

And the business community, the employers should really get behind this, because the DREAM Act can mean a better workforce for people who can go out there and actually do a better job building this economy.

I vote yes.

ACTING PRESIDENT GRIFFO: Senator Serrano to be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: No.

THE SECRETARY: Senator Skelos in the negative.

Senator Smith.

SENATOR SMITH: Yes.

THE SECRETARY: Senator Squadron.

SENATOR SQUADRON: Yes.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: To explain my vote.

ACTING PRESIDENT GRIFFO: Senator Stavisky to explain her vote.

SENATOR STAVISKY: When my mother's family came to the United States in the 1840s, we were looking for immigrants.

Secondly, let me clear up a couple of misconceptions. We in the past 50 years or so have had a totally different immigration policy than that which existed at that time. We have highly restrictive immigration laws. We have quotas. We have the McCarran-Walter Act. So it's a totally different concept.

Secondly, TAP will not take away -- the DREAM Act will not take away TAP from the existing students. And in fact the students are not being subsidized, so to speak, in the sense that they pay a tremendous amount of the cost of their education. And that amount leaves many students with tremendous student debt when they graduate.

And lastly, on behalf of the 180,000 immigrants in my Senate district, from Elmhurst and Woodside to Flushing to Bayside and

Forest Hills, for their future I vote yes.

ACTING PRESIDENT GRIFFO: Senator Stavisky to be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Stewart-Cousins.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Yes, thank you. And thank you, Mr. President.

I rise, frankly, to thank my colleagues who have worked so hard on this issue for so long. Certainly Senator Peralta and Senator Espaillat and Senator Parker and Senator Diaz, who fights the good fight, and Senator Rivera, and all of -- all of the people who are standing and explaining and proclaiming and reminding us of our responsibility.

And even my colleagues on the other side who talked about free tuition. There was a time when there was free tuition.

And we understand that education is opportunity. When I stood here as the conference leader, I talked about that education and how that made the only difference. In addition,

obviously, to the grounding of my parents in faith. But the education made the difference. It allowed me to stand here. And it will allow generations of children and their children to be able to stand in these chambers and so many other places, because we understood in progressive New York what a difference this makes.

And today we are saying that we still are not ready in a bipartisan fashion to say "Go ahead, you have our blessings, you have an opportunity just to get a little extra aid." We want everyone to do that. I wish it was in the budgets, our one-house budget that said yes, we can do that, because we know how important it is. But we didn't do that.

And once again, the Democrats have the lion's share of what would have been the safe passage of the DREAM Act, but it is not enough. Because like so many issues, we do need bipartisan support.

I am happy on some level that the galleries are not filled. Because I guess if we had thought this was passing, we would have had the Dreamers here so that when we finally passed this opportunity for them, they would have been

able to applaud, and we would have told them "Shhh, not allowed" while we quietly experienced the thrill of yet another door being opened. But that's not going to be here today.

I stand here to vote yes. And I stand here hoping that sooner than later we'll have the galleries filled, we'll have the support that we need on both sides of the aisle, and we will say yes to young people who could be valedictorians but are unable to have employment opportunities and education opportunities because we weren't ready just now to say yes.

But we will. Dream on.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins to be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Tkaczyk.

SENATOR TKACZYK: Yes.

THE SECRETARY: Senator Valesky.

ACTING PRESIDENT GRIFFO: Senator Valesky to explain his vote.

SENATOR VALESKY: To explain my vote briefly, Mr. President.

I'm voting yes on this bill. I do

believe this is a matter of educational opportunity for all New Yorkers.

But I'm also voting yes today for the strength of this Majority Coalition. And Senator Klein and Senator Skelos -- no disrespect to a number of members in this chamber who have put a lot of work in and time in on this issue, but the two individuals who are most responsible for this bill being on the floor of the Senate today, with no preordained outcome before the bill came to the floor, clearly a very, very controversial issue -- Senator Klein and Senator Skelos showing perhaps the strongest day of this coalition yet. That this is a coalition that works, it's a coalition that works for the people of the State of New York, and it's a coalition that's going to continue to work for the State of New York.

I vote yes.

ACTING PRESIDENT GRIFFO: Senator Valesky to be recorded in the affirmative.

Continue the roll.

THE SECRETARY: Senator Young.

SENATOR YOUNG: No.

THE SECRETARY: Senator Zeldin.

SENATOR ZELDIN: No.

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 30. Nays, 29.

ACTING PRESIDENT GRIFFO: The bill is lost.

Senator Libous, that completes the controversial reading.

SENATOR LIBOUS: Mr. President, could we go back to motions and resolutions, please.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR LIBOUS: On behalf of Senator Ritchie, Mr. President --

ACTING PRESIDENT GRIFFO: Could I have some order in the chamber, please.

Senator Libous.

SENATOR LIBOUS: On behalf of Senator Ritchie, on page 21 I offer the following amendments to Calendar Number 252, Senate Print 6693, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The

amendments are received, and the bill shall retain its place on third reading.

SENATOR LIBOUS: Mr. President, if you could get some order.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe that there's a previously adopted resolution by Senator Montgomery. It's Number 3328, it is at the desk. Could you please read the title and call on Senator Montgomery.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3328, by Senator Montgomery, commending Rear Admiral Wendi Carpenter, United States Navy, Retired, upon the occasion of being honored in conjunction with Women's History Month 2014 in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I rise to recognize another woman in

our state who has made a very significant and important contribution to citizens, especially young people, but to all of us in America. It's Rear Admiral Wendi Carpenter, USN, who's now retired.

Rear Admiral Carpenter was among the pioneers of women in naval aviation. She was the 31st woman to be designated a naval aviator and was the Navy's first woman aviator to attain the rank of rear admiral.

She deployed throughout the Pacific, the western U.S. and Alaska in support of the nation's strategic nuclear mission, flying the EC-130 Hercules. She also operated VIP aircraft in support of numerous high-level officers and dignitaries, accumulating more than 3500 military flight hours.

She was promoted to Flag rank in March 2005. Her Flag assignments were widely varied: Naval base and regional facilities management, including crisis planning and incident response; development of cyber information and physical security plans while assigned to the chief of naval operations staff; deployment of plans and operational procedures

and processes for joint development staff; and development of concepts, policies and procedures for operational command and control by Navy forces.

And most recently, Rear Admiral Carpenter became the tenth president of the State University of New York Maritime College, in August 2011, following her appointment by the SUNY Board of Trustees.

Admiral Carpenter has received numerous military and civilian awards, which include the Navy Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, Navy Commendation Medal, Navy and Marine Corps Achievement Medal, and various unit awards.

She is a recipient of the Lifetime Community Service Award from the Federal Law Enforcement Foundation, as well as the Woman of Distinction Award from the Bronx Chamber of Commerce and the 2013 Women's Leadership Award presented by Congressman Joe Crowley.

Rear Admiral Carpenter is most proud of the Team Award received under her command when the 75-member Fleet Readiness and Logistics Staff

shared the 2001 Department of the Navy Chief of Information Award for E-business in Government for the rapid prototype and deployment of the Navy staff's first web portal.

I am especially pleased to be able to stand and recognize a woman from the New York State military who has performed admirably for the state, for the U.S., and especially as president of the SUNY Maritime College as part of the State University of New York. I am pleased to honor her today in honor of Women's History Month.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

As noted, the resolution was adopted on February 4th of 2014.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we go to the reading of the noncontroversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 22, by Senator Marcellino, Senate Print 3046C, an act

to amend the Legislative Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 128, by Senator LaValle, Senate Print 6495, an act in relation to permitting.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

190, by Senator Marcellino, Senate Print 1516A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 190, those recorded in the negative are Senators Dilan, Hassell-Thompson, Krueger, Montgomery, Parker, Sanders, Serrano and Stewart-Cousins. Also Senator Hoylman.

Ayes, 51. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

Reannounce the results.

THE SECRETARY: In relation to Calendar Number 190, those recorded in the negative are Senators Dilan, Espaillat, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera, Sanders, Serrano and

Stewart-Cousins.

Ayes, 48. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 195, by Senator Ranzenhofer, Senate Print 1437, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 195, those recorded in the negative are Senators Dilan, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera, Serrano and Sanders.

Ayes, 50. Nays, 10.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

225, by Senator Carlucci, Senate Print 6513, an act in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 3.

Senators Hoylman, Krueger and Stavisky recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the noncontroversial reading of the calendar.

SENATOR LIBOUS: Thank you, Mr. President.

At this time we have a hand-up from Senator Klein and Senator Skelos.

ACTING PRESIDENT GRIFFO: Received and filed in the Journal.

Senator Libous.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: There being no further business, I move that the Senate adjourn until Tuesday, March 18th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, March 18th, at 3:00 p.m.

Senate adjourned.

(Whereupon, at 6:30 p.m., the Senate adjourned.)