NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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3:13 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to please rise for the Pledge of Allegiance as we have the presentation of colors.

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

(Whereupon, the Color Guard entered the chamber, advanced to the front and posted the colors.)

THE PRESIDENT: I ask everyone present to please repeat with me the Pledge of Allegiance to our Flag.

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

THE PRESIDENT: In the absence of any clergy, I ask everyone present to bow their heads for a moment of silent prayer.

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

THE PRESIDENT: Please remain standing while the Color Guard exits.

(Whereupon, the Color Guard retrieved the colors and exited the chamber).

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 10th, the Senate met pursuant to adjournment. The Journal of Saturday, January 9th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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 DeFrancisco.

SENATOR DeFRANCISCO: Yes, I have several motions.

Madam President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 5809B, by Senator Ritchie.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: I'd also request that this bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senator Lanza's bill, S3848.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: And I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause as well: Senator Marchione, Senate 1196, Senate 1198, and Senate 5839.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Thank you.

Could you please recognize Senator Gianaris for motions.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

On behalf of Senator Rivera, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 381A.

And on behalf of Senator Addabbo, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bills 2499, 3006, 3207, 3958, and 4539.

THE PRESIDENT: So ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you now recognize Senator Valesky.

THE PRESIDENT: Senator Valesky.

SENATOR VALESKY: Thank you, Madam President.

I move at this time that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senator Carlucci's bill, 5974A.

THE PRESIDENT: So ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we now take up Privileged Resolution Number 3237, by Senator LaValle and Senator Seward. Please read it in its entirety and then call on each of those Senators, if you would, please.

THE PRESIDENT: The Secretary will

read.

THE SECRETARY: Resolution Number 3237, by Senators LaValle and Seward, commending the Civil Air Patrol-New York Wing Suffolk Cadet Squadron 10 Color Guard upon the occasion of presenting the colors at the start of the session of the New York State Senate.

"WHEREAS, It is the sense of this Legislative Body to recognize that the quality and character of life in the communities across New York State are reflective of the concerned and dedicated efforts of those organizations and individuals who are devoted to the welfare of the community and its citizenry; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend the Suffolk Cadet Squadron 10 Color Guard from the Civil Air Patrol-New York Wing upon the occasion of presenting the colors at the start of the session of the New York State Senate, to be held at the New York State Capitol in Albany, New York; and

"WHEREAS, The Civil Air Patrol enjoys a proud legacy of selfless sacrifice and

service to country and community that spans decades; the organization was born one week prior to the Japanese attack on Pearl Harbor; and whose members serving in World War Two were awarded the Congressional Gold Medal; and

"WHEREAS, Thousands of volunteer members of the Civil Air Patrol answered America's call to national service and sacrifice by accepting and performing critical wartime missions; and

"WHEREAS, On July 1, 1946, President Harry S. Truman signed Public Law 476 incorporating the Civil Air Patrol as a benevolent, nonprofit organization; on May 26, 1948, Congress passed Public Law 557 permanently establishing the Civil Air Patrol as the auxiliary of the new United States Air Force; and

"WHEREAS, Three primary mission areas were set forth at the inception of the Civil Air Patrol: aerospace education, cadet programs, and emergency services; and

"WHEREAS, Today, the Civil Air Patrol handles 90 percent of inland search and rescue missions, with approximately 75 lives saved each year; its members are generally the

first on the scene, transmitting aerial digital images along with providing disaster relief and emergency services following natural and manmade disasters, including such events as 9/11, Hurricane Katrina, Hurricane Irene, Tropical Storm Lee, Texas and Oklahoma wildfires, tornadoes in the south and central United States, North Dakota flash flooding and the October 2006 earthquake in Hawaii, as well as humanitarian and homeland security missions along the United States and Mexico border; and

"WHEREAS, In response to the devastating effects of Hurricane Sandy, the Civil Air Patrol's New York Wing promptly reacted by flying 373 damage assessment sorties and providing 143,360 aerial photographs to New York disaster relief organizations, FEMA, and the Army Corps of Engineers; providing air transportation throughout the affected region for disaster response teams; deploying 30 volunteers to assist with shelter operations conducted by the New York City Office of Emergency Management; and installing 40 volunteers to assist the Red Cross with the logistics of relief supplies; and

"WHEREAS, In addition, Civil Air Patrol members are dedicated to counterdrug reconnaissance and to teaching a new generation about aerospace and its impact on our future; its cadet programs ensure our youth receive the finest leadership training the nation has to offer; and

"WHEREAS, The members from the Suffolk Cadet Squadron 10 Color Guard Civil Air Patrol-New York Wing include: Derek Profit, C/Capt.; Michael Russo, C/2nd Lt.; Alison Shumway, C/CMSgt.; Kevin Smith, C/CMSgt.; Kyle Velez, C/CMSgt.; Nick Molinelli, C/SMSgt.; Nicholas Volpe, C/MSgt.; Andrew Balistreri, Lt. Col.; Joseph Volpe, Capt.; Andreas Niens, 1st Lt.; and New York Wing Staff Steven Perta, Colonel; Thomas Carello, Lt. Col.; Andrew Liddle, Lt. Col.; Patrick Magee, Lt. Col.; Gerald Marketos, Lt. Col.; and Benjamin Nodar, Lt. Col.; and

"WHEREAS, The Civil Air Patrol makes a huge impact each and every day, going above and beyond to make a profound difference in America's communities; and

"WHEREAS, This occasion presents a

unique opportunity for this Legislative Body to recognize and pay tribute to the members of the Civil Air Patrol-New York Wing Suffolk Cadet Squadron 10 Color Guard; and

"WHEREAS, It is the sense of this Legislative Body that when organizations of such noble aims and accomplishments are brought to our attention, they should be recognized by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the Civil Air Patrol-New York Wing Suffolk Cadet Squadron 10 Color Guard and its members upon the occasion of presenting the colors at the start of the session of the New York State Senate; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Colonel Steven Perta, New York Wing commander, Civil Air Patrol, and the aforementioned members of the Suffolk Cadet Squadron 10 Color Guard Civil Air Patrol-New York Wing."

THE PRESIDENT: Senator LaValle on the resolution.

SENATOR LaVALLE: Thank you, Madam President.

I certainly, with the entire Senate, want to thank the cadets for coming today, for presenting the colors, and also want to thank you for your service that is called upon by the federal, state, and local agencies. Whether it be homeland security or disaster relief or drug interdiction missions, we want to thank you for that service.

Obviously the work that you do requires very special qualities to be a successful cadet. And once achieved, these qualities assist you being successful in life today and in the future.

One of the things I came across was the pledge that you make, and I just want to cite it: "I pledge to serve faithfully in the Civil Air Patrol Cadet Program and that I will attend meetings regularly, participate actively in unit activities, obey my officers, wear my uniform properly, and advance my education and training rapidly to prepare myself to be of service to my community and to my nation."

And we can't thank you enough for

the responsibility that you take in making sure that your local community is protected, and the work that you do. Again, hopefully this will put you in good stead in your future life. And we wish you good luck in the future, but we thank you today for your service and thank you again for coming.

THE PRESIDENT: Are there any other Senators wishing to be heard on the resolution?

Hearing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The ayes have it. The resolution is adopted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, there's another privileged resolution at the desk, Number 3238, by Senator Seward. Could you just read the short title and recognize Senator Seward.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 3238, by Senator Seward, commending Lieutenant Colonel Andrew J. Liddle for his many years of service to the New York State Civil Air Patrol.

THE PRESIDENT: Senator Seward on the resolution.

SENATOR SEWARD: Thank you, Madam President.

I'm very pleased to stand in support of this resolution. You know, we have a wonderful new tradition, here in the Senate, of one of the early days of our session to have the Civil Air Patrol cadets coming here to present the colors.

And I'm very sorry that Lieutenant Colonel Andrew Liddle, who's a constituent of mine, who was very key in initiating this tradition a few years ago, is not able to be with us today for health reasons.

But I'm very pleased to sponsor this resolution commending Lieutenant Colonel Andrew Liddle.

You know, we mainly think of the Civil Air Patrol as being of great assistance to New Yorkers, the New York Wing here in New York,

at a time when we need them most, whether it's a search and rescue mission or a time of natural disaster or even a manmade disaster. The Civil Air Patrol is always there working on behalf of New Yorkers and helping to protect us, fulfilling important roles in the most recent years from the disasters of 9/11 to Hurricane Sandy. Whatever it is, the Civil Air Patrol is there to be of assistance to New Yorkers.

But one of the additional services that they provide is sponsoring the cadet program, which is a wonderful program which is designed for young adults and is aimed at helping them to develop essential life skills and to instill such values as teamwork, personal integrity, leadership, respect, self-confidence, and the list goes on. All great qualities that will assist these cadets throughout their entire life.

And this resolution before us, in honoring Lieutenant Colonel Andrew Liddle -- who as I said earlier was so instrumental in bringing the cadets to us a few years ago for the presentation of the colors -- he himself has had a distinguished career as a New Yorker.

He graduated from the New York Rangers School of the New York State College of Forestry. After graduation, he attended the New York State Police Academy here in Albany, and in 1966 he successfully completed the New York State Instructor Development Program.

He went on to serve his country as a member of the United States Air Force. And during his time in the military he graduated from many Air Force colleges, completing various courses which would enable him to become a strong leader in our state. And throughout the years, Andy Liddle held numerous positions in various fields, utilizing his vast education and experience.

In 1999, Andy Liddle became affiliated with the Civil Air Patrol, holding the title of United States Air Force Auxiliary Lieutenant Colonel. And throughout his tenure he acted as the government relations advisor to both the New York Wing and the entire Northeast Region.

And I'm very sorry he's not able to be with us today for health reasons. But we, through this resolution that we are adopting

today, this body sends to Lieutenant Colonel Liddle our very best wishes and our deep respect and admiration for his many years of service, both as a New Yorker and particularly his service through the Civil Air Patrol.

Madam President, I vote aye.

THE PRESIDENT: Thank you, Senator.

Senator Griffo on the resolution.

SENATOR GRIFFO: Thank you, Madam President.

I want to join Senator Seward and Senator LaValle in first commending Lieutenant Colonel Liddle. As Senator Seward indicated, he has had an exceptional career, and he's just an extraordinary individual who's devoted himself to our country and this state.

I also want to welcome all the members of the Civil Air Patrol that are here today. We appreciate that dedication and that commitment and service that you have to our nation, to the state, and to all of the communities from which you come. Because this is an important position and role that you have undertaken willingly, and it will position you well for any future endeavors. And we look to

you to be leaders of the future.

Also to all of the military leaders who are here today, particularly to Lieutenant Colonel Marketos, from my district, and Wing Commander Colonel Steve Perta, thank you very much for your leadership and your involvement. It is so important and essential not only for the Civil Air Patrol but for what we all do here in this Legislature and as a community and state as a whole. So I want to thank you for that.

And Colonel Perta, he does double duty, Lieutenant Governor. Not only is he serving our country, but he's an employee of the State of New York working at SUNY Poly. So we appreciate his good work on state service as well as at the Civil Air Patrol.

Thank you very much, and welcome.

THE PRESIDENT: Thank you, Senator.

Senator Hassell-Thompson on the resolution.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to congratulate Lieutenant Colonel Liddle, but also to state for the record

that as a former Civil Air Patrol cadet, I'm very proud of this organization. Also I'm very proud of the State of New York that it has finally put them into the budget, as a recognition of the work and the importance of what they do.

So I want to commend each of the cadets and certainly send my regards and healing message to the Lieutenant Colonel that he wasn't able to be with us today. And thank you to the sponsors of this resolution.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Seeing no other members wishing to speak, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, I'd like to call an immediate meeting of the Rules Committee in Room 332.

THE PRESIDENT: Immediate meeting

of the Rules Committee in Room 332 of the Capitol.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:36 p.m.)

(Whereupon, the Senate reconvened at 4:01 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we please return to reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: The Senate will return to reports of standing committees.

There is a report of the Rules Committee at the desk. The Secretary will read.

THE SECRETARY: Senator Flanagan, from the Committee on Rules, reports the following bills:

Senate Print 1976A, by Senator Golden, an act to amend the Tax Law;

Senate 2722B, by Senator Griffo, an

act to amend the Legislative Law;

Senate 5507, by Senator Robach, an act to amend the State Finance Law;

Senate 6377, by Senator Flanagan, an act to amend the Education Law;

Senate 6378, by Senator Martins, an act to amend the State Finance Law;

Senate 6379, by Senator Farley, an act to amend the Business Corporation Law;

Senate 6380, by Senator Carlucci, an act to amend the Correction Law;

Senate 6381, by Senator Little, an act to repeal certain provisions of the Arts and Cultural Affairs Law;

Senate 6382, by Senator Marchione, an act to amend the State Law;

Senate 6383, by Senator Flanagan, an act to amend the General Business Law;

Senate 6384, by Senator Amedore, an act to amend the Social Services Law;

Senate 6385, by Senator LaValle, an act to amend the Real Property Tax Law;

Senate 6386, by Senator Carlucci, an act to amend Chapter 584 of the Laws of 2015;

Senate 6387, by Senator Martins, an

act to amend the State Finance Law;

Senate 6388, by Senator Lanza, an act to amend the General City Law;

Senate 6389, by Senator Felder, an act to amend the Family Court Act;

Senate 6390, by Senator Murphy, an act to amend the Social Services Law;

Senate 6391, by Senator Marcellino, an act to amend Chapter 672 of the Laws of 1993;

Senate 6392, by Senator Little, an act to amend the Insurance Law;

Senate 6393, by Senator Seward, an act to amend the Insurance Law;

Senate 6394, by Senator Ranzenhofer, an act to amend the Public Authorities Law;

Senate 6395, by Senator Seward, an act to amend the Insurance Law;

Senate 6396, by Senator Larkin, an act to amend the Navigation Law;

Senate 6397, by Senator Carlucci, an act to amend the Mental Hygiene Law;

Senate 6398, by Senator Seward, an act to amend Chapter 412 of the Laws of 2015;

Senate 6399, by Senator Ritchie, an act to amend Chapter 587 of the Laws of 2015;

Senate 6420, by Senator Croci, an act to amend the Executive Law;

Senate 6421, by Senator Funke, an act to amend the Public Health Law;

Senate 6422, by Senator Avella, an act to amend the Vehicle and Traffic Law;

Senate 6423, by Senator Ranzenhofer, an act to amend the Real Property Tax Law;

Senate 6424, by Senator Bonacic, an act to amend Chapter 510 of the Laws of 2013;

Senate 6425, by Senator Croci, an act to amend the General Municipal Law;

Senate 6426, by Senator Serrano, an act to amend Chapter 899 of the Laws of 1984;

Senate 6427, by Senator Lanza, an act to amend the Real Property Tax Law;

Senate 6428, by Senator Avella, an act to amend the General Business Law; and

Senate 6429, by Senator Seward, an act to amend the Insurance Law and Chapter 581 of the Laws of 2015.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move to accept the Rules Committee agenda.

ACTING PRESIDENT GRIFFO: The Committee on Rules report is before the house. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, now I'd like to go to Calendar Number 5, Senate 1976A, by Senator Golden.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 5, by Senator Golden, Senate Print 1976A, an act to amend the Tax Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator DeFrancisco.

SENATOR DeFRANCISCO: At this time I'd like to have the controversial reading of

that bill.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 5, by Senator Golden, Senate Print 1976A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

So this is the same bill we've seen and I believe passed in this house I don't even know how many times now, since we tend to pass bills over and over again as one-house bills.

I continue to object to this bill. It would be establishing a radically higher tax deduction for a certain form of philanthropic giving, leaving the State of New York with a situation where philanthropic giving for most nonprofit purposes would have X percentage for tax deductibility and for this purpose having something like 10, 20, 30 times that tax deductibility. So as a precedent, it's a dangerous one of uneven treatment under the law

for charitable giving.

Second, it actually moves taxpayers' dollars away from the state to determine where they ought to go and into selected private educational facilities, directed by the donor. I don't think that's how we ought to fund education in the State of New York with taxpayers' dollars.

It challenges a series of potentially constitutional questions about uses of public monies for religious purposes which have never been fully addressed in all the different debates that we have had in this house.

I suspect this won't be the last time I see this bill this year. I hope before the next time I see it we try something called the committee process, where it goes through appropriate committees. I would think this bill ought to go through, at minimum, the Investigations Committee, because it's a tax bill; the Education Committee, because it directly impacts education; and the Finance Committee, because it's taking of state taxpayer money.

So maybe we will have committees evaluate this bill. Maybe this is even the kind

of bill we ought to be requiring a hearing on, because it is such a controversial topic that has been floating around now for several years.

So I'm going to vote no, Mr. President, and urge my colleagues to take seriously my challenge that we function like a legislative body ought to. It's only day one -- well, I guess if you count last week, it's day two. We have time to do a committee process on important complex bills. We have time to do public hearings. This bill cries out for exactly that.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Seeing and hearing no other Senator that wishes to be heard, debate is closed and the Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Some

order in the house, please.

Senator Montgomery to explain her vote.

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

Whereas the New York State Legislature and New York State already spends funds on health and mental health services for private and parochial schools, on welfare, social services, on food services, on textbook and transportation aid, and whereas this bill will cost the State of New York $675 million in education funding over the next three years, I am voting no on this legislation.

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I'll be voting no. I think it's wrong to give some of the wealthiest New Yorkers almost a dollar-for-dollar tax credit, up to 90 percent of their $1 million contribution, not just to religious schools, which many of us understand and sympathize are struggling, but to

some of the wealthiest, most elite schools in the State of New York -- the Brearleys, the Trinitys, the Horace Manns. That's not right.

I'll be voting against it, Mr. President, also because there is a deficit that the State of New York owes the New York public school system to the tune of $4 billion that is still owed from the Campaign for Fiscal Equity lawsuit.

So for those reasons, I'll be voting no. Thank you.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

Welcome back to everyone who I haven't said welcome back to.

I wish that this bill were not one of the first to come out the gate. I wish that we had gone through the committee processes so that we could speak about it. I wish that we could work with some type of collaboration to figure out how do we do these things if we are to do them.

I am concerned, however, about the amount of money that is owed to schools under laws that we are supposed to be paying and yet we are not paying. I believe the figure is $4 billion and growing. Under those conditions, before we can start speaking about taking away more money out of the kitty, we need to speak about paying what we owe.

So if there had been more collaboration, perhaps even I could have gotten to the place. But there wasn't, so I must vote no on this one. Thank you.

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

Senator Stavisky to explain her vote.

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

I will vote no on this bill because I think it has very significant constitutional issues, particularly as it involves Article 10 or Article 11, Section 3, the prohibition on using aid directly or indirectly for nonpublic schools.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Stavisky to be recorded in the negative.

Senator Panepinto to explain his vote.

SENATOR PANEPINTO: Yes, I'm also voting no on this bill. This bill does not create access for low-income children in New York State, it's simply a tax break for the rich. And it takes $100 million out of education, which we can't afford to do.

So I'm voting no.

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

Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

I want to thank my colleagues for voting yes on this bill. This is an important bill.

And to make some corrections, this bill is a bill split evenly down the middle, 50 percent towards public schools and 50 percent towards private and parochial schools.

And I can't -- in my district I know I hear it all the time about arts programs, music programs, stuff that's being cut back in our

public schools. This would help to bring more additional dollars to our public school system and to our parochial system.

When a parochial system closes down, where do those kids go? They go into the public school system. And we have a continuous overcrowding system, and we are only impacting our communities by not allowing for tax dollars to flow in here. But the tax dollars are flowing in here at both the public level and the private level, and they are the taxpayer giving a tax credit for the money that they've paid in for their corporation or as individuals.

So I think this is a good tax credit that works. There are constitutional -- I dare to say that the constitutional issues here that are being raised have not been given. I'd love to see them and we'd love to discuss them in the future, to Senator Krueger and to others that may see constitutional issues with this bill.

And as Senator Krueger has pointed out, this bill -- she will see it before the end of the year, and I'm sure we will have discussions with the Assembly and with the Governor as we move along through the course of

this year to make sure we get the right bill giving the right dollars to our taxpaying families across this great city and state, from Brooklyn to Buffalo.

It's the right thing to do. We spend $22 billion today on education, almost $20,000 a child. And guess what? I still hear of all these programs being closed in our schools. We need more money, we need to direct more money, we need to direct more money into not only our public but into our parochials and privates as well.

Thank you. I will be voting yes.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 5, those recorded in the negative are Senators Breslin, Comrie, Espaillat, Gianaris, Hoylman, Krueger, Montgomery, Panepinto, Peralta, Perkins, Rivera, Sanders, Serrano, Squadron and Stavisky.

Ayes, 47. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you now call up Supplemental Calendar Number 8, Senate Bill 6377.

ACTING PRESIDENT GRIFFO: The Secretary will call, from the Rules report, Calendar Number 8, by Senator Flanagan.

THE SECRETARY: Calendar Number 8, by Senator Flanagan, Senate Print 6377, an act to amend the Education Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator DeFrancisco.

SENATOR DeFRANCISCO: We're going to take that up right now.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

And the Secretary will read.

THE SECRETARY: Calendar Number 8, by Senator Flanagan, Senate Print 6377, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: How are you,

Mr. President?

ACTING PRESIDENT GRIFFO: Happy New Year.

SENATOR KRUEGER: Happy New Year.

So this bill one could argue, yes, we want money for education, we want more money for education. I think probably every member of the Senate would agree on that. The dilemma I have with this bill is by pulling out one section of public education funding and saying, in a freestanding bill outside the parameters of the budget, we're going to commit $440 million to filling the Gap Elimination Adjustment remaining cuts that we had to do in earlier years. What it means, if we do it as a freestanding bill, is we've taken the $440 million off the table of the entire question of education funding, which we will need to deal with very soon in the budget process.

Now, why should we care if we do GEA but perhaps then don't have as much money for the other education funding formulas, particularly the Foundation Aid, which is the largest portion of education aid? Here's why. If you take that $440 million for GEA and you apply it where GEA

funds go, your funding, 23 percent that's owed to high-needs districts versus the Foundation Aid, we still are $4.4 billion short -- is that right, $4.4 billion? -- $4.4 billion short, where 77 percent of what they don't get is needed by the high-needs districts.

So that means, just an example or two, in Cathy Young's district her schools are owed 19 times the Foundation Aid that they're owed GEA money. But if we make our decision independently to put the money into GEA, we'll potentially have less for Cathy Young's districts that have a 19 times hole in their budgets from Foundation Aid. In Senator Larkin's district, it's a 15 times hole.

So making the decision now in a vacuum, so to speak, to just put money back in one of the education funding formulas means we don't have the money within the budget context to evaluate where the whole set of educational funding should go.

And it does matter as far as which districts get which money. So you have winners and losers. And I fear that putting GEA separate and in front of and done before the rest of the

education funding formulas will disproportionately hurt those districts in many of your areas that are the most in need.

So I do think this is putting the cart before the horse or the chicken before the egg or however you want to say it, but that doing this as a freestanding bill limits our ability to address the much bigger issues we have in education funding formulas -- which we're not ignoring, we're going to get to in the budget process. Probably the bell starts on Wednesday to deal with that issue.

So I would urge my colleagues to leave ourselves the room to do the right thing for education in an across-the-board way through the entire education budget, not tie our own hands by saying, No, this $440 million must be spent this way now.

And to be honest, if you look at the big picture, going back to the previous bill, if we take $300 million for education tax credits as are being proposed in the bill that did just pass this house despite my opposition, that's another $300 million that we won't have for GEA or the Foundation Aid.

So again, looking at these questions piecemeal doesn't really allow us to make the best right decisions for the entire population of schoolchildren and school districts in New York State. It's not really the way we should do it. And I'm going to vote no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that wishes -- Senator Marcellino.

SENATOR MARCELLINO: Can I explain my vote?

ACTING PRESIDENT GRIFFO: Yeah, would you want to explain your vote?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT GRIFFO: Okay. I would ask, then, hearing and seeing no other Senator that wishes to be heard, debate would be closed and the Secretary would ring the bell.

The Secretary will 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: Senator Marcellino to explain his vote.

SENATOR MARCELLINO: Yes, Mr. President. I thank you very much for that, and I thank my colleagues.

I know you were expecting to see a tall, dark and handsome, good-looking guy stand up and defend this bill, but you're going to have to settle for me.

It would have been nice to hear Senator Krueger speak the way she spoke this evening some years ago when this bill was passed, when the GEA was first passed. There was no thought given to the fact that we'd have to pay it back someday. There was no worry about going to low-needs districts versus high-needs districts. It was just we needed to fill a $10 billion deficit gap that was created when they were in power, when they were in the majority, with a Democrat governor.

It was interesting, we have NYSUT memoing in support of this legislation. This bill has restored money over the last six years to the high-needs districts, to the effect of the

New York City school districts, 90 percent has been restored to them. To the low-needs districts -- in other words, the wealthier districts -- only 58.9 percent has been restored to them. So to say that all the money is going to districts that don't need it simply isn't the case. It simply isn't the case. The money hasn't been going where it's supposed to be going.

And we're going to eliminate this travesty -- which never should have been perpetrated on our schools to begin with -- this year. And we can do this bill to set the tone, and then we'll do the budget the way we have to. We see no reason why we can't do both. And it's important that we do both. This one sets the tone. This one tells the school districts we mean business. We're not just talking up a storm here. We're saying we want to get rid of the GEA because it should never have been enforced in the first place.

And we're going to do that. That is our statement. Senator Flanagan said it on the floor the other day, there will be no budget without the elimination of the GEA. That's his

pledge, and we're going to stick to that.

So I would respectfully consider that we look at the real facts instead of making up a story. The story simply is that the money has been going back to those districts that require it, effectively and efficiently, and not just to those that don't.

Thank you, Mr. Chairman. I vote aye.

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

Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President.

While GEA might not be a buzzword, the bottom line is this. It's bad for our schools, it's bad for our taxpayers, and most importantly it puts our local students at a real disadvantage. Since taking office I've heard from countless residents who are absolutely appalled when they learn just how negatively schools in our community have been impacted by the devastating cut in aid.

While I believe wholeheartedly that our state as a whole needs to tighten our belt

and cap state spending, taking dollars away from our schools and our children to fill budget gaps is absolutely irresponsible.

Last year myself and many of my colleagues made a promise to work tirelessly to eliminate the GEA. And as a result, in the state budget we succeeded in restoring almost 60 percent of it. Today, once again, we are going beyond rhetoric to make the promise of eliminating the GEA a reality.

As the budget process gets underway, I thank my colleagues for continuing to make this issue a priority, and I urge my colleagues in the Assembly to do the same. Our kids cannot afford to wait.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 8, those recorded in the negative are Senators Comrie, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera and Sanders.

Ayes, 53. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Before we go on to the next bill, I just want to clarify something. The individual who Senator Marcellino described as far as people thought they were going to speak, I just want you to know I was not going to be speaking on that bill.

(Laughter.)

SENATOR DeFRANCISCO: Next bill, Calendar Number 16.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar Number 16, by Senator LaValle.

THE SECRETARY: Calendar Number 16, by Senator LaValle, Senate Print 6385, an act to amend the Real Property Tax Law.

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, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Next, Calendar Number 17, Senator Carlucci.

ACTING PRESIDENT GRIFFO: Senator Carlucci's bill, Calendar Number 17, the Secretary will read.

THE SECRETARY: Calendar Number 17, by Senator Carlucci, Senate Print 6386, an act to amend Chapter 584 of the Laws of 2015.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you now call up Calendar Number 19, a Lanza bill.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 19, by Senator Lanza, Senate Print 6388, an act to amend the General City Law.

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, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Next please call up Calendar Number 31, Senator Croci.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 31, by Senator Croci, Senate Print 6420, an act to amend the Executive Law.

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, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please call up Calendar Number 35, Senator Bonacic.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar Number 35.

THE SECRETARY: Calendar Number 35, by Senator Bonacic, Senate Print 6424, an act to amend Chapter 510 of the Laws of 2013.

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, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

SENATOR DeFRANCISCO: Lastly, Calendar 37, Senator Serrano.

ACTING PRESIDENT GRIFFO: Calendar Number 37, by Senator Serrano, the Secretary will read.

THE SECRETARY: Calendar Number 37, by Senator Serrano, Senate Print 6426, an act to amend Chapter 899 of the Laws of 1984.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR DeFRANCISCO: We're going to deal with the rest of the calendar tomorrow or sometime in the future.

ACTING PRESIDENT GRIFFO: The remainder of the calendar will be laid aside.

SENATOR DeFRANCISCO: Would you

please recognize Senator Gianaris.

ACTING PRESIDENT GRIFFO: The chair recognizes Senator Gianaris.

SENATOR GIANARIS: Mr. President, on behalf of Leader Stewart-Cousins, I hand up the following committee assignments.

ACTING PRESIDENT GRIFFO: The committee assignments are received and will be filed in the Journal.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there any further business at the desk?

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

Some order in the house, please.

SENATOR DeFRANCISCO: There being no further business, I move to adjourn until January 12th -- that's tomorrow -- at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Tuesday, January 12th, 11:00 a.m.

The Senate stands adjourned.

(Whereupon, at 4:35 p.m., the Senate adjourned.)