

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 31, 2016

11 4:08 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of Allegiance
6 to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask everyone present to
11 please bow their heads in a moment of silent
12 reflection and prayer.

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

15 ACTING PRESIDENT GRIFFO: The
16 reading of the Journal.

17 THE SECRETARY: In Senate,
18 Wednesday, March 30th, the Senate met pursuant
19 to adjournment. The Journal of Tuesday,
20 March 29th, was read and approved. On motion,
21 Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without
23 objection, the Journal will stand approved as
24 read.

25 Presentation of petitions.

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

7 Motions and resolutions.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Yes, on
10 page 9 I offer the following amendments to
11 Calendar Number 141, Senate Print Number 4520,
12 by Senator Croci and ask that said bill retain
13 its place on the Third Reading Calendar.

14 ACTING PRESIDENT GRIFFO: The
15 amendments are received, and the bill shall
16 retain its place on third reading.

17 SENATOR DeFRANCISCO: I now move
18 to adopt the Resolution Calendar, with the
19 exception of Resolution 4649.

20 ACTING PRESIDENT GRIFFO: All
21 those in favor of adopting the Resolution
22 Calendar, with the exception of Resolution
23 Number 4649, signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 Resolution Calendar is adopted.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Now would
6 you please take up previously adopted Resolution
7 Number 4407, by Senator Nozzolio, read it in its
8 entirety, and then call on Senator Nozzolio.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 Can I have some order in the house,
12 please. Thank you.

13 THE SECRETARY: Legislative
14 Resolution Number 4407, by Senator Nozzolio,
15 congratulating the South Seneca Girls Varsity
16 Basketball Team upon the occasion of capturing
17 the New York State Class C Championship.

18 "WHEREAS, Excellence and success in
19 competitive sports can only be achieved through
20 strenuous practice, team play, and team spirit,
21 nurtured by dedicated coaching and strategic
22 planning; and

23 "WHEREAS, Athletic competition
24 enhances the moral and physical development of
25 the young people of this state, preparing them

1 for the future by instilling in them the value of
2 teamwork, encouraging a standard of healthy
3 living, imparting a desire for success and
4 developing a sense of fair play and competition;
5 and

6 "WHEREAS, The South Seneca Girls
7 Varsity Basketball Team captured their second
8 New York State Class C Championship in school
9 history with an exciting 63-49 victory over
10 Pine Plains on Sunday, March 13, 2016, at Hudson
11 Valley Community College in Troy, New York; and

12 "WHEREAS, The athletic talent
13 displayed by this team is due in great part to
14 the efforts of Coach Heather Mott, and Assistant
15 Coaches Bob Mott and Joe Mastracy, skilled and
16 inspirational tutors, respected for their ability
17 to develop potential into excellence; and

18 "WHEREAS, The team's overall record
19 of 24-3 is outstanding, and the team members were
20 loyally and enthusiastically supported by family,
21 fans, friends and the community at large; and

22 "WHEREAS, Athletically and
23 academically, the team members have proven
24 themselves to be an unbeatable combination of
25 talents, reflecting favorably on their school;

1 and

2 "WHEREAS, Coach Heather Mott has
3 done a superb job in guiding, molding and
4 inspiring the team members toward their goals;
5 and

6 "WHEREAS, Sports competition
7 instills the values of teamwork, pride and
8 accomplishment, and Coach Heather Mott and these
9 outstanding athletes have clearly made a
10 contribution to the spirit of excellence which is
11 a tradition of their school; now, therefore, be
12 it

13 "RESOLVED, That this Legislative
14 Body pause in its deliberations to congratulate
15 the South Seneca Girls Varsity Basketball Team;
16 its members: Jade Parsons, Skylar Shaulis,
17 Kelsey Shaulis, Laura Wyckoff, Sarah Albro, Emily
18 Lavarnway, Mackenzie Kenyon, Bailey Minges,
19 Elisia Panipinto, Hannah Podgorny, Mary Kate
20 Badalamenti; Coach Heather Mott; Assistant
21 Coaches Bob Mott and Joe Mastracy; and Manager
22 Morgan McGonigal, on their outstanding season and
23 overall team record; and be it further

24 "RESOLVED, That copies of this
25 resolution, suitably engrossed, be transmitted

1 to the members of the South Seneca Girls Varsity
2 Basketball Team and to Coach Heather Mott."

3 ACTING PRESIDENT GRIFFO:
4 (Gaveling.) Some order in the chamber, please.
5 Thank you.

6 Senator Nozzolio.

7 SENATOR NOZZOLIO: Thank you,
8 Mr. President. Thank you, Leader DeFrancisco.

9 This measure begins our
10 deliberations on a long session, but it's great
11 to start out in such a wonderful way,
12 congratulating wonderful young women from South
13 Seneca Central School, located in southern Seneca
14 County. A small school, but a great heart, with
15 a wonderful community supporting it, and so proud
16 of these fine young women who are state
17 basketball champions.

18 They got there through hard work,
19 determination, and great coaching -- coaching
20 from a team led by Heather Mott, who is not
21 simply a coach, but also the athletic director
22 and history teacher at South Seneca Central
23 School. And together with her assistant coach --
24 and I have been told to underscore "assistant" --
25 Bob Mott, who is her husband, partner, a great

1 coaching team that pulled together and helped
2 lead these fine young ladies into the state
3 championship.

4 Congratulations to the Motts and
5 thank you for your leadership and above and
6 beyond the call of duty in bringing the young
7 ladies here today to be so recognized.

8 In the regionals, this team defeated
9 Holland, which is in Senator Gallivan's district;
10 in the semis, they beat Northern Adirondack --
11 that's in Senator Little's district -- and in the
12 finals they were soundly defeating Pine Plains,
13 which is Senator Serino's district.

14 So we're very pleased that
15 South Seneca stood so tall and so strong. And
16 what's amazing about that in many, many ways,
17 these are fine young ladies, wonderful role
18 models for the entire student body at
19 South Seneca, but also many will be returning
20 next year, playing again. And so we look forward
21 to their continued success.

22 Mr. President, thank you for
23 allowing us to interrupt the proceedings to
24 congratulate fine young athletes who are
25 exemplary. It's going to be a great week for

1 New York State basketball teams; Senator
2 DeFrancisco, myself, and all those who are
3 Syracuse alumni are very pleased that the women
4 and men have made to the NCAA Final Four. They
5 only need to follow the example of the South
6 Seneca Central School Lady Falcons in their
7 success, and I congratulate them and wish them
8 all the best in the future.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Nozzolio.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Yes, Mike
14 already told you about Syracuse. But you already
15 knew that.

16 But just a few years ago, they
17 weren't very good. But based upon all the
18 progress over the years, and all the work, they
19 unexpectedly got to the Final Four. But I'm
20 going to mention somebody else.

21 Four years ago, a young lady from my
22 district came here and we honored her because she
23 was the Gatorade Player of the Year in high
24 school. And this weekend she's going to be
25 playing for her fourth consecutive national title

1 in women's basketball, and probably the fourth
2 consecutive Player of the Year Award, Breanna
3 Stewart.

4 Now, I don't see too many 6-foot-4,
5 7-foot wing spans on this team, but I don't think
6 there's been many like her anyway. However, what
7 you do have in common is you have in common an
8 incredible accomplishment that you worked hard
9 for. And most importantly, you have these
10 friends that you're going to have for life, for
11 life.

12 And I can attest to that, because
13 I'm an old guy -- not so old, but I'm a pretty
14 old guy, and the friends that I played with in
15 high school, we still do things together. Maybe
16 not baseball, basketball, but it's definitely
17 things that are athletic, like golf and whatever
18 else we do, tennis.

19 So congratulations. Cherish this
20 relationship, cherish this memory. The people
21 with you are going to have your back your entire
22 life. Congratulations.

23 ACTING PRESIDENT GRIFFO: Thank
24 you.

25 As noted, the resolution was

1 previously adopted on St. Patrick's Day,
2 March 17th of this year.

3 We congratulate all of the young
4 ladies, the coaching staff, and their parents for
5 the support they've given them. To all the young
6 ladies -- if you'd please rise -- from South
7 Seneca Girls Varsity Basketball.

8 (Applause.)

9 ACTING PRESIDENT GRIFFO: We
10 welcome you and extend the courtesies of the
11 house. Congratulations, and the best of luck in
12 the future.

13 Can I have some order in the house,
14 please.

15 SENATOR DeFRANCISCO: Senator
16 Nozzolio has offered this resolution for
17 cosponsorship.

18 ACTING PRESIDENT GRIFFO: The
19 resolution is open for cosponsorship. Should you
20 choose not to be a cosponsor, please notify the
21 desk.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Now would you
24 take up previously adopted Resolution 4413, also
25 by Senator Nozzolio, read it in its entirety, and

1 call on Senator Nozzolio.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: Legislative
5 Resolution Number 4413, by Senator Nozzolio,
6 congratulating student-athlete Aubrianna Lantrip
7 upon the occasion of capturing First Place in
8 High Jump at the New York State Indoor Track and
9 Field Championships.

10 "WHEREAS, Excellence and success in
11 competitive sports can be achieved only through
12 strenuous practice, team play and team spirit,
13 nurtured by dedicated coaching and strategic
14 planning; and

15 "WHEREAS, Athletic competition
16 enhances the moral and physical development of
17 the young people of this state, preparing them
18 for the future by instilling in them the value of
19 teamwork, encouraging a standard of healthy
20 living, imparting a desire for success and
21 developing a sense of fair play and competition;
22 and

23 "WHEREAS, This Legislative Body is
24 justly proud to congratulate student-athlete
25 Aubrianna Lantrip upon the occasion of capturing

1 First Place in High Jump at the New York State
2 Track Indoor Track and Field Championships held
3 at Cornell University in Ithaca, New York, on
4 March 5, 2016; and

5 "WHEREAS, Aubrianna Lantrip, the
6 daughter of Lori and Richard Lantrip and a senior
7 at Midlakes High School, competed against high
8 jumpers from across New York State, earning
9 first-place honors with a spectacular 5'9" jump
10 and a new personal best record; and

11 "WHEREAS, Prior to winning the state
12 tournament, Aubrianna Lantrip captured the
13 Wayne-Finger Lakes League titles in both the high
14 jump and triple jump, and became the Sectional
15 Champion in the high jump, long jump, and triple
16 jump; she is also the Houghton Invitational High
17 Jump Champion; and

18 "WHEREAS, In addition, this
19 exceptional athlete has set new Midlakes High
20 School records in the long jump, triple jump,
21 high jump, and 300-meter dash, and holds the
22 Wayne-Finger Lakes all-time high jump record; and

23 "WHEREAS, The recipient of numerous
24 awards and honors, Aubrianna Lantrip was
25 presented with the Rochester Winter All-League

1 Award, the Wayne-Finger Lakes Most Valuable
2 Female Athlete Award, and the Section V Class C
3 Outstanding Female Field Athlete Award; and

4 "WHEREAS, Moreover, Aubrianna
5 Lantrip was selected to the All-Greater Rochester
6 First Team, and was named both Athlete of the
7 Year and All-Star Team member by the Canandaigua
8 Daily Messenger; and

9 "WHEREAS, Aubrianna Lantrip's
10 overall performance is outstanding; she was
11 loyally and enthusiastically supported by family,
12 fans, friends and the community at large; and

13 "WHEREAS, Sports competition
14 instills the values of teamwork, pride and
15 accomplishment, and Aubrianna Lantrip has clearly
16 made a contribution to the spirit of excellence
17 which is a tradition of her community and school;
18 now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to congratulate
21 student-athlete Aubrianna Lantrip upon the
22 occasion of capturing First Place in High Jump at
23 the New York State Indoor Track and Field
24 Championships; and be it further

25 "RESOLVED, That a copy of this

1 resolution, suitably engrossed, be transmitted to
2 Aubrianna Lantrip."

3 ACTING PRESIDENT GRIFFO: Senator
4 Nozzolio.

5 SENATOR NOZZOLIO: Mr. President,
6 on the resolution.

7 ACTING PRESIDENT GRIFFO: On the
8 resolution.

9 SENATOR NOZZOLIO: Mr. President
10 and my colleagues, I rise with great pride in
11 welcoming Aubrianna Lantrip, her mom Lori, her
12 brother Tyler, here to the proceedings of the
13 State Senate recognizing Bri's significant
14 achievements in the field of track and athletic
15 competition.

16 That the resolution chronicles her
17 many accomplishments. But behind each and every
18 one of those accomplishments is a series of hard
19 work and dedication. Track is a team sport but a
20 very individual sport. And these records that
21 Bri continued to set established herself as the
22 premier woman athlete in all of the Finger Lakes
23 region.

24 Bri is much more than an athlete.
25 She's indeed a scholar-athlete who will be going

1 to the University of Iowa, a Division I school
2 that will certainly enhance the competition that
3 she so readily accepts and the challenges,
4 athletic challenges, that she enjoys.

5 More than that, though, she is a
6 wonderful citizen of New York. One who is
7 articulate, dedicated, very caring, respectful,
8 and one who I believe will have a wonderful
9 future in whatever she chooses to do. Frankly,
10 in my experiences with her, I think she would be
11 a wonderful leader someday, maybe even someone
12 who when she comes home after her track and field
13 career is over, to come and be involved in
14 New York State government and possibly even serve
15 in this chamber someday.

16 Mr. President, we are indeed
17 fighting hard for educational assistance. But
18 the product of that assistance, as we deliberate
19 our budget later today, the product of that
20 assistance is so well-represented here today,
21 first with the South Seneca Basketball Team, the
22 women's state champions, and now with Bri
23 Lantrip, an indeed state individual champ that is
24 the pride of the Finger Lakes region.

25 I am so pleased to have them here

1 today. Thank you for coming to receive the
2 recognition that you women athletes deserve --
3 well deserved. Congratulations to Bri, to the
4 South Seneca Falcons.

5 Mr. President, I'm very honored to
6 present these resolutions and to have my
7 colleagues support them.

8 ACTING PRESIDENT GRIFFO: Thank
9 you, Senator Nozzolio.

10 And as indicated, that resolution
11 was also adopted on March 17th of this year.

12 We want to congratulate and
13 recognize Aubrianna Lantrip and her family for
14 being here. Best wishes to you.

15 Please rise and be recognized.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO: We
18 extended the privileges and courtesies of the
19 house.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Senator
22 Nozzolio has also offered this for cosponsorship.

23 ACTING PRESIDENT GRIFFO: The
24 resolution is open for cosponsorship. Should you
25 choose not to be a cosponsor, please notify the

1 desk.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: And now the
4 moment that we've all been waiting for. There's
5 an immediate meeting of the Finance Committee in
6 Room 332 of this building, the Capitol.

7 ACTING PRESIDENT GRIFFO: There
8 will be an immediate meeting of the Senate
9 Finance Committee in Room 332, an immediate
10 meeting of the Senate Finance Committee in
11 Room 332.

12 The Senate will stand at ease.

13 (Whereupon, the Senate stood at ease
14 at 4:26 p.m.)

15 (Whereupon, the Senate reconvened at
16 4:50 p.m.)

17 ACTING PRESIDENT GRIFFO: The
18 Senate will return to order.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Yes,
21 Mr. President, is there a report from the
22 Finance Committee at the desk?

23 ACTING PRESIDENT GRIFFO: There is
24 a report of the Finance Committee before the
25 desk.

1 I will have the Secretary read.

2 THE SECRETARY: Senator Young, from
3 the Committee on Finance, reports the following
4 bills:

5 Senate Print 6405C, Senate Budget
6 Bill, an act intentionally omitted;

7 Senate 6407C, Senate Budget Bill, an
8 act intentionally omitted;

9 And Senate 6408C, Senate Budget
10 Bill, an act intentionally omitted.

11 All bills reported direct to third
12 reading.

13 SENATOR DeFRANCISCO: Can we please
14 call up Calendar 514.

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco, I'll entertain a motion to accept
17 the Committee on Finance report.

18 SENATOR DeFRANCISCO: I definitely
19 want to do that, yes.

20 ACTING PRESIDENT GRIFFO: All in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 Committee on Finance report is accepted and
2 before the house.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Now I'd like
5 to take up Number 514 on the calendar and ask if
6 there's a message of necessity at the desk.

7 ACTING PRESIDENT GRIFFO: We're
8 going to have a substitution on that first,
9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: We are? I
11 didn't know that.

12 (Laughter.)

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Senator Young moves
16 to discharge, from the Committee on Finance,
17 Assembly Bill Number 9005C and substitute it for
18 the identical Senate Bill 6405C, Third Reading
19 Calendar 514.

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 There is a message of necessity
23 before the desk, Senator DeFrancisco.

24 SENATOR DeFRANCISCO: And there is
25 on the substituted bill as well?

1 ACTING PRESIDENT GRIFFO:

2 Absolutely.

3 SENATOR DeFRANCISCO: All right.

4 That's good. Could you call that bill up?

5 ACTING PRESIDENT GRIFFO: Okay,
6 I'll entertain a motion on the message. All in
7 favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO: Opposed?

10 (No response.)

11 ACTING PRESIDENT GRIFFO: The
12 message of necessity is accepted, and the
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 514, Assembly Budget Bill, Assembly Print 9005C,
16 an act intentionally omitted.

17 SENATOR GIANARIS: Lay it aside.

18 ACTING PRESIDENT GRIFFO: Lay the
19 bill aside.

20 THE SECRETARY: Calendar Number
21 515, Senate Budget Bill, Senate Print 6407C, an
22 act intentionally omitted.

23 ACTING PRESIDENT GRIFFO: There is
24 a message of necessity before the desk. All in
25 favor of accepting the Governor's message of

1 necessity signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The

6 message is accepted.

7 Read the last section.

8 SENATOR GIANARIS: Lay it aside.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 516, Senate Budget Bill, Senate Print 6408C, an
13 act intentionally omitted.

14 ACTING PRESIDENT GRIFFO: There is
15 a message of necessity at the desk. All in favor
16 of accepting the Governor's message of necessity
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The

22 message is accepted.

23 SENATOR GIANARIS: Lay it aside.

24 ACTING PRESIDENT GRIFFO: The bill
25 is laid aside.

1 Senator DeFrancisco, that completes
2 the noncontroversial reading.

3 SENATOR DeFRANCISCO: Yes, would
4 you now take up the controversial reading.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 514, Assembly Budget Bill, Assembly 9005C, an act
10 intentionally omitted.

11 ACTING PRESIDENT GRIFFO: Senator
12 Gianaris.

13 SENATOR GIANARIS: Mr. President, I
14 believe there's an amendment at the desk. I ask
15 that the reading of the amendment be waived and
16 that Senator Squadron be heard on the amendment.

17 ACTING PRESIDENT GRIFFO: Senator
18 Gianaris, I've reviewed the amendment that is
19 before the desk and rule it out of order.
20 Therefore, I will call upon Senator Squadron.

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

23 My amendment to this legislation is
24 germane. It maintains the same purpose and
25 addresses the same areas of law as in this

1 underlying bill. As everyone in this house
2 knows, the underlying bill impacts a great number
3 of laws.

4 I do understand why the President
5 may have made his ruling in error in this
6 instance, since this year the Governor's proposal
7 to dramatically alter ethics and campaign finance
8 reform in the State of New York was not
9 originally proposed in this bill. It was
10 originally proposed in S6411, Part A in
11 particular, when we talk about the item in the
12 hostile amendment closing the LLC loophole.

13 However, Mr. President, this very
14 provision was in the equivalent bill last year in
15 the 2015 budget, which I think is in and of
16 itself an argument that it is germane.

17 It's also an argument that Albany
18 has done nothing to curb the crisis of ethics and
19 integrity that has gripped the Capitol and the
20 state for the last year and more.

21 The relevance of this is that since
22 this time last year, the former leaders of both
23 houses of the Legislature have been convicted of
24 public corruption crimes, federal crimes, both of
25 which made specific mention of the LLC loophole.

1 The relevance is the need, in
2 passing a budget of more than \$150 billion, to
3 make a true effort to reestablish the faith of
4 the people of this state in the work we are doing
5 and the money we are spending.

6 A budget is a statement of values
7 and principles. It is also the Legislature
8 making choices with other people's money, with
9 the taxpayers' dollars. And to do so without
10 also addressing the taxpayers' ability to have
11 faith in the independence of this government is
12 an enormous mistake.

13 Now, it's an enormous mistake that
14 was made last year as well. And to all my
15 colleagues, the hour is not yet late, but
16 something tells me it will be soon enough. And
17 so if you've heard me say this before and you
18 wish maybe we could get past this part of our
19 annual festivities, I apologize. But we continue
20 do that. We cannot stand silently as we pass
21 another budget while we still have the LLC
22 loophole in effect in this state.

23 For any of who you are new this
24 year, the LLC loophole was opened through a
25 decision made by the Board of Elections that

1 contravened the purpose and letter of the law,
2 that allows limited liability companies to be
3 treated as individuals under the Election Law.
4 What that means is that limited liability
5 companies can be used by individuals to
6 contribute unlimited sums of the money into the
7 political process. Even though we have an
8 Election Law that very clearly is meant to limit
9 the number of dollars folks can contribute.

10 It means that limited liability
11 companies can be used to shield the source of
12 those dollars, as we saw in the Southern District
13 courthouses in my district over the course of the
14 last year, even though the Election Law is clear
15 that the source of contributions is a critical
16 part of the political process.

17 The limited liability company
18 loophole has been roundly criticized by editorial
19 boards across the state. This is not an issue
20 that starts and ends in Manhattan or in New York
21 City or in Long Island, in the downstate region.
22 Papers across the state, in every region of the
23 state, have editorialized against it because of
24 its corrupting influence.

25 In fact, my office did a report last

1 fall on the LLC loophole, and we found some
2 interesting facts. The median LLC contribution
3 was almost six times higher than the median
4 individual contribution. LLCs were nine times
5 more likely to contribute between \$5,000 and
6 \$10,000 than individuals, and eight times more
7 likely to contribute between \$10,000 and \$50,000.
8 That's before you even link the multiple sources
9 that often appear to be disparate because of the
10 ability of the LLC to mask the source.

11 In fact, 22 different LLCs
12 contributed nearly \$2 million listing 1200 Union
13 Turnpike in New Hyde Park as a contribution
14 address. In total, there were 586 LLCs that
15 contributed over \$5,000 -- the corporate limit,
16 the limit that would apply to corporate giving
17 which is allowable under the Election Law and is
18 clearly how LLCs -- one of the ways that LLCs
19 could be addressed.

20 In fact, one limited liability
21 company contributed and provided the following
22 address: 123 IDK, Buffalo, New York. I've spent
23 some time in Buffalo, and it's a wonderful city.
24 I do not believe that 123 IDK is an address in
25 Buffalo. If any of my colleagues from Western

1 New York would like to correct me, that would
2 create a brief, brief moment of levity in an
3 issue that really does not merit any.

4 There's no question that this state
5 government, this legislature, this house needs to
6 communicate what we all know is true, which is
7 the majority of us, the majority of elected
8 officials are here because we believe in public
9 service, because we care about our constituents
10 and our communities.

11 There is no better way to send that
12 message than to close the LLC loophole. That was
13 true last year before it had appeared in federal
14 courthouses, and it is even more true this year.
15 It's the reason the Governor proposed it.
16 However, this house is not just going to fail to
17 pass it, this house has failed to even allow it
18 to the floor for a vote.

19 So I have to apologize because
20 you're going to hear the same thing from me again
21 and again and again until this loophole is
22 closed, until I can go to my constituents and all
23 of us can go to their constituents and say an
24 egregious error that allows small numbers of
25 heavily funded interests to have an outsized

1 influence in our state government while masking
2 who they are is no longer possible.

3 You should not need to be Sherlock
4 Holmes to follow the money in New York State
5 politics. You should not need to be a broken
6 record to do something that we all know is the
7 right thing to do.

8 I urge folks to vote to overrule the
9 chair about the relevance of this amendment.
10 There's no question, if you look at the history
11 of this very provision in this bill, it's
12 relevant. There's no question that were we to
13 attach this, it would pass without delaying the
14 budget, since we know the Assembly and the
15 Governor both support it. It is doable. It is
16 solvable. We need 32 votes to overrule my good
17 friend sitting in the chair, and we can close
18 this once and for all. And you know what? The
19 headlines tomorrow across the state will be: In
20 a shocker, Albany has stood up against
21 corruption, for reform, despite all of the
22 institutional interests that oppose that.

23 For that reason, I urge everyone to
24 vote with me and overrule the ruling of the
25 chair.

1 Before I finish, I would like to
2 point out there are other ethics reforms in the
3 Governor's package that are also not being
4 addressed here: Limited outside income for
5 members of the Legislature; implementing campaign
6 finance reform; dealing with pensions of
7 convicted lawmakers. None of those issues are
8 being dealt with either. It is a shame. It is a
9 discouraging way to start this budget. And
10 hopefully between now and the end, whenever the
11 end is, we will solve it. I urge you to join me
12 in voting to overrule the ruling of the chair.

13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Squadron.

16 Senator Gianaris has appealed the
17 ruling of the chair. Senator Squadron has been
18 heard on that appeal. All in favor of overruling
19 the ruling of the chair signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 SENATOR GIANARIS: Show of hands,
23 please.

24 ACTING PRESIDENT GRIFFO: A show of
25 hands has been requested and so ordered.

1 Announce.

2 THE SECRETARY: Ayes, 25.

3 ACTING PRESIDENT GRIFFO: The
4 ruling of the chair is sustained.

5 The bill is before the house.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President, I
8 believe there's another amendment at the desk. I
9 ask that the reading of this amendment be waived
10 and that Senator Krueger may be heard on the
11 amendment.

12 ACTING PRESIDENT GRIFFO: Senator
13 Gianaris, upon review of the amendment that has
14 been submitted, I view it and rule it not germane
15 to the bill and as accordingly out of order.

16 SENATOR GIANARIS: I would like to
17 appeal from the decision of the chair and ask
18 that Senator Krueger be heard on the appeal.

19 ACTING PRESIDENT GRIFFO: An appeal
20 is so requested and Senator Krueger so
21 recognized.

22 SENATOR KRUEGER: Thank you,
23 Mr. President.

24 Like my colleague before me, I am
25 convinced that my amendment to the budget bill is

1 germane because it does not unreasonably expand
2 the object of the underlying bill, maintains the
3 same purpose, and addresses the same areas of
4 law.

5 My amendment offered today would add
6 or allow the addition of \$285 million for
7 allocation to cities, towns and villages through
8 the Aid and Incentives for Municipalities program
9 under Local Government Assistance in the Public
10 Protection and General Government Article VII
11 bill.

12 This program, known as AIM, is
13 probably the most effective property tax relief
14 program in the history of the state, and when
15 sufficiently funded, it has effectively
16 suppressed the growth of municipal property tax
17 levies.

18 Under my amendment, AIM funding
19 would increase by nearly 40 percent, compared to
20 current funding in the next fiscal year. By the
21 way, we have in the past funded AIM at a
22 significantly higher level than we are funding it
23 this year, including more money than this
24 amendment proposes. And of course we ended AIM
25 for New York City several years ago, promising to

1 give it back but never giving it back.

2 AIM funding has provided significant
3 municipal property tax relief since local
4 governments across the state are under immense
5 fiscal stress due to unfunded mandates, the
6 aftermath of the Great Recession, a declining
7 property tax base, and now a 2 percent cap on
8 property tax levies -- or less, depending on the
9 previous year's CPI. In fact, this year the
10 growth in property tax under the cap is
11 minuscule.

12 So growth in AIM funding is more
13 critical now than ever. The time has come to
14 restore AIM funding. And I believe that if we
15 were to support this amendment to this specific
16 bill, we would be applauded throughout the state
17 by counties, towns and localities.

18 Now, I sat through the budget
19 hearings with my colleagues, many of them here,
20 but specifically with Chair Cathy Young, through
21 95 hours of budget hearings. And I can't even
22 tell you how many different people testified
23 about the desperate need for additional state
24 funding to localities so that they could meet
25 their basic needs. Each and every one of us has

1 constituent local governments, county
2 governments, municipal governments who have
3 pleaded with us just to share a reasonable amount
4 of AIM funding with them at home.

5 The whole concept is revenue
6 sharing. Most of our localities have no ability
7 to tax themselves, other than through the
8 property tax system, without our permission.
9 They are limited in what they can draw from
10 property taxes, both through policy and through
11 the local politics of the reality.

12 The State of New York has, year
13 after year, been expanding our budget while
14 reducing the amount we give to our localities.
15 To some degree, we balance our budget on the
16 backs of our local governments not getting
17 adequate funding from us. This would be a tiny
18 step in the right direction in a budget
19 anticipated to be over \$150 billion.

20 I will note, but I will go back to
21 it later, that we are being provided on our desks
22 a projected spending finance plan for the
23 State Budget, which I find a little ironic
24 because we don't have any of the appropriation
25 bills even have moved through LRS. So how can we

1 possibly know, as we discuss the appropriation
2 bill tonight, what the actual revenue for the
3 State of New York, what the actual projected
4 expenditures for the State of New York are?

5 As is often the case when we deal
6 with the budget, we take things out of order, we
7 don't learn the information until literally when
8 we're asked to vote on it. And tonight we're
9 being handed a document that purports to show us
10 some of the key numbers of the State Budget
11 without even having those bills exist. It's a
12 tad confusing.

13 But I digress. To go back to the
14 importance of my amendment, in a budget that will
15 conceivably be, according to this document
16 without backup yet, \$155.6 billion --
17 \$155.6 billion -- you'd think we could come up
18 with a little extra money for our localities who
19 are so desperate for it through an increase in
20 the AIM funding.

21 I am hoping that my colleagues will
22 join me in agreeing this is not only critically
23 germane but absolutely one of the right things
24 for us to be doing here before we complete the
25 budget process.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Krueger.

4 The question is on the ruling of the
5 chair for procedural purposes. All those in
6 favor of overruling the chair signify by saying
7 aye.

8 SENATOR GIANARIS: Show of hands,
9 please.

10 ACTING PRESIDENT GRIFFO: A show of
11 hands has been requested and so ordered.

12 Announce.

13 THE SECRETARY: Ayes, 25.

14 ACTING PRESIDENT GRIFFO: The
15 chair's ruling stands.

16 The bill is before the house.

17 Senator Squadron.

18 SENATOR SQUADRON: Thank you,
19 Mr. President. If the sponsor would yield.

20 ACTING PRESIDENT GRIFFO: Senator
21 Young, do you yield for a question from Senator
22 Squadron?

23 SENATOR YOUNG: Yes. Yes, I yield.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 Senator Squadron, I think we have an
2 issue with your mic there, if somebody can --

3 SENATOR SQUADRON: No, it's off.
4 Thank you. I think I'm okay. Okay, thank you.
5 I thank the sponsor. I think the microphone
6 issue is dealt with.

7 I would ask, are any of the
8 provisions of the Governor's proposal from 6411,
9 the good government and ethics reform proposal,
10 included in this bill before us, the Public
11 Protection and General Government bill before us?

12 SENATOR YOUNG: Actually, I'd like
13 to start out by just giving a general overview of
14 what is in the budget.

15 And this budget actually is a very
16 good document because it stays within the
17 2 percent spending cap. This house and state
18 government has been very fiscally responsible and
19 accountable over the past several years by
20 staying within the spending cap. And basically,
21 we increase the spending by \$296.2 billion, or
22 2 percent. So it's right on target.

23 The budget also includes all kinds
24 of very positive aspects that are important to
25 the people of New York State. For example, in

1 education, there's approximately \$25 billion in
2 school aid statewide -- that is a record -- on
3 behalf of the children of New York State, their
4 learning opportunities and their future.

5 There's a school aid increase of
6 more than \$1.4 billion from fiscal year 2016. We
7 completely eliminate the Gap Elimination school
8 aid cuts that unfortunately were imposed in this
9 house in 2009 and 2010. The Senate Republican
10 Majority has worked extraordinarily hard to get
11 rid of the GEA, and we do that this year: Over a
12 billion-dollar increase in operating aid for
13 education from fiscal year 2016.

14 We also take action on behalf of the
15 hardworking overburdened taxpayers of New York
16 State. There's included \$1 billion in tax cuts
17 that is targeted at middle-class families,
18 middle-class earners --

19 SENATOR GIANARIS: Mr. President --
20 I'm sorry, Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Gianaris.

23 SENATOR GIANARIS: I'm sorry, but
24 it appears that this answer is not connected
25 either to the question presented or to the bill

1 before us. I think Senator Young is discussing
2 things that --

3 ACTING PRESIDENT GRIFFO: I think,
4 Senator Gianaris, the sponsor said she wanted to
5 give some background before she got to the
6 question. So we'll allow that and then let her
7 get to the question.

8 SENATOR GIANARIS: Okay. It just
9 would help us all move the debate along if the
10 answers were relevant and were actually related
11 to a bill that we've seen, which these answers
12 are not.

13 SENATOR YOUNG: Mr. President, I
14 think it's extremely relevant to outline what is
15 included in this State Budget.

16 So on behalf of the hardworking
17 overburdened taxpayers in New York State, there's
18 a billion dollars in tax cuts that are targeted
19 at middle-class families, middle-class earners.
20 And this is real tax relief for real people.

21 On top of that, there is
22 \$2.7 billion in funding for STAR and Enhanced
23 STAR. And how we all know in this room how
24 important it is to provide significant property
25 tax relief for homeowners across the state.

1 Under Health and Mental Hygiene, so
2 many of our colleagues have come to me, to
3 others; we have a task force that is dealing with
4 the heroin and opioid addiction crisis that we
5 see in every community, every corner of this
6 state. It has affected so many families, so many
7 individuals. And under the enacted budget, it
8 will include an additional \$25 million for
9 expansion of treatment, recovery and prevention
10 services for heroin and opioid use and addiction
11 disorders, for a total of \$166 million.

12 We also direct \$200 million for
13 statewide healthcare capital to benefit
14 community-based providers. That will ensure that
15 we have access to quality healthcare across the
16 state.

17 And we also make critical public
18 health investments in organ donation awareness,
19 women's health, and Lyme disease prevention.

20 Under Higher Education -- and I can
21 hear students and parents cheering across the
22 state -- there will be no tuition increase this
23 year.

24 For Transportation, there's a
25 \$25.1 billion commitment for a multiyear DOT

1 capital plan that includes additional funds for
2 roads and bridges, non-MTA upstate and downstate
3 transit --

4 SENATOR GIANARIS: Mr. President,
5 would the sponsor yield for a question?

6 SENATOR YOUNG: -- rail freight and
7 aviation.

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

10 SENATOR GIANARIS: Would the
11 sponsor yield for a question?

12 SENATOR YOUNG: When I finish.
13 When I finish.

14 ACTING PRESIDENT GRIFFO: She will
15 yield upon completion of --

16 SENATOR GIANARIS: Of whatever it
17 is she's doing?

18 ACTING PRESIDENT GRIFFO: She's
19 giving a summary of --

20 SENATOR YOUNG: I'm almost done,
21 Senator Gianaris. I'm just going over --

22 SENATOR GIANARIS: We're only
23 getting started. We're not almost done, Senator
24 Young.

25 SENATOR YOUNG: And finally --

1 ACTING PRESIDENT GRIFFO: I would
2 ask all members to please observe decorum and
3 respect.

4 Senator Young.

5 SENATOR GIANARIS: (Inaudible.)

6 SENATOR YOUNG: And finally, under
7 Environment -- clean air, clean water, protect
8 our natural resources -- there's \$200 million in
9 new funds for water quality improvement programs.
10 This brings total spending on water
11 infrastructure to \$400 million. And that's a
12 \$123 million increase to the Environmental
13 Protection Fund from last year, to bring total
14 EPF spending to \$300 million.

15 And at this point I would be very
16 happy to yield for some questions.

17 ACTING PRESIDENT GRIFFO: Senator
18 Squadron has the floor. He had the question
19 posed.

20 SENATOR SQUADRON: It's the same
21 question, now it has hundreds -- over
22 \$100 billion in taxpayer money being spent behind
23 it, much of which is not in this bill and is not
24 in the light of day or something anyone in this
25 state, except for the so-called three men in a

1 room, are aware of.

2 So in that context, I think the
3 question is even more significant. With all the
4 taxpayer spending in this bill, is there anything
5 to increase integrity or people's faith in our
6 state government?

7 SENATOR YOUNG: Through you,
8 Mr. President, as we know in this chamber, we
9 passed ethics reforms in our one-house budget
10 that included stripping pensions from public
11 officials who are convicted of felonies. And
12 also we had term limits for leaders that was
13 included.

14 Unfortunately, during budget
15 negotiations those major reforms were not in the
16 final budget.

17 SENATOR SQUADRON: I yield the
18 floor to Senator Gianaris.

19 ACTING PRESIDENT GRIFFO: Senator
20 Gianaris.

21 SENATOR GIANARIS: Would the
22 sponsor yield?

23 ACTING PRESIDENT GRIFFO: Does the
24 sponsor yield?

25 SENATOR YOUNG: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR GIANARIS: I heard the
4 thorough summary that the sponsor gave just a few
5 minutes ago, and I'm wondering whether she was
6 announcing a budget deal for all of us or if
7 those bills exist in some manner that we can look
8 at all these wonderful provisions she cited in
9 her summary. Or if the sponsor is privy to
10 information that nobody else is.

11 SENATOR YOUNG: Through you,
12 Mr. President, these are the items that will be
13 included in the final budget, and those will be
14 coming to us by messages of necessity.

15 SENATOR GIANARIS: Would the
16 sponsor continue to yield?

17 SENATOR YOUNG: Certainly.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR GIANARIS: Are those
21 provisions in any of the three bills before this
22 house that were accepted in the Finance Committee
23 report?

24 SENATOR YOUNG: Through you,
25 Mr. President, as I said, I wanted to give an

1 overview of the budget as we kicked off the
2 deliberation process and began voting on the
3 budget bills. And those are the items that I
4 wanted to highlight.

5 SENATOR GIANARIS: Would the
6 sponsor continue to yield?

7 SENATOR YOUNG: Of course.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR GIANARIS: Is it the
11 sponsor's intention that this body should
12 discuss, debate, and vote on provisions that none
13 of us have seen on a piece of paper, none of us
14 have seen in our new tablets, or none of us have
15 had the ability to review or have a deliberation
16 on?

17 SENATOR YOUNG: Through you,
18 Mr. President. Again, these are the elements of
19 the budget that you will -- that we will be
20 passing, and we are going to push hard to get the
21 people's work done in a timely manner.

22 SENATOR GIANARIS: Would the
23 sponsor continue to yield?

24 SENATOR YOUNG: Of course.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR GIANARIS: Is it the
3 sponsor's contention that there are bills that
4 are currently being drafted that no one has seen
5 that will contain those provisions, or is this
6 just her opinion of what she would like to see in
7 the budget?

8 SENATOR YOUNG: Through you,
9 Mr. President, these are items that we are
10 pushing to have in the final budget, and I am
11 confident that they will be there.

12 SENATOR GIANARIS: Would the
13 sponsor continue to yield?

14 SENATOR YOUNG: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR GIANARIS: What is the
18 source of the sponsor's confidence that they will
19 be in the final budget?

20 SENATOR YOUNG: The source of the
21 confidence is that we have been working closely
22 with the Assembly and the Governor in a
23 bipartisan way to come up with a final budget
24 agreement.

25 SENATOR GIANARIS: Will the sponsor

1 continue to yield?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: Senator
4 Gianaris, the sponsor yields.

5 SENATOR GIANARIS: I understand
6 that there have been discussions going on. I
7 also understand that the discussions, by public
8 reports, have been on and off various times. I'm
9 also aware that there were members of the
10 majority conference who came out of your recent
11 conference saying there were no deals on many of
12 the issues you just pointed out were part of the
13 budget.

14 So I'm wondering, on behalf of not
15 only my conference, but on behalf of the public,
16 who is dying to know what's going to be in this
17 budget if we ever get to see it, where does the
18 confidence that those provisions will be in a
19 budget that's yet to be printed come from?

20 SENATOR YOUNG: Through you,
21 Mr. President, these are items that have been
22 negotiated, and I have a lot of faith.

23 ACTING PRESIDENT GRIFFO: Let me
24 remind everyone, we do have a bill before us. I
25 did give some flexibility because Senator Young

1 had asked to explain generally the budget
2 process. I allowed that before she answered
3 Senator Squadron's question.

4 Senator Gianaris, I have allowed you
5 to ask some questions. You need to be germane
6 now, in accordance with Rule 10 --

7 SENATOR GIANARIS: If we're going
8 to be germane, we can both be germane. You can't
9 do that.

10 ACTING PRESIDENT GRIFFO: I gave
11 you --

12 SENATOR GIANARIS: --
13 (inaudible) --

14 ACTING PRESIDENT GRIFFO: -- some
15 opportunity.

16 SENATOR GIANARIS: --
17 (inaudible) --

18 ACTING PRESIDENT GRIFFO: -- and I
19 gave them some opportunity, Senator Gianaris.
20 Senator Gianaris {gaveling} --

21 SENATOR GIANARIS: You can bang the
22 gavel all you want, Senator Griffio --

23 ACTING PRESIDENT GRIFFO: Senator
24 Gianaris, you're out of order.

25 SENATOR GIANARIS: -- this is not a

1 one-way --

2 ACTING PRESIDENT GRIFFO: Senator
3 Gianaris, you're out of order. Please take your
4 seat.

5 SENATOR GIANARIS: I will not --

6 ACTING PRESIDENT GRIFFO: Senator
7 Gianaris, please take your seat.

8 SENATOR GIANARIS: Will the sponsor
9 yield.

10 SENATOR DeFRANCISCO: Excuse me.
11 Let's calm down a little bit, both sides. And I
12 would like to see Senator Gianaris's further
13 questions, and hopefully we can move to the point
14 and get on with this at a reasonable hour.

15 SENATOR GIANARIS: Thank you,
16 Senator DeFrancisco.

17 ACTING PRESIDENT GRIFFO: Senator
18 Young, do you yield?

19 SENATOR YOUNG: Yes.

20 SENATOR GIANARIS: My final
21 question on this topic, Mr. President, is whether
22 the sponsor would like to share with us the
23 document she's reading from that outlines the
24 budget provisions that none of us have seen so
25 that we could fairly evaluate what she tells us

1 is going to be in the final budget.

2 SENATOR YOUNG: Through you,
3 Mr. President, this is a list of items that I put
4 together that I believe will be highlights in the
5 final budget.

6 SENATOR GIANARIS: And would the
7 sponsor be willing to share that with us so we
8 can all have that available to us as we discuss
9 the budget?

10 SENATOR YOUNG: Of course I will.

11 SENATOR GIANARIS: Thank you very
12 much.

13 SENATOR YOUNG: Thank you.

14 ACTING PRESIDENT GRIFFO: Senator
15 Squadron.

16 SENATOR SQUADRON: Thank you,
17 Mr. President.

18 In this bill -- we've heard a lot
19 about what's in it -- is there anything that
20 establishes limits on outside income for members
21 of the State Legislature, as the Governor
22 proposed in his campaign finance and ethics
23 reform bill, Part B?

24 ACTING PRESIDENT GRIFFO: Senator
25 Squadron, are you asking Senator Young to yield?

1 SENATOR SQUADRON: Forgive me. I
2 forgot that we had not established that. If the
3 sponsor would yield.

4 ACTING PRESIDENT GRIFFO: Senator
5 Young, will you yield?

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: Senator
8 Squadron.

9 SENATOR SQUADRON: And I'll repeat
10 the question.

11 Through you, Mr. President. Is
12 there anything in this bill that establishes
13 limits on outside income for members of the State
14 Legislature as proposed in Part B of the
15 Governor's campaign finance and ethics reform
16 Article VII proposal?

17 SENATOR YOUNG: So through you,
18 Mr. President, I'm going to defer to the point in
19 time when those issues actually would have been
20 included, because they would not have been under
21 the Public Protection part of the budget which we
22 are considering right now.

23 As I said, as Finance chair, I gave
24 an overview of highlights that I believe will be
25 in the final budget. Right now we are

1 considering the Public Protection part of the
2 budget, and I would be very happy to answer any
3 questions you may have about Public Protection.

4 SENATOR SQUADRON: If the sponsor
5 will continue to yield.

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR SQUADRON: Is Part C of the
10 Governor's ethics proposal, which implemented
11 various campaign finance reforms, in this bill?

12 SENATOR YOUNG: Same answer.

13 SENATOR SQUADRON: If the sponsor
14 would continue to yield.

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR SQUADRON: Soft money
19 housekeeping limit, is that in this bill?

20 SENATOR YOUNG: Through you,
21 Mr. President, I would be happy to answer any
22 questions on the Public Protection part of the
23 budget. My colleague seems to be asking about
24 other areas of the budget right now.

25 And so I'd be glad to answer

1 anything about Public Protection, and I'm hopeful
2 that he can come up with a question regarding
3 that issue.

4 SENATOR SQUADRON: If the sponsor
5 would continue to yield.

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR SQUADRON: When is the
10 appropriate time to discuss ethics reforms that
11 were proposed by the Governor as part of the
12 budget and not introduced by the leadership of
13 this house?

14 SENATOR YOUNG: It's not under the
15 Public Protection part of the budget which we are
16 considering right at the moment.

17 SENATOR SQUADRON: If the sponsor
18 will continue to yield.

19 SENATOR YOUNG: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR YOUNG: If it's about
23 Public Protection.

24 SENATOR SQUADRON: In prior years,
25 were the provisions I discussed included in the

1 Public Protection and General Government budget
2 proposal?

3 SENATOR YOUNG: We are not --
4 through you, Mr. President, we are not looking at
5 other years right now, we are looking at this
6 year.

7 SENATOR SQUADRON: If the sponsor
8 will continue to yield.

9 SENATOR YOUNG: If it's about
10 Public Protection. If not, I will not.

11 ACTING PRESIDENT GRIFFO: Senator
12 Squadron, is your question relative to Public
13 Protection?

14 SENATOR SQUADRON: Mr. President, I
15 believe all of my questions have been relevant to
16 Public Protection, and I will continue to --

17 SENATOR YOUNG: Mr. President,
18 point of order. Point of order.

19 ACTING PRESIDENT GRIFFO: Senator
20 Young, what is your point of order?

21 SENATOR YOUNG: We are talking
22 about the Public Protection portion of the
23 budget. I have yet to hear one question about
24 any element about the Public Protection portion
25 of the budget that is before the house. And I

1 will be happy to answer any questions regarding
2 that bill that is before us. Otherwise, if it's
3 about off-topics, other topics, then I
4 unfortunately will not be able to yield.

5 ACTING PRESIDENT GRIFFO: So,
6 Senator Squadron, do you choose to speak on the
7 bill based upon that?

8 SENATOR SQUADRON: Point of order.

9 ACTING PRESIDENT GRIFFO: Point of
10 order, Senator Squadron. What is your point of
11 order? State it.

12 SENATOR SQUADRON: As I understand
13 the customs of this house, when a bill sponsor or
14 any member speaking on the floor raises a topic
15 or an issue, it is appropriate to pursue that
16 topic or issue for someone else questioning.
17 Much as we do not name members on the floor
18 unless a member is named or speaks themselves, at
19 which point it becomes appropriate.

20 So since these topics were raised,
21 it seems to me they are appropriate and germane
22 to the bill.

23 ACTING PRESIDENT GRIFFO: Senator
24 Squadron, an opportunity was presented before on
25 an amendment. You were heard on that amendment.

1 It was ruled nongermane, and the ruling of the
2 chair was given and sustained.

3 Therefore, the sponsor of this
4 particular bill, the chair of the Finance
5 Committee, has indicated she will take questions
6 specific to the bill before the house, which is
7 specifically on Public Protection.

8 So accordingly, I would ask you to
9 pursue that line of questioning or speak on the
10 bill.

11 SENATOR SQUADRON: Mr. President.
12 Mr. President, if the sponsor would yield.

13 SENATOR YOUNG: I will yield if
14 it's on Public Protection of this year's budget.

15 SENATOR SQUADRON: Mr. President,
16 through you, an attempt within the narrow
17 parameters, I would like to speak about the
18 debate in this house between myself and the
19 sponsor of this bill on the one-house budget that
20 went before this house.

21 Does the sponsor agree with me that
22 asking that question would be appropriate and
23 germane?

24 SENATOR YOUNG: We are discussing
25 the bill before the house. And I will no longer

1 yield, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Squadron, do you wish to speak on the bill?

4 SENATOR SQUADRON: On the bill,
5 Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Squadron on the bill.

8 SENATOR SQUADRON: Mr. President,
9 no amount of discussion about provisions that are
10 not in this bill, that have not been made public,
11 and that may or may not end up in enacted budget,
12 will distract from the underlying fact that the
13 leadership of this house has put before us a
14 budget that has no ethics reform or public
15 integrity provisions at all, despite the fact
16 that they were proposed by the Governor.

17 No amount of unwillingness to
18 discuss the budget will justify a refusal to talk
19 about a significant part of the Governor's budget
20 proposal. The provisions in that proposal will
21 never be before this house because the leadership
22 of this house refuses to call them up for a vote.
23 So by refusing to answer questions relevant to
24 the provisions of law that are amended by this
25 bill, that are relevant to a history of how we

1 have -- of this bill in prior years, does not
2 justify -- does not justify refusing to engage a
3 critical issue. I understand it's an
4 uncomfortable issue. It's uncomfortable after
5 the year Albany has had to refuse to talk about
6 ethics reform. It's uncomfortable, after what
7 we've seen, to refuse to talk about closing the
8 LLC loophole. But it is germane. It's germane
9 to the overall budget process, which is where
10 this conversation started, and it's germane to
11 this very bill.

12 If the sponsor or the Majority would
13 commit to a robust discussion on the Governor's
14 ethics reform proposal, I would be happy to sit
15 down, yield, and deal with that debate when the
16 bill comes up. But the sponsor and the Majority
17 know full well that will never happen.

18 The hope here is that this
19 uncomfortable portion of the budget debate comes
20 and goes as quickly as possible, and all of the
21 other things that may or may not end up in the
22 budget, all of the other ways in which the
23 taxpayers' money is getting spent, will distract
24 from an underlying flaw, which is public
25 integrity and ethics are being erased from this

1 budget and now erased from debate on the floor.

2 I promised a few moments ago that
3 you would keep hearing from me on this. I was
4 hoping that a robust debate on this issue would
5 be it for the year. However, absent the debate,
6 I guess I just have to keep talking to you,
7 Mr. President.

8 It's extraordinary that we have a
9 budget that's supposed to have so much that it
10 may or may not have, but that no one would claim
11 has ethics reform, and that no one is willing to
12 answer any questions about why, or the thinking,
13 or whether the LLC loophole is appropriate and
14 within the law. It's really extraordinary and
15 disappointing, 154 billion reasons why it's a
16 mistake.

17 With that Mr. President, I sit down.
18 I do have more questions, but unfortunately I
19 don't believe anyone will answer them.

20 Thank you.

21 ACTING PRESIDENT GRIFFO: Senator
22 Krueger.

23 SENATOR KRUEGER: Thank you,
24 Mr. President. If the sponsor would please yield
25 to some questions.

1 SENATOR YOUNG: Yes, Senator
2 Krueger.

3 And I do want to point out, because
4 Senator DeFrancisco said your first question may
5 be "Do you have a financial plan on your
6 desk?" -- and I want to point out you should have
7 this financial plan on your desk.

8 ACTING PRESIDENT GRIFFO: Senator
9 Krueger.

10 SENATOR KRUEGER: I want to thank
11 the sponsor. That actually wasn't the question I
12 was going to ask now.

13 (Laughter.)

14 SENATOR KRUEGER: I did point out
15 in the earlier statements that we have the
16 financial plan, we just don't have any of the
17 budget bills that would reflect how we think we
18 got that financial plan.

19 But I'm staying germane to this
20 bill, following through on some of the other
21 questions. So in this bill, it specifically
22 omits Part A, Criminal Justice. Can the sponsor
23 please tell me what we chose to omit from the
24 bill in Criminal Justice?

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR YOUNG: If you could just
3 give us a moment.

4 ACTING PRESIDENT GRIFFO: Just a
5 moment, Senator Krueger.

6 SENATOR YOUNG: Thank you, Senator
7 Krueger, that information was just relayed to me.

8 Part A actually is the Executive
9 proposal to allow the Executive to appoint an
10 independent special counsel to review allegations
11 regarding police or peace officers.

12 SENATOR KRUEGER: Through you,
13 Mr. President, if the sponsor would continue to
14 yield.

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: So since that
19 proposal by the Governor has been omitted, am I
20 to believe that proposal will not be seen
21 anywhere in the budget this year?

22 SENATOR YOUNG: Through you,
23 Mr. President, that part was not agreed to.

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

1 yield.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR YOUNG: Yes.

5 SENATOR KRUEGER: So just to make
6 sure we're all speaking the same language, so it
7 was not agreed to so we will not see anything
8 else relating to that section of law in another
9 budget bill?

10 SENATOR YOUNG: That part, Part A,
11 was not agreed to by the Governor, the Assembly,
12 and the Senate. So that Part A is gone.

13 SENATOR KRUEGER: Through you,
14 Mr. President, if the sponsor will continue to
15 leave -- to -- not to leave, excuse me.

16 SENATOR YOUNG: It's only 5:30.

17 SENATOR KRUEGER: I know, exactly.
18 Would the sponsor continue to yield?

19 SENATOR YOUNG: Yes.

20 SENATOR KRUEGER: Thank you.

21 ACTING PRESIDENT GRIFFO: This is
22 like Casablanca: it's the beginning of a
23 beautiful friendship.

24 (Laughter.)

25 ACTING PRESIDENT GRIFFO: The

1 Senator yields.

2 SENATOR KRUEGER: Part D of this
3 bill has also been intentionally omitted, and I
4 believe that was related to counterterrorism.
5 Could the sponsor explain what is removed from
6 the Public Protection bill related to
7 counterterrorism and whether we might see that in
8 some other bill yet to go into print?

9 SENATOR YOUNG: Thank you,
10 Mr. President. There is an agreement on Part D.
11 And we also are getting some more information
12 right as we speak.

13 SENATOR KRUEGER: Through you,
14 Mr. President, so if I heard -- if the sponsor
15 would continue to yield.

16 SENATOR YOUNG: Sure.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor will yield.

19 SENATOR KRUEGER: So unlike the
20 previous omitted section, I'm hearing that there
21 is some kind of agreement, but that's not in the
22 Public Protection bill. Did I hear you right?

23 SENATOR YOUNG: Through you,
24 Mr. President. This actually was the Governor's
25 request. And you will be seeing information

1 about counterterrorism in the ELFA bill, the
2 Education, Labor and Family Assistance bill. And
3 that was something that the Governor requested to
4 be transferred over to that portion of the State
5 Budget, and it was endorsed by Ray Kelly.

6 SENATOR KRUEGER: Through you,
7 Mr. President, if the sponsor will continue to
8 yield.

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: Thank you. Part
13 H has also been intentionally omitted. I believe
14 that was related to paid family leave. If the
15 sponsor could let me know what the story of paid
16 family leave is in this budget.

17 SENATOR YOUNG: Through you,
18 Mr. President, Part H was omitted but you will be
19 seeing that item handled in another budget bill.

20 SENATOR KRUEGER: Through you,
21 Mr. President, if the sponsor would continue to
22 yield.

23 SENATOR YOUNG: Of course.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: Thank you. Would
2 we know what that budget bill would be?

3 SENATOR YOUNG: We are looking at
4 the ELFA bill also for that.

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

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: So just to make
12 sure I'm correct, because I'm standing here on
13 the floor with all of us and not out on a
14 computer, is there an ELFA bill in existence for
15 us all to look at and see where these sections
16 show up and what they actually say?

17 SENATOR YOUNG: I'm sorry, could
18 you repeat that?

19 SENATOR KRUEGER: Certainly. Is
20 there an ELFA bill on LRS or somewhere in
21 existence in print where we might review the
22 counterterrorism and paid family leave sections
23 of the bill?

24 SENATOR YOUNG: Through you,
25 Mr. President, those fine points are being put on

1 the budget right now as we speak.

2 SENATOR KRUEGER: On the bill,
3 Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Krueger on the bill.

6 SENATOR KRUEGER: Thank you.

7 So I think part of what you are
8 hearing here tonight is a bit of a frustration
9 that we have a bill we're being asked to vote on;
10 objectively, there's not that many things any of
11 us might have a problem with in the bill. The
12 catch is most of the meat of the bill and of
13 Public Protection has been omitted.

14 I went through only a small number
15 of the omitted sections within this bill. So for
16 those of us who are familiar with how we usually
17 go through the process of evaluating the Public
18 Protection and General Government bill within the
19 State Budget, almost all of our questions about
20 where's the meat and where are the sections,
21 they're not here, Mr. President.

22 We're being asked to vote on
23 language bills that have most of the language
24 missing. We haven't dealt with any appropriation
25 bills, so we sincerely can't have a conversation

1 about a hypothetical spending plan. We certainly
2 haven't seen any of the revenue proposals that my
3 colleague spoke about in her opening before, so
4 we can't have a discussion about whether those
5 are good, bad, real, not real, add up to the
6 numbers handed to us.

7 Because we're sitting here at
8 twenty-five to 6:00 on Thursday, and none of
9 those bills exist -- although some people think
10 they know what will be in them even when there
11 are sections that actually should be in the three
12 bills that are before us today.

13 So I'm not really sure where to go
14 with the more questions, even though I have many
15 questions, because unfortunately the answers are
16 going to be that section was omitted, we don't
17 have that yet, but we're pretty sure it will be
18 somewhere else and we're pretty sure we can tell
19 you some of what it will look like. That's not
20 really how we're supposed to do budget bills.

21 I think -- I think it was said on
22 this floor not too long ago that there's faith
23 that there will be certain things. I like faith.
24 There's all kinds of places for faith in our
25 lives. But actually when you're voting on the

1 budget of the State of New York, which may
2 hypothetically be \$155.599 billion, you actually
3 want to see the budget bills. You want to know
4 where the numbers are coming from, how they're
5 going to be spent, what are the changes in our
6 statutes that will affect 19.5 million people.

7 So it's frustrating. It's very
8 frustrating. You're hearing that from my
9 colleagues and myself that -- I don't know, when
10 we studied budgets in school, I actually studied
11 government budgets in school, this wasn't really
12 how it worked, and you actually got to see actual
13 budget legislation to vote on that was a full
14 package, with time to look at it and time to hold
15 them up against each other.

16 And we're not doing that,
17 Mr. President. And I don't think really any of
18 us can justify it. But I don't have any more
19 questions on this bill.

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Krueger.

23 Senator Hoylman.

24 SENATOR HOYLMAN: Thank you,
25 Mr. President. On the bill.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hoylman on the bill.

3 SENATOR HOYLMAN: I rise to express
4 my frustration that we can't discuss the very
5 sound ethics proposals that Governor Cuomo has
6 proposed because that portion of the budget has
7 been entirely eliminated. So it presents a
8 quandary, I think, for us on this side of the
9 aisle.

10 You know, I can't tell whether our
11 friends in the other conference are sticking
12 their head in the sand willingly --

13 SENATOR NOZZOLIO: Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Nozzolio, why do you rise?

16 SENATOR NOZZOLIO: Mr. President,
17 will the speaker yield?

18 SENATOR HOYLMAN: Yes,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Hoylman, do you yield?

22 Senator Hoylman yields.

23 SENATOR NOZZOLIO: Could Senator
24 Hoylman be so kind as to advise me and this body,
25 in the Governor's proposal, where in the Public

1 Protection portion of the Governor's pro-offer
2 were any of these subjects referenced?

3 SENATOR HOYLMAN: Through you,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Hoylman.

7 SENATOR HOYLMAN: I was
8 articulating my frustration, Mr. President, that
9 because the Majority has eliminated, in its
10 entirety -- eliminated in its entirety -- every
11 ethic reform proposed by the Executive, therefore
12 we have no opportunity to debate or discuss it.

13 SENATOR NOZZOLIO: Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Nozzolio.

16 SENATOR NOZZOLIO: Will the Senator
17 continue to yield?

18 ACTING PRESIDENT GRIFFO: Senator
19 Hoylman, do you yield?

20 SENATOR HOYLMAN: I yield, yes,
21 Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Hoylman, you haven't answered my question at all.
24 Put the rhetoric aside and tell me
25 specifically --

1 SENATOR GIANARIS: Mr. President --

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

4 SENATOR GIANARIS: Can we please
5 have the questions directed through the chair.

6 ACTING PRESIDENT GRIFFO: Please
7 have the questions directed through the chair,
8 please.

9 SENATOR NOZZOLIO: Thank you,
10 Senator Gianaris.

11 Mr. President, through you. I
12 regret that Senator Hoylman has failed to answer
13 my question. I regret that rather than the
14 specifics of the question, which are where in the
15 Governor's Public Protection portion of the
16 budget that he pro-offered were any of the
17 subjects that Mr. Hoylman references? Because,
18 Mr. President, we are on the Public Protection
19 portion of the State Budget. These subjects that
20 Mr. Hoylman wishes to discuss are certainly
21 relevant to discuss, but not present in the
22 Governor's bill that was before us that we are
23 now debating.

24 SENATOR HOYLMAN: Through you,
25 Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hoylman.

3 SENATOR HOYLMAN: I share my
4 colleague's frustration, because the conference
5 has eliminated in its entirety every ethics
6 proposal. We can stand here and shadow box, but
7 there is nothing to talk about. And that is a
8 convenient way to avoid the subjects of ethics
9 reform, and I would even argue it's a clever way,
10 but it's not what the people of New York need in
11 this moment of crisis in state government.

12 SENATOR NOZZOLIO: Mr. President, I
13 again deeply regret that Senator Hoylman
14 sidesteps, pivots, pushes around the subject that
15 I've asked him directly about, and it's apparent
16 that he obviously has no understanding of what
17 Governor Cuomo's Public Protection portion of the
18 budget did or the measure that's before us now
19 for consideration.

20 With that frustration that he has,
21 he's imparted on everyone else because of his own
22 intransigence in answering the questions.

23 (Laughter.)

24 ACTING PRESIDENT GRIFFO: Senator
25 Hoylman.

1 SENATOR HOYLMAN: Through you,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Hoylman is on the bill.

5 SENATOR HOYLMAN: I'll say that --
6 I'll read every part that was actually up for
7 discussion at the General Government table, which
8 is the table relevant to the PPGG bill: Closing
9 the so-called LLC loophole; establishing limits
10 on outside income for members of the State
11 Legislature; implementing various campaign
12 finance reform proposals; a soft money
13 housekeeping limit; disclosure of intermediaries;
14 additional reporting in connection with that;
15 lowering contribution limits; public financing of
16 elections. The list goes on and on.

17 We should be extremely disappointed
18 that we're not discussing in a fulsome manner the
19 pluses and negatives of the Governor's proposals.
20 I think that we, Mr. President, have taken this
21 Watergate moment which our leader has referred to
22 in the Democratic Conference, and we're turning
23 it into a Waterloo moment, because the voters are
24 going to remember, the voters are going to
25 remember that we did nothing in this budget,

1 notwithstanding terrific proposals put forth by
2 the Executive.

3 I'll be voting nay, Mr. President.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Hoylman.

6 Senator Rivera.

7 SENATOR RIVERA: Thank you,
8 Mr. President. In my olden age I have actually
9 gotten to --

10 ACTING PRESIDENT GRIFFO: Senator
11 Rivera, are you on the bill?

12 SENATOR RIVERA: I'm on the bill.

13 ACTING PRESIDENT GRIFFO: Senator
14 Rivera on the bill.

15 SENATOR RIVERA: Not necessarily
16 when I was younger, but when I got a little
17 older, I started to enjoy theater. I've actually
18 gotten quite into it. And what I'm watching here
19 right now is actually quite an entertaining play,
20 if I may.

21 While earlier I would recall that
22 Chairwoman Young went on and on about something
23 that was not in this bill and was questioned
24 about that by Senator Gianaris and Senator
25 Gianaris was pooh-poohed, that no, you shouldn't

1 do than -- and then when Senator Hoylman took
2 time to express the fact that there was in the
3 General Government table a whole discussion from
4 the Governor's proposal about ethics reform,
5 which is something that we so need in this
6 chamber and in the legislative body, then he was
7 pooh-poohed by Senator Nozzolio about
8 intransigence and what have you. So very good
9 theater that we are watching here today.

10 But ultimately what this theater is,
11 for those that might be watching and paying
12 attention, is about the money that you give us,
13 as government, to put into governmental things
14 that we do -- and there are many, many things
15 that we are not talking about today and we will
16 not be talking about for a while because we have
17 not seen any of them.

18 The bills that we have before us are
19 actually plain old vanilla bills. They cover
20 some basic things that are absolutely necessary.
21 But the big items that we have been discussing or
22 that we really need to discuss are not in any of
23 these bills. And what many of my colleagues did
24 already was express very clearly the fact that
25 just one issue, when we're talking about ethics

1 reform or campaign finance reform, were not
2 included at all in these pieces of legislation.

3 That is relevant, it is germane, it
4 is appropriate to discuss because it is so
5 important to the work that we do here. We need
6 to have the trust of the people we govern. And
7 unfortunately, whether my colleagues want to
8 accept it or not, many folks don't trust us.

9 So I will be -- because this bill in
10 particular, Mr. President, doesn't have anything
11 particularly horrible in it -- it certainly has
12 some exclusions and things that have been
13 excised, as well as the other two bills that
14 we're going to discuss, which means that we have
15 plenty of time yet that -- we're not going to get
16 to that April 1st deadline, Mr. President. We're
17 going to go over that. It's going to happen,
18 because there's so many things that we still have
19 yet to discuss, the real big things that have not
20 been on the agenda.

21 So I will say bravo to all the
22 theatricality that's been going on in this
23 chamber. I will vote in the affirmative on this
24 piece of legislation. But I would ask everybody
25 to at least accept the fact that the frustration

1 that we feel on this side is real. We have no
2 idea what is going to be in some of these pieces
3 of legislation. You all apparently do, but we
4 don't.

5 And we take it very seriously, the
6 responsibility that we have to our constituents,
7 so we want to take some time to look things over.
8 We hopefully will have that time in the future,
9 Mr. President. As it is, just for this very
10 vanilla piece of legislation, I'll be voting in
11 the affirmative.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Rivera.

15 Is there any other Senator wishing
16 to be heard?

17 Seeing none and hearing none, debate
18 is closed, and the Secretary will ring the bell.

19 Read the last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Espaillat to explain his vote.

2 Can I have some order in the house,
3 please.

4 SENATOR ESPAILLAT: Yes,
5 Mr. President. Thank you.

6 I share concerns with this bill not
7 having any ethics or campaign finance reform.

8 However, it changes from the
9 original resolution proposed by this house, which
10 called for an end to sanctuary cities, and I am
11 supportive of that. It also provides a provision
12 that allows service-disabled veterans to get more
13 opportunities for their own businesses. And
14 finally, it also reforms the World Trade Center
15 volunteer form to ensure that additional state
16 funds will be used to cover medical expenses
17 denied by the federal Zadroga Act.

18 For those reasons, I will be voting
19 in the affirmative.

20 ACTING PRESIDENT GRIFFO: Senator
21 Espaillat to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 We're going to make a correction to
2 the last bill. The Secretary will reannounce the
3 results.

4 THE SECRETARY: Ayes, 61. Nays, 1.
5 Senator Hoylman recorded in the negative.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 The Secretary will read.

9 THE SECRETARY: Senator Young moves
10 to discharge, from the Committee on Finance,
11 Assembly Bill Number 9007C and substitute it for
12 the identical Senate Bill Number 6407C, Third
13 Reading Calendar 515.

14 ACTING PRESIDENT GRIFFO: The
15 substitution is so ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 515, Assembly Budget Bill, Assembly Print 9007C,
19 an act intentionally omitted.

20 ACTING PRESIDENT GRIFFO: Senator
21 Rivera.

22 SENATOR RIVERA: Thank you,
23 Mr. President. I wonder if the sponsor or
24 perhaps Senator Hannon would yield for a few
25 questions.

1 ACTING PRESIDENT GRIFFO: Can I ask
2 the house again, please, to come to order. We
3 have a number of people in the house today, two
4 very important bills, and two members that wish
5 to exchange. So I would please ask for order in
6 the house.

7 Senator Rivera, you may continue.
8 Senator Hannon, do you yield?

9 SENATOR HANNON: Yes.

10 ACTING PRESIDENT GRIFFO: Senator
11 Hannon yields.

12 Senator Rivera.

13 SENATOR RIVERA: Thank you,
14 Mr. President. I just have a few basic questions
15 about what is and is not in this bill as it
16 refers to the original budget proposal that the
17 Governor put before us.

18 SENATOR HANNON: With the chair's
19 permission, could I go into a little bit of an
20 outline of the bill? If you don't mind.

21 SENATOR RIVERA: I don't mind.
22 Through you, Mr. President.

23 ACTING PRESIDENT GRIFFO: We will
24 allow the outline. Senator Rivera has agreed.

25 Senator Hannon, you may continue.

1 SENATOR HANNON: This is the
2 Article VII bill in regard to health and aging,
3 and there are several highlights of what's in the
4 bill.

5 First of all, we have kept the
6 traumatic brain injury waiver and making sure
7 that it does not go into managed care for another
8 year. We have preserved provider-prevail
9 protections for medications, did not move beyond
10 where we were before. We have rejected cuts to
11 Early Intervention. We have kept spousal refusal
12 in the state it was before because we thought
13 changing it would be counterproductive. We have
14 restored the cuts to the Excess Medical
15 Malpractice Pool, because we feel that's an
16 equitable solution for upstate health care. We
17 have preserved the Naturally Occurring Retirement
18 Communities and Neighborhood NORCs.

19 We were also able to restore a
20 program for \$195 million in capital grants, with
21 30 percent of that going to community providers.
22 We've added a million dollars in the program for
23 Doctors Across New York. There are very
24 important funds added to OASAS for heroin
25 prevention and treatment. We have added a

1 provision in regard to monies for making sure
2 that New York tests all the rape kits. And we
3 have restored funding for organ donation, eating
4 disorders, and Lyme disease activities.

5 And that's just a broad outline of
6 what we've done.

7 SENATOR RIVERA: Mr. President,
8 through you, if the Senator would continue to
9 yield.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields.

12 SENATOR RIVERA: Thank you,
13 Mr. President. A few things that I wanted to go
14 into a little bit deeper.

15 First, related to the \$195 million
16 for capital transformation, if you could go a
17 little bit into what the bill before us does as
18 far as the process of how that money is going to
19 be disbursed.

20 SENATOR HANNON: The process is a
21 little complicated because the idea is to do a
22 combination both of bonding and in grants for
23 operations, so that it provides for both the
24 DASNY and for existing grant procedures in the
25 Department of Health. And to the reason that

1 once they look at the request and see whether
2 it's capital or whether it's operating, they'll
3 be able to best disburse the monies. And there
4 is an exchange provision between the two. It
5 would be for the benefit, and it would all be by
6 State Finance Law.

7 SENATOR RIVERA: Through you,
8 Mr. President, if the Senator would continue to
9 yield.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields.

12 SENATOR RIVERA: To just ask one
13 specific question about that, ultimately the
14 authority to disburse the money, to determine
15 where it would go, would belong to the Budget
16 Director, if I'm not mistaken, so it would be the
17 second floor?

18 SENATOR HANNON: I would say a
19 combination of the Budget Director and with the
20 Health Commissioner.

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

24 ACTING PRESIDENT GRIFFO: The
25 Senator yields.

1 SENATOR RIVERA: Thank you.

2 Two, and this actually should have
3 been my first question, something that is not
4 here and I want to make sure that we underline,
5 the initial proposal by the Governor to shift
6 costs on Medicaid growth rates to the City of
7 New York, is it anywhere in this budget proposal?

8 SENATOR HANNON: It's not in this
9 bill.

10 And I don't know if Senator Gianaris
11 will allow me to refer to things that may not be
12 before us yet, but it will be coming, with fair
13 certainty, that the proposal to go back and not
14 allow the state to pick up the monies for the
15 increase in growth in Medicaid for the city, that
16 should be reversed. It's a fairly complicated
17 procedure. But I believe at the end of the day,
18 we're not going to be taking that money from the
19 city.

20 SENATOR RIVERA: Through you,
21 Mr. President, if the Senator would continue to
22 yield.

23 ACTING PRESIDENT GRIFFO: The
24 Senator yields.

25 SENATOR RIVERA: So you're saying

1 that it might be -- at the end of the day, it's
2 not going to be taken away from the city. But as
3 far as how we switched it back from the original
4 proposal, it is not on this bill, it will be on
5 another one that we have yet to see?

6 SENATOR HANNON: It morphed from
7 should we just reject it to it morphed into the
8 Governor came up with something, somewhat at the
9 last minute, which was confusing to a lot of
10 people, that it became a transformation type of
11 process that maybe other parts of the state would
12 want to do it, although they already -- you know,
13 there was a question as to whether they had the
14 power to do it. So it's a process that's there
15 for the rest of the state, it would be absolutely
16 voluntary for the city.

17 It would also involve helping the
18 city in regard to monies to pay for Medicaid but
19 also monies that are needed -- what's known as
20 using for HHC the process of intergovernmental
21 transfers, one of the complicated parts of the
22 Medicaid reimbursement process in the state and
23 in federal law.

24 So at the end of the day, this would
25 have to be worked out between the state and the

1 City of New York, and it would be, I think, a
2 major net benefit to cash in the City of New
3 York, helping HHC, which as we know has been
4 financially stressed.

5 SENATOR RIVERA: Through you,
6 Mr. President, if the Senator would yield for one
7 more question.

8 SENATOR HANNON: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 Senator yields.

11 SENATOR RIVERA: Regarding Health
12 Republic, there's obviously been a conversation
13 that we've had --

14 SENATOR HANNON: Further, I'm
15 reminded those actions will be all
16 administrative. So they won't be in any bill
17 that we will see, but frankly they've been --
18 there's been lots of discussions and lots of
19 negotiations on it, so they're very real.

20 I'm sorry.

21 SENATOR RIVERA: So, Mr. President,
22 through you, going back to the other question.

23 ACTING PRESIDENT GRIFFO: Senator
24 Hannon yields.

25 SENATOR RIVERA: I thank the

1 Senator for clarifying that earlier point.

2 But lastly, on Health Republic, as
3 it relates to any actions that we might take in
4 this budget to make the providers that have
5 already provided services that are how to make
6 them whole. There have been many conversations
7 about what we could potentially do, what we must
8 do for these providers.

9 Is there anything in this budget
10 bill or maybe in other budget bills that we
11 haven't seen yet regarding Health Republic?

12 SENATOR HANNON: There's nothing in
13 this budget bill about Health Republic. In other
14 bills that have been discussed and negotiated, I
15 believe there will be a provision -- now, we have
16 not accepted at all the idea of going to a
17 guarantee fund, because that was too dramatic at
18 this point, even though it was first sponsored by
19 Senator Valesky. Then I had my friend Senator
20 Seward against it, so we had to come to a
21 compromise.

22 The thought is, establish a fund
23 that can be used for reimbursing claimants, but
24 establish a fund that would become activated once
25 the liquidation process, if it ever gets to be

1 commenced, once the liquidation process for
2 Health Republic goes through the procedures of
3 the Department of Financial Services. And the
4 idea would be at some point have the budget, and
5 obviously the administration, identify one of the
6 settlement funds that the state has received by
7 virtue of action of either DFS or the Attorney
8 General, as a funding.

9 The thought being those are one-shot
10 revenues, that hopefully this Health Republic
11 event is a one-shot loss, so that we could match
12 that and then hopefully down the road we would
13 take a look at the whole approval process,
14 rate-setting process of the insurance system and
15 the health system, so we can better protect the
16 people of this state.

17 SENATOR RIVERA: Through you,
18 Mr. President, on the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Rivera on the bill.

21 SENATOR RIVERA: Thank you, Senator
22 Hannon, for kind of breaking down what is on this
23 bill.

24 As I stated earlier, most of these
25 bills are somewhat vanilla, therefore a lot of

1 the big items that might be more controversial
2 will be left to later. But a couple of things
3 that I want to point out. First, the initial
4 proposal to shift the costs of Medicaid growth to
5 the City of New York, which would have been
6 disastrous for the City of New York, particularly
7 for HHC hospitals, I'm very thankful that this
8 proposal before us does not have that in it.

9 As far as the transformation fund of
10 the \$195 million for capital improvements, I'm
11 both thankful that it's there, but I am hopeful
12 that the process is a little bit more transparent
13 than the one that we just went through for the
14 \$1.2 billion that we allocated last year. There
15 are many very deserving projects that
16 unfortunately did not receive funding --
17 including projects certainly in my backyard and
18 other parts of the state -- without which I'm not
19 sure whether they can achieve the goals that
20 we're trying to set for them as far as DSRIP and
21 lowering hospitalization rates for Medicaid
22 patients.

23 So I'm very thankful that that money
24 is there, hoping to work with the second floor as
25 well as with my colleagues to make sure that it

1 goes to the right places where it's needed.

2 And lastly, I'm thankful that we are
3 having a conversation about Health Republic. We
4 have to make sure -- I think that Senator Hannon
5 nailed it when he says that we want to make sure
6 that it is a one-time thing. Hopefully we will
7 be able to have discussions about what exactly
8 that means as far as making the people that have
9 already provided services whole, and that we do
10 not have to go down this road again.

11 But most of the things that are very
12 controversial have been taken out of this piece
13 of legislation. As it is, it is certainly
14 acceptable. I will be voting in the affirmative.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Rivera.

18 Senator Hamilton.

19 SENATOR HAMILTON: Yes, Mr. Chair,
20 would the sponsor of the bill please yield for
21 some questions.

22 ACTING PRESIDENT GRIFFO: Senator
23 Hannon, do you yield?

24 SENATOR HANNON: Yes, Mr. Chair.

25 SENATOR HAMILTON: Yes, Mr. Chair,

1 I'd like to ask the question of temporary
2 operators and just get clarification on that.

3 SENATOR HANNON: Are you referring
4 to the --

5 SENATOR HAMILTON: Under Mental
6 Health, temporary operators? Under Mental
7 Health, Part L.

8 SENATOR HANNON: The proposal that
9 we had from the Governor?

10 SENATOR HAMILTON: Right. But can
11 you just clarify what it actually -- how you
12 define it, the three-way agreement, how it
13 relates to the OPWDD and OMH, to appoint a
14 temporary operator?

15 SENATOR HANNON: How did they
16 relate?

17 SENATOR HAMILTON: Yeah. I just
18 want an explanation what the program is.

19 SENATOR HANNON: I can do the
20 same -- it's very close to what we've done and
21 put in statute for all healthcare. There are
22 times when these not-for-profits are having
23 problems. The idea is that you need to continue
24 the services, but the people who are doing the
25 management are not sufficient to continue those

1 services, so that there is a need to have the
2 department be able to step in and have somebody
3 run it and make sure there's a continuity.

4 SENATOR HAMILTON: Yes, thank you.

5 Mr. Chair, would the sponsor yield
6 to another question, please?

7 ACTING PRESIDENT GRIFFO: Senator
8 Hannon, do you yield?

9 SENATOR HANNON: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields.

12 SENATOR HAMILTON: I think the
13 Senator is correct in that the proposal is great
14 to address the serious financial situations
15 nonprofits may be having. Right now, we have the
16 highest homeless rate in New York City, over
17 60,000 people living in homeless shelters. A
18 large component of that are people who have
19 mental illness.

20 My question is, why wasn't the
21 homeless shelters, people with domestic violence,
22 and runaway youth included for the
23 not-for-profits to be investigated for serious
24 financial --

25 SENATOR HANNON: Philosophically,

1 we make too many silos, so we don't have really,
2 directly under Mental Health the people who are
3 suffering because they have other problems or
4 they're homeless or they have a drug program. We
5 haven't integrated this well enough, and we ought
6 to. But we were handed this budget in this way.
7 We still kept these separate. We still have to
8 address all of that and how we're going to go
9 about it.

10 You could also make a case that when
11 the new federal waiver, called DSRIP, fully kicks
12 in and we're trying to avoid admissions to
13 hospitals, we'll also have an integration of
14 services so that we won't have people suffering
15 from overdose or mental illness and therefore
16 becoming homeless and therefore addressing the
17 healthcare system. There's a far greater need
18 for integration.

19 We do have, in Health, we do a
20 provision for supportive home services, a couple
21 of hundred million. That's only gotten off the
22 ground, I'm including a couple of years of
23 appropriation there. So there is a whole need to
24 address this. And we're still, as a government
25 and as a society, trying to figure out how we're

1 going to do this appropriately.

2 SENATOR HAMILTON: I do agree with
3 you on that point.

4 Would the sponsor yield to another
5 question, Mr. Chair?

6 ACTING PRESIDENT GRIFFO: The
7 Senator yields.

8 SENATOR HAMILTON: The last
9 question is once there is a three-way agreement,
10 will the local legislature, the governing body,
11 be notified of the appointment of an operator?

12 SENATOR HANNON: This was
13 discussed. If the question is when the
14 notification would be made, there was a question
15 as to whether it would be done prior to the
16 legislature or whether it would be subsequent.
17 There are policy reasons not to do it prior to,
18 from a bureaucrat standpoint.

19 But at the moment, it's going to be
20 when the appointment is made, then the
21 legislature will be notified.

22 SENATOR HAMILTON: Thank you. Just
23 one more question. Would the sponsor yield to
24 another question, please?

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR HAMILTON: I think this is
3 a great idea. But my last question is what
4 happens if the not-for-profit does go into
5 serious financial problems, what happens to the
6 real estate that is owned by the not-for-profit
7 if it's --

8 SENATOR HANNON: Well, that's
9 really the reason for the temporary operator. If
10 someone goes bankrupt or needs to be liquidated,
11 then normal legal procedures start to use those
12 as assets, and that gets to pay off creditors.

13 If you have a temporary operator,
14 you keep the entity together, in a sense. You
15 have the services continue to be delivered, you
16 have a revenue stream that comes from Medicaid,
17 and so you can theoretically, with better
18 management, handle those bills. And what's the
19 ultimate goal? People who are getting the
20 services continue to get the services.

21 SENATOR HAMILTON: Great. No
22 further questions.

23 I'd like to speak on the bill.

24 ACTING PRESIDENT GRIFFO: Senator
25 Hamilton on the bill.

1 SENATOR HAMILTON: I think this is
2 a great idea. What's been happening recently in
3 certain communities, there's been a receiver put
4 in place. And then rather than having corrective
5 measures, the receiver is proceeding to the court
6 for dissolution of these not-for-profits.

7 And what's happening now,
8 not-for-profits who bought properties for
9 \$30,000, let's say 35 years ago, are now worth
10 \$2 million. And I just feel that this is a great
11 idea, that we don't have receivers who are being
12 paid \$75,000 per month to make a determination
13 that a not-for-profit is not doing well.

14 And I believe that they are
15 targeting organizations in communities of color
16 that are being gentrified, not because they're
17 not doing well but because they want their real
18 property assets.

19 So I think this is a great idea.
20 But I also want to make sure that the local
21 legislatures are notified prior to the operator
22 being put in place to make sure that the
23 corrective measures are done appropriately and
24 certain communities are not targeted by members
25 who used to work for OPWDD and now have left and

1 are using that information to target the
2 not-for-profits that are on the fringe of not
3 doing a great job but are doing a sufficient job.

4 Thank you very much, Mr. Chair.

5 ACTING PRESIDENT GRIFFO: Senator
6 Stavisky.

7 SENATOR STAVISKY: Thank you,
8 Mr. President. Would the sponsor yield?

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR STAVISKY: I have one
12 question. I thank you for your explanation on
13 the resolution of the financial difficulties
14 experienced by Health Republic.

15 Do you anticipate all of the
16 providers being reimbursed, or is it going to be
17 the big larger groups? How do you see the small,
18 the individuals receiving the reimbursement for
19 services to Health Republic that they have
20 already provided?

21 SENATOR HANNON: Well, I think we
22 need to see a process that people can make the
23 claims. Right now all we have are informal
24 surveys by the different organization -- you
25 know, home care or hospitals or the physicians.

1 They've surveyed their members: How much do you
2 think you're out?

3 If we have a more formal process, be
4 it through the liquidation or through this fund
5 that we've set up, that people can make a formal
6 claim, can do the proof of that formal claim,
7 then you get somebody who's making the decisions
8 as to how to make the awards based on what the
9 priorities are, based on -- you know, patients
10 are in this too.

11 So we really need to get the
12 procedure going. Absent the procedure, no one
13 can actually tell what's owed and what can be
14 delivered.

15 SENATOR STAVISKY: Thank you. I
16 just want to be sure that nobody is left behind.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Stavisky.

20 Senator Krueger.

21 SENATOR KRUEGER: Thank you,
22 Mr. President. If the sponsor could please yield
23 for some questions.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: Thank you.

2 Just going back to a section that --
3 there were some questions about the healthcare
4 transformation package, which continues the
5 previous year's commitments on Oneida County and
6 Brooklyn but then creates a \$200 million
7 statewide program, is this exclusively for
8 hospitals, or can this be for other
9 community-based healthcare programs? Because
10 during the budget hearings, they were the ones so
11 desperate for money.

12 SENATOR HANNON: On your question
13 what is the purpose of this, first of all, I
14 think it's -- the 195 million? It's \$195
15 million, technically, because \$5 million is going
16 to be used for mammogram vans. So it's 195.

17 And then it can be used for any
18 healthcare providers. Though we have put in
19 here -- we wanted more, but we put in that
20 30 percent of this would go to community --
21 \$30 million, excuse me, would go to community
22 healthcare providers. So we did a little
23 priority there, but the rest of it could be any
24 healthcare provider.

25 SENATOR KRUEGER: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR KRUEGER: Thank you. Can
6 more than \$30 million go to community healthcare
7 providers? It's just a bottom, that \$30 million
8 has to go?

9 SENATOR HANNON: Yes. Yes,
10 Senator.

11 SENATOR KRUEGER: Okay. Through
12 you, Mr. President, if the sponsor will continue
13 to yield.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KRUEGER: What's the
17 process of who will make the decisions on this?
18 Is this an RFP through the Department of Health?
19 How does this work?

20 SENATOR HANNON: I presume they're
21 going to use the continued -- the way they have
22 allocated money that we had in the \$1.6 billion,
23 whether it be for the first procedure we had or
24 the second. It's going to be an award process,
25 they'll score the awards and they'll try -- and

1 hopefully use great judgment.

2 I must admit that there's not enough
3 money, because there's a lot of people who made
4 applications and didn't get the awards, so
5 there's going to be a lot of hopes.

6 And the preference is to people who
7 made applications to the process before and did
8 not get funded. And that's important because
9 many of those people are participating in the
10 federal waiver and feel that their applications
11 are essential to them successfully participating
12 in that waiver program.

13 SENATOR KRUEGER: So the sponsor
14 actually guessed what my next question was going
15 to be. Thank you for that answer.

16 If you -- excuse me. I have a
17 question on another section of the bill, if the
18 sponsor would continue to yield.

19 SENATOR HANNON: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR KRUEGER: Thank you.

23 There was reference to a new
24 proposal dealing with the heroin/opioid epidemic.
25 And then I think in an earlier statement Senator

1 Young talked about new money for something. Can
2 we clarify what there is for heroin/opioid abuse
3 in this bill and how it might correlate with some
4 money that might or might not be there in a
5 future bill we have yet to see?

6 SENATOR HANNON: Basically you're
7 talking about expanding what OASAS is doing in
8 the new applications for people who have had
9 overdoses, for people who are addicted and their
10 families, trying to lead to greater expansion of
11 rehabilitation clinics. So it is much of the
12 natural expansion that needs to be done.

13 SENATOR KRUEGER: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: So we should see
19 some X amount of money for RFPs for a larger
20 number of rehab facilities or a larger number of
21 slots in existing rehab facilities?

22 SENATOR HANNON: I think, building
23 on what the Governor proposed, adding \$25 million
24 to that, we get to the order of \$160 million.

25 SENATOR KRUEGER: And through you,

1 Mr. President -- oh, I want to wait to make sure
2 you get your numbers.

3 SENATOR HANNON: I'm fine.

4 SENATOR KRUEGER: Okay. Through
5 you, Mr. President, so these also will be an RFP
6 process through OASAS for new providers to apply?

7 SENATOR HANNON: I think there's a
8 mixture of different award procedures. But it
9 would be pursuant to what they would do in the
10 ordinary course.

11 SENATOR KRUEGER: Through you,
12 Mr. President, if the sponsor would continue to
13 yield.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KRUEGER: Is there any
17 geographic distribution of these new funds for
18 this purpose?

19 SENATOR HANNON: Not at this
20 moment. Not at this moment. But we have a very
21 energized group of Senators who have been
22 participating in the chair's hearings throughout
23 the state, knowing there are problems throughout
24 the state, and so they're all vigorous proponents
25 of new initiatives from Niagara to Suffolk.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: And just in
7 comment, I think every county of the state is
8 suffering from the growing problem, and I think
9 that it is correct that there is no community
10 that doesn't see the need for more support and
11 help for people who are suffering from opioid
12 addictions, heroin addictions, and the desperate
13 need for more access to immediate healthcare and
14 mental health care upon realization of the
15 problem.

16 So I'm glad to see more money. I'm
17 glad to see there will be opportunities for more
18 providers to draw down on this money and
19 hopefully expand the number of slots, because I'm
20 not sure there's anything worse than knowing you
21 have a problem, going in search of help, and not
22 being able to find any. So I'm very supportive
23 of expanding this.

24 I want to shift to some of the
25 things that were removed from this bill relating

1 to drug pricing and evaluation of pharmaceutical
2 pricing. If, through you, the sponsor would
3 continue to yield.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: So a number of
7 sections were removed from this bill that
8 involved the Governor's original proposals for
9 some changes in the pricing and evaluation of
10 pharmaceutical drugs. Can the sponsor both
11 explain a little bit about what was lost and what
12 remains?

13 SENATOR HANNON: I'm not so sure
14 that the things that are intentionally omitted
15 were losses, because they were more hopes. They
16 tried to deal with, quote, blockbuster drugs that
17 weren't identified, with no procedure, they tried
18 to deal with specialty drugs that weren't
19 identified and there was no procedure.

20 The thought was that -- and they
21 were price controls. If anybody -- and I found
22 out by asking various professionals in healthcare
23 whether they had any background in price
24 controls, because we last really had them in
25 World War II, and no one did. And I remember

1 from my economic studies they led to huge
2 bureaucracies and not necessarily efficiencies.

3 So the thought was we need to deal
4 with overpricing in drugs. We had the fact of
5 one of the manufacturers who became fairly
6 infamous taking a \$13.50 drug and escalating it
7 to \$750. We proposed a type of surcharge going
8 after price gouging. The Executive came back
9 with the proposal that's contained in this bill
10 and deals with when the price of a generic drug
11 has increased by more than 300 percent in any
12 given year, allowing the administration to deal
13 with that in regard to a surcharge on that drug
14 manufacturer.

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

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR HANNON: Yes.

21 SENATOR KRUEGER: So the proposal
22 is specific to generic drugs only?

23 SENATOR HANNON: Yes.

24 SENATOR KRUEGER: Through you,
25 Mr. President, if the sponsor will continue to

1 yield.

2 SENATOR HANNON: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR KRUEGER: Can the sponsor
6 help me understand under what scenario an
7 existing drug which is generic, hence it has come
8 after years of a patent on a parallel drug, under
9 what scenario a generic drug would need to go up
10 300 percent in cost per year?

11 SENATOR HANNON: That's what we're
12 trying to avoid. I don't know the legitimate
13 scenario that there would be. But I do know it's
14 happened, it's happened in several instances, and
15 people have had to pay more.

16 Now, in regard to brand drugs, we
17 know the federal government has a program that's
18 operating in regard to this, so we were not going
19 to step into that. And in the proposal that's in
20 this budget, in regard to generic drugs, when and
21 if -- and it's likely it's going to be a when --
22 the federal government deals with generic drugs
23 also, that we would not cease to continue with
24 this program -- we would not cease to continue
25 the program.

1 SENATOR KRUEGER: I understand.

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

4 SENATOR HANNON: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: It's very
8 helpful, the answers to the questions. I want to
9 thank the sponsor.

10 So is this rebate -- if you go up on
11 your drug by 300 percent, we're going to rebate
12 back 295 percent of it? How much is the rebate?

13 SENATOR HANNON: I think it's
14 negotiated with the manufacturer.

15 SENATOR KRUEGER: Through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR KRUEGER: It's negotiated
21 by the Executive, by the Department of Health, by
22 whom?

23 SENATOR HANNON: Really the
24 Department of Health, through their Drug
25 Utilization Board.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: So if I was smart
7 about this and I had a generic drug that I wanted
8 to drive the prices up on, I'll just do a
9 299 percent increase every year?

10 SENATOR HANNON: I would presume
11 that would be the case.

12 But I'm not so sure that you could
13 be confident you could continue in the state's
14 programs because we also have another look-see as
15 to whether you can participate in Medicaid. We
16 have a utilization board that you take a look at.
17 We have the powers under the global spending cap
18 that we can make adjustments in regard to drug
19 prices. We have had all of the Medicaid managed
20 care companies go with a pharmaceutical benefit
21 manager who is pretty fierce.

22 So the idea is to try to make this
23 as reasonable as possible and not have some drug
24 company take advantage of our treasury.

25 SENATOR KRUEGER: Mr. President, on

1 the bill.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger on the bill.

4 SENATOR KRUEGER: I want to thank
5 the sponsor for his answers to my questions and
6 to my colleagues' questions, appreciate very much
7 his knowledge base.

8 My last set of questions is actually
9 out of my frustration that we have yet to figure
10 out how to do more to control pharmaceutical drug
11 pricing for our citizens. The concept, just
12 again to repeat, these are generic drugs. Hence,
13 they were name-brand drugs under patents for some
14 period of time -- it could be 10, 20, even 30,
15 40 years. So they're not new drugs where R&D was
16 involved in the costing of them, they're drugs
17 that have been on the market and suddenly we're
18 seeing skyrocketing increases in their costs --
19 again, over 300 percent a year. And the sponsor
20 gave one example where I can't even calculate
21 what the growth in that rate was.

22 There is no justification or excuse
23 for these kinds of drugs to see these kinds of
24 price increases. We removed from the budget bill
25 a series of proposals that the sponsor may or may

1 not be right about that there wasn't a way for us
2 to figure this out correctly. I'm not convinced
3 we couldn't figure it out correctly.

4 Frankly, I hope we take another bite
5 at that apple. It's very clear to me until the
6 federal government and states start to become
7 incredibly aggressive at challenging the pricing
8 of pharmaceutical drugs, generic and name brand,
9 until we hold the manufacturers accountable for
10 justifying their expenses, the costs of their
11 drugs, we're going to see a greater and greater
12 share of America's personal budgets and our
13 government budgets going to the cost of
14 pharmaceuticals. And we are going to continue to
15 see -- most disturbingly, perhaps -- low-income
16 people, low-income seniors, making the decisions
17 about whether they can afford their drugs or
18 their food each month.

19 Most countries in the world have
20 figured this out for themselves. We have not
21 yet. I am not opposed to this proposal, I am
22 just frustrated that we haven't figured out how
23 to do more on behalf of our citizens.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Krueger.

2 Is there any other Senator that
3 wishes to be heard?

4 Seeing none, hearing none, the
5 debate is closed. The Secretary will ring the
6 bell.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: While we're
9 waiting for everyone to congregate, I just wanted
10 to mention that for the Senators, there's food
11 out there. And probably all of you have eaten
12 already. But those that didn't, we're going to
13 go at ease right after we take this vote until
14 7:15, 45 minutes. And if we all come back in
15 time, we'll resume on the third bill. That way
16 we give people the opportunity to continue this
17 process in a humane manner.

18 (Pause.)

19 ACTING PRESIDENT GRIFFO: Senator
20 DeFrancisco.

21 SENATOR DeFRANCISCO: I ask all the
22 Senators to please take their seats so that we
23 can determine if everyone's here and actually
24 take the roll call vote.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: We will now
12 stand at ease until 7:15.

13 ACTING PRESIDENT GRIFFO: The
14 Senate will stand at ease until 7:15 promptly.
15 Senate is at ease.

16 (Whereupon, the Senate stood at ease
17 at 6:35 p.m.)

18 (Whereupon, the Senate reconvened at
19 7:29 p.m.)

20 ACTING PRESIDENT GRIFFO: The
21 Senate will come to order.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: I just want
24 to make an announcement throughout this building
25 and wherever else Senators might be. We tried to

1 do this in a logical way by giving people a
2 little time to get something to eat, and we were
3 supposed to be back at 7:15. There's a lot of us
4 here, but there's also a lot of empty seats. So
5 if you'd like to come back, it would be helpful,
6 because the earlier we get done tonight -- rather
7 than be here to some ungodly hour.

8 So please, pretty please --

9 (Laughter.)

10 SENATOR DeFRANCISCO: -- if anybody
11 hears this message that's either a Senator or
12 someone that knows where a Senator is, will you
13 please send them down now. Thank you.

14 (Pause.)

15 ACTING PRESIDENT GRIFFO: The
16 Senate will come to order.

17 SENATOR DeFRANCISCO: Yes, can we
18 now call the next budget bill on the calendar,
19 please.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Senator Young moves
23 to discharge, from the Committee on Finance,
24 Assembly Bill Number 9008C and substitute it for
25 the identical Senate Bill 6408C, Third Reading

1 Calendar 516.

2 ACTING PRESIDENT GRIFFO: The
3 substitution is so ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 516, Assembly Budget Bill, Assembly Print 9008C,
7 an act intentionally omitted.

8 SENATOR DeFRANCISCO: Is there a
9 message of necessity at the desk?

10 ACTING PRESIDENT GRIFFO: There is
11 a message of necessity from the Governor at the
12 desk.

13 SENATOR DeFRANCISCO: I move to
14 accept.

15 ACTING PRESIDENT GRIFFO: All in
16 favor of accepting the message of necessity of
17 the Governor at the desk signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 message is accepted.

23 SENATOR DeFRANCISCO: Last section.

24 ACTING PRESIDENT GRIFFO: Senator
25 Gianaris, why --

1 (Laughter.)

2 ACTING PRESIDENT GRIFFO: The
3 gentleman from Queens.

4 SENATOR GIANARIS: Thank you.

5 Mr. President, I believe there is an
6 amendment at the desk. I ask that the reading be
7 waived and that Senator Hoylman may be heard on
8 the amendment.

9 ACTING PRESIDENT GRIFFO: Senator
10 Gianaris, upon review of the amendment, I rule
11 that, in accordance with Rule 10, it is not
12 germane to the bill before the house and
13 therefore out of order.

14 SENATOR GIANARIS: I'd like to
15 appeal the decision of the chair and ask that
16 Senator Hoylman be heard on the appeal.

17 ACTING PRESIDENT GRIFFO: The
18 appeal is so noted and Senator Hoylman is so
19 called upon.

20 Can I have some order in the house,
21 please.

22 SENATOR HOYLMAN: Thank you. Thank
23 you, Mr. President.

24 Mr. President, my amendment to this
25 legislation is germane because it does maintain

1 the same purpose and addresses the same area of
2 law as the underlying bill.

3 My amendment would preserve existing
4 resources for communities impacted by the closure
5 of fossil fuel power plants as provided in
6 Chapter 20 of the Laws of 2015.

7 Now, it further ensures that
8 additional communities that host fossil fuel-
9 powered electric generation plants are eligible
10 to access state assistance when these facilities
11 are retired and permanently shuttered.

12 So, Mr. President, we're trying to
13 get communities to kick the habit of fossil
14 fuels. And we need to do that. We need to
15 provide them with funding to do so, so they're
16 not hurt irreparably.

17 We've already done that. We did
18 that in 2015. But we shouldn't do it this year
19 by raiding the Regional Greenhouse Gas
20 Initiative.

21 Now, I think most of our colleagues
22 know what RGGI is. It's the nation's first
23 cap-and-trade program. It's designed to cut
24 carbon pollution from the power sector. Now, we
25 know about carbon and carbon emissions. Climate

1 change, as many of us have said on this floor, is
2 the greatest threat to our national security, to
3 our economy, to our humanity. So we shouldn't be
4 cutting the funds that will actually help us
5 overcome climate change.

6 Over the last seven years, RGGI has
7 helped participating states cut power plant
8 carbon pollution by more 35 percent while adding
9 public health savings by more than \$10 billion.
10 That's 30,000 job years of work, almost
11 \$40 million in energy bill savings, and
12 \$2.4 billion to the regional economy -- that's
13 New York and the other seven states that are
14 participating.

15 According to an independent analysis
16 just this past July, New York can claim 4500 jobs
17 created from RGGI. Now, current law protects
18 these jobs while helping communities where fossil
19 plants close permanently, as it should be. A
20 \$30 million raid of RGGI, though, would pull
21 about 18 percent of RGGI's revenue, one-fifth of
22 it, over the past year. And that raid, according
23 to these calculations, would kill over 800 jobs.

24 NYSERDA has said that for every
25 dollar we invest in clean energies, homeowners

1 save about 3 bucks. And if you count that
2 multiplier effect, this raid on RGGI, this
3 \$30 million raid on RGGI, could cost about
4 \$90 million in energy cost savings for working
5 families here in New York.

6 We should have solar and wind in
7 these communities where power plants are
8 shutting. But by actually raiding RGGI, it's a
9 self-defeating prophecy.

10 RGGI shouldn't be used for the
11 vestiges, Mr. President, of the fossil fuel
12 addiction. That's what the General Fund --
13 that's what we determined that the General Fund
14 should be used for. That's what we determined to
15 do last year. We should stick with last year's
16 plan. We should leave RGGI alone.

17 We've identified the right money to
18 help these communities that have had power plants
19 closing, to backfill those property tax losses.
20 That's the right thing to do. That's the right
21 money. We're just using -- respectfully,
22 Mr. President -- the wrong source.

23 So I would ask my colleagues to join
24 me in voting for this amendment. And nothing
25 personal, Mr. President, against your ruling.

1 Thank you.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Hoylman.

4 Senator Hoylman has been heard on
5 the appeal. The question is a procedural
6 question before the house. All in favor of
7 overriding the ruling of the chair signify by
8 saying aye.

9 SENATOR GIANARIS: Show of hands,
10 please.

11 ACTING PRESIDENT GRIFFO: A show of
12 hands has been requested and so instructed.

13 Announce.

14 THE SECRETARY: Ayes, 25.

15 ACTING PRESIDENT GRIFFO: The
16 ruling of the chair is sustained.

17 The bill is before the house.

18 Senator Dilan.

19 SENATOR DILAN: Yes, Mr. President.

20 I would --

21 ACTING PRESIDENT GRIFFO: Senator
22 Dilan, excuse me.

23 Can I have some order in the house,
24 please. Thank you.

25 Senator Dilan.

1 SENATOR DILAN: I would ask the
2 sponsor if she would yield for some questions.

3 ACTING PRESIDENT GRIFFO: A request
4 has been made of the sponsor to yield for
5 questions from Senator Dilan.

6 The Senator yields.

7 SENATOR DILAN: Thank you.

8 Mr. President, these are perhaps
9 questions which I would have asked during the
10 budget subcommittee hearings on the mothership.
11 And I know that I sat at two meetings of the
12 Transportation table where eventually we got a
13 \$5 million target which I thought at the time was
14 really insignificant in the whole scope of the
15 theme of the budget.

16 But I know we had these two
17 hearings, and there was never closure to the
18 subcommittees. I want to know what happened.
19 Why didn't we have closure at the budget
20 subcommittees? And what happened to all the
21 money that was targeted at the various tables,
22 and how was that allocated?

23 SENATOR YOUNG: Through you,
24 Mr. President. It isn't part of this bill right
25 now, but it will be taken up later. And it will

1 be \$5 million for upstate transit.

2 SENATOR DILAN: Okay. I know that
3 with your opening -- I'm sorry, Mr. President,
4 would the --

5 ACTING PRESIDENT GRIFFO: Does the
6 sponsor yield?

7 SENATOR DILAN: -- sponsor yield?

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR YOUNG: Yes.

11 ACTING PRESIDENT GRIFFO: Again,
12 can I have some order, please.

13 SENATOR DILAN: Mr. President, in
14 the opening remarks of the sponsor, the Senator
15 listed a number of targets for the Department of
16 Transportation and its capital budget, I believe
17 it was to the tune of 25 billion-plus dollars.
18 So basically I want to know if she could
19 reiterate those numbers, and was the DOT capital
20 plan funded under this budget plan?

21 SENATOR YOUNG: Sure. Well, I'll
22 give you, Senator, what I talked about in the
23 beginning. That will be in a separate budget.
24 Those figures will be in the capital budget when
25 that comes before the house.

1 But what we're looking at is a
2 \$25.1 billion multiyear DOT capital plan. So it
3 would be additional funds for road and bridges
4 and non-MTA upstate and downstate transit, rail
5 freight and aviation, which I know you're
6 interested in all those subjects.

7 SENATOR DILAN: Does the Senator
8 continue to yield?

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields.

12 SENATOR DILAN: So what you're
13 telling us is that when the appropriate bill
14 comes before this chamber, we can have further
15 discussion on this issue?

16 SENATOR YOUNG: Yes, of course.

17 SENATOR DILAN: Okay. And two more
18 questions. Does the member continue to yield?

19 SENATOR YOUNG: Yes.

20 SENATOR DILAN: With respect to the
21 MTA capital funding, I know that earlier this
22 year or late last year there was an MOU by the
23 Governor and the Mayor of the City of New York,
24 and there was a commitment of \$7.3 billion by the
25 state. I would like to know where that funding

1 is, and how do we expect to fund the MTA capital
2 plan?

3 SENATOR YOUNG: So through you,
4 Mr. President, you'll notice in the sheet that
5 you have on your desk there's Part A, Part B and
6 Part C, and those are omitted right at the
7 moment. Those actually will be included in the
8 Education, Labor and Family Assistance part of
9 the budget, and those will be dealing with MTA
10 financing and reforms.

11 SENATOR DILAN: Mr. President, will
12 the chair continue to yield?

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

15 SENATOR YOUNG: Yes.

16 SENATOR DILAN: Basically -- my
17 final question -- so basically it appears that
18 the MTA capital funding is basically an IOU; is
19 that correct?

20 SENATOR YOUNG: Through you,
21 Mr. President, Senator Dilan, just to answer his
22 question, that will be addressed in the ELFA
23 bill.

24 SENATOR DILAN: Thank you,
25 Mr. President.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Dilan.

3 Senator Squadron.

4 SENATOR SQUADRON: Thank you very
5 much. If the sponsor would yield.

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR SQUADRON: Thank you very
10 much. And I thank my colleague Senator Dilan,
11 the ranking member of the Transportation
12 Committee, for his questions. And I do look
13 forward to the bill where we can address these.

14 I do want to ask, though, Chairman
15 Prendergast, the chair of the MTA, said just a
16 week ago, reported in both Capital NY and
17 Gothamist: "June 30th of this year, that's when
18 we run out of money," the MTA runs out of money,
19 "unless there's a capital plan approved with a
20 funding source."

21 Is there anything between now and
22 the time we see the new bill that we can tell the
23 chair of the MTA and the millions of riders who
24 depend on buses and subways to give them
25 confidence they will not run out of money for

1 their capital plan before June 30th?

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

4 The MTA needs have to be reviewed by
5 the Capital Program Review Board, and those
6 issues will be addressed prior to the deadline.

7 SENATOR SQUADRON: If the sponsor
8 will continue to yield.

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR SQUADRON: And a final
13 question. Similarly, the chair and the CFO of
14 the MTA have said that they're not going to be
15 able to go out to the bond market to finance
16 capital projects without additional revenues
17 coming to the MTA. Is there anything that we can
18 tell the leadership of the MTA, the bond market,
19 and the millions of riders who depend on buses
20 and subways every day -- and commuter rail --
21 throughout the downstate region to move our
22 economy, about the assurance of a funding source
23 to allow them to go to the bond market before
24 June 30th?

25 SENATOR YOUNG: Thank you,

1 Mr. President.

2 For the MTA, those needs will be
3 reflected by the MTA when the time is appropriate
4 when they come to the state to get those funds
5 that are necessary. And so we'll be looking
6 forward to getting that information from the MTA.

7 SENATOR SQUADRON: If the sponsor
8 will continue to yield, a follow-up question.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR YOUNG: I thought you said
12 it was the last question.

13 SENATOR SQUADRON: It was, but that
14 answer had a lot in it -- which I appreciate. So
15 just a follow-up to the information in that
16 question.

17 To clarify, the MTA will only -- is
18 the sponsor saying the MTA will only get that
19 funding when the MTA comes back to the
20 Legislature, or has the MTA sufficiently come to
21 the Legislature that it's now kind of on us and
22 we'll see it in a future bill, as the sponsor
23 said minutes ago? Just clarity.

24 SENATOR YOUNG: Thank you,
25 Mr. President. Those needs will be addressed in

1 upcoming budgets as they become apparent, based
2 on information from the MTA.

3 SENATOR SQUADRON: Thank you. On
4 the bill.

5 ACTING PRESIDENT GRIFFO: Senator
6 Squadron on the bill.

7 SENATOR SQUADRON: I appreciate the
8 sponsor being clear with Senator Dilan, and again
9 now, that these issues will be addressed in this
10 budget.

11 To anyone still negotiating the
12 budget in any rooms in this building, I would
13 strongly urge, if you're listening, please go
14 beyond the IOU that Senator Dilan referenced.
15 Please find real funding for the MTA's capital
16 program, for the road and bridge capital program,
17 real dollars. Both are critical, critical,
18 critical pieces of our economy, of lifestyles in
19 every corner of this state.

20 And I look forward to that bill
21 coming out in the next hours or days, and
22 discussing the MTA capital plan at that point.

23 But again, to any negotiators out
24 there, find the money. Let's not do an IOU. I
25 don't take the subway with an IOU, I do it with a

1 MetroCard. Don't fund the capital plan with an
2 IOU.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Hoylman.

6 SENATOR HOYLMAN: Thank you,
7 Mr. President. On the bill.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hoylman on the bill.

10 SENATOR HOYLMAN: I just wanted to
11 express my disappointment, Mr. President, that
12 once again, due to the actions of this chamber,
13 we're delaying the implementation of the Diesel
14 Emissions Reduction Act. You know, that is a law
15 that was passed with broad bipartisan support,
16 from our friends on the other side of the aisle
17 as well as ours, 10 years ago. The goal is to
18 reduce airborne fine particulate matter that's
19 linked to asthma, scientifically proven in so
20 many of our communities to cause asthma in young
21 people.

22 I mentioned the other day that I was
23 visited by a mother who told me that her daughter
24 had been to the hospital 21 times, 21 times since
25 January for asthma-related illness.

1 It's also related to heart attacks
2 and lung cancer. We should have done this six
3 years ago. And every month, it seems, we get
4 more evidence as to why we should do it. Just
5 yesterday a report was issued by a hospital in my
6 district, NYU Langone School of Medicine, that
7 found that premature births linked to exposure to
8 air pollution cost the U.S. more than \$4 billion
9 a year in medical care and lost economic
10 opportunity.

11 Air pollution including the fine
12 particulate matter that is caused by inefficient
13 diesel engines, the ones we're talking about in
14 DERA, can result in toxic buildup, according to
15 this report, in the blood of women, causing
16 immune system distress that weakens the placenta
17 and shortens the amount of time that babies can
18 actually stay in the womb. That's pretty serious
19 stuff.

20 So I hope that when we consider this
21 bill tonight, we'll understand that we've been in
22 fact very shortsighted in understanding the
23 health risks that are caused by diesel and fully
24 grappling -- fully grappling, Mr. President --
25 with the impact that we're unleashing on our

1 fellow citizens by not implementing a law that we
2 passed a decade ago.

3 Thank you.

4 ACTING PRESIDENT GRIFFO: Senator
5 Sanders.

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

8 ACTING PRESIDENT GRIFFO: Senator
9 Sanders on the bill.

10 SENATOR SANDERS: I'm concerned
11 about some of the MWBE language that's in the
12 bill. It causes me great concern.

13 Now, we've all established that of
14 course MWBE is the law of the land, and as a law
15 it should supersede whatever understandings that
16 we have. And we are all trying get to the
17 Governor's goal of 30 percent, and I fear that
18 this bill, the way it is written, may undercut
19 that. And here's how I believe that it will do
20 so.

21 We're not taking into account what
22 design/build means in terms of the MWBE
23 requirements, nor are we looking at what is
24 called "best value" and even the labor project
25 agreements. When you start putting all of these

1 things in, you're undercutting the Crosson
2 decision. The Crosson decision, of course, is
3 what allows you to have an MWBE program. The
4 Crosson decision, of course, was written so
5 specific that you can't just put things in.
6 Because if you do, you're making sure that the --
7 that you won't have a program.

8 So when you're speaking of LaGuardia
9 redevelopment and all of these other
10 redevelopment projects, from my point of view
11 you'll never get to your 30 percent or anyplace
12 close to it if you're tacking on more and more of
13 these other worthy goals. And when you start
14 coming in with other language, language that says
15 MWBE participation is still required to the
16 extent practicable, you're contradicting the
17 decision. If you're saying that you have a
18 decision, MWBE, and then you're saying, Well,
19 we'll only do it where we believe it is -- where
20 we believe that we can make it work. Instead of
21 obeying the law of the land, you're contradicting
22 the thing.

23 So I'm urging my colleagues to look
24 at this part. And perhaps as we get further into
25 finding out what is this budget that we're really

1 doing, what is this, we can further define and
2 carve some of these things that will handicap the
3 program out.

4 So just some concerns that I'm
5 hoping that my colleagues will take into account
6 as we go through this process.

7 Thank you very much, Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Panepinto.

10 SENATOR PANEPINTO: Yes,
11 Mr. President. I have some questions for the
12 sponsor on this bill.

13 ACTING PRESIDENT GRIFFO: Does the
14 sponsor yield?

15 SENATOR YOUNG: Sure.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR PANEPINTO: Mr. President,
19 I'd like to know from the sponsor, it seems to me
20 by reading the language on this bill that we have
21 changed our procedure for allowing municipalities
22 to access money from the closure of power plants.
23 And I want to know if I'm in fact reading it
24 correctly.

25 SENATOR YOUNG: Through you,

1 Mr. President. So I believe that Senator
2 Panepinto was asking for \$30 million power plant
3 mitigation fund that was established by the
4 Senate last year in an amount of \$19 million.
5 It's been changed this to add more funds to it so
6 that it would total \$30 million.

7 And included in that there is
8 language that would change the requirements for
9 those funds to be distributed.

10 SENATOR PANEPINTO: Mr. Speaker,
11 may I ask another question?

12 ACTING PRESIDENT GRIFFO: Sure.

13 Will the sponsor yield? The sponsor
14 yields.

15 SENATOR PANEPINTO: So the change
16 in the language that is -- if there's an
17 reduction in the tax revenue that is paid to a
18 municipality, if it drops down 20 percent, the
19 municipality or school district can then access
20 these transition funds. Is that what the
21 legislation does now?

22 SENATOR YOUNG: So through you,
23 Mr. President, just to clarify. The language
24 basically is based on the impacts -- previously
25 it was based on the impact of the total taxes.

1 Now it's based on the loss of the payment in lieu
2 of taxes that exists in many communities. For
3 example, I know you have the Huntley plant in
4 your community in Tonawanda; I have the NRG
5 plant -- both same company -- in Dunkirk in my
6 district. So basically this would help deal with
7 the loss of the PILOT funding, to help the
8 school, to help the county, and also to help the
9 Town of Tonawanda or the City of Dunkirk.

10 SENATOR PANEPINTO: Mr. Speaker,
11 would the sponsor continue to yield?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

15 SENATOR PANEPINTO: So by way of
16 example, in the Town of Tonawanda, the Huntley
17 power plant pays over \$6 million to the school
18 district and municipality. If they had a
19 reduction of 20 percent of that money, they would
20 then have access to these funds, according to the
21 new language.

22 SENATOR YOUNG: So through you,
23 Mr. President, I'm not clear where the Huntley
24 plant is as far as closure goes. It's my
25 understanding it's in the process of being

1 closed. Or it's closed already, but --

2 SENATOR PANEPINTO: It's closed
3 already, as of March 1st.

4 SENATOR YOUNG: And I'm not sure
5 what NRG did as far as the PILOT payment went.
6 But according to the language, it says "the
7 closing of such facility has caused a reduction
8 in the real property tax collections of payments
9 in lieu of taxes of at least 20 percent owed by
10 such electric generating facility."

11 SENATOR PANEPINTO: Mr. President,
12 will the sponsor continue to yield?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR PANEPINTO: So my example
17 is that Huntley paid \$6 million in their PILOT
18 payments already this year. They're going to
19 attempt to recoup that money. If they recoup
20 70 percent of that, would the Town of Tonawanda
21 then be eligible for these payments?

22 SENATOR YOUNG: Yes. Through you,
23 Mr. President. So basically the way the program
24 works is that if there's a tax loss that's
25 significant because the PILOT has been reduced,

1 then that loss will have -- will be able to
2 recoup, from this state mitigation fund,
3 80 percent of the lost revenues.

4 SENATOR PANEPINTO: Mr. President,
5 will the sponsor continue to yield?

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR PANEPINTO: According to
10 the language here in the bill, it would be
11 80 percent of the lost tax revenue in the first
12 year. What would the Years 2 through 5 -- what
13 amount could they recoup in those years?

14 SENATOR YOUNG: I believe that
15 it's -- the maximum is for five years, just to
16 give communities time to be able to transition.
17 And I believe that, you know, you could probably
18 secure -- and it's a year-to-year basis, let me
19 make that clear. So this body, the Governor and
20 the Assembly would have to agree in the next
21 budget to have such funds available.

22 But the language says that
23 communities could qualify that are impacted for
24 up to five years.

25 SENATOR PANEPINTO: Mr. President,

1 would the sponsor continue to yield?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR PANEPINTO: I understand
6 that, Mr. President, that they can continue to
7 apply for up to five years. The language says
8 80 percent in the first year. Would that
9 80 percent continue in Years 2 through 5?

10 SENATOR YOUNG: Through you,
11 Mr. President, I think that probably would be
12 determined in this coming year's -- the next
13 year's budget, the exact specifics.

14 SENATOR PANEPINTO: On the bill,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Panepinto on the bill.

18 SENATOR PANEPINTO: I want to thank
19 Senator Young and Senator Ranzenhofer and our
20 friends in the Assembly for, you know, working on
21 this very important bill. I mean, having money
22 available for just transition for communities
23 that lose coal or oil power plants is critically
24 important around the state.

25 We have five coal plants, we have

1 two closing in Western New York, probably three
2 more in the upcoming years. The Governor has
3 committed to closing them all by 2020. These
4 communities cannot exist if we don't prepare them
5 for a transition off of their addiction to their
6 power plants.

7 So I want to commend my colleagues
8 on the other side, thank the Governor and thank
9 our colleagues in the Assembly for coming up with
10 a solution which will help the City of Dunkirk,
11 the Town of Tonawanda, and other municipalities
12 around the state.

13 Thank you, Mr. President. I'm
14 voting in the affirmative.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Panepinto.

17 Senator Dilan.

18 SENATOR DILAN: Yes. I have one
19 further question of the sponsor, and I'd like to
20 know if she would yield.

21 ACTING PRESIDENT GRIFFO: Senator
22 Young, do you yield?

23 SENATOR YOUNG: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 Senator yields.

1 SENATOR DILAN: Yes, Mr. President,
2 my question is I recall during the budget
3 hearings initially when we first started, we
4 questioned the commissioner of DOT with respect
5 to some transparency issues, especially when it
6 came to DOT's project list. And at that time the
7 commissioner promised that we would have a
8 project list before we voted on the capital plan.
9 I want to know if we have received that project
10 list.

11 SENATOR YOUNG: So through you,
12 Mr. President, there is an MOU that will be put
13 together. And when that MOU is signed, that list
14 will be released.

15 SENATOR DILAN: So we can expect to
16 see a project list upon approval of this budget,
17 or before it?

18 SENATOR YOUNG: So through you,
19 Mr. President, this is a parity issue. So at the
20 same time that list is released for the MOU, the
21 same actions will be taken on behalf of the MTA
22 so that you have those projects outlined very
23 clearly also.

24 SENATOR DILAN: On the bill.

25 ACTING PRESIDENT GRIFFO: Senator

1 Dilan on the bill.

2 SENATOR DILAN: Yeah, I'd just like
3 to make the point that with respect to
4 transparency, the MTA has always had a project
5 list. And they submitted that to us. And upon
6 its original submission to us, it was immediately
7 vetoed by the DOT commissioner. So as far as I'm
8 concerned, there has been transparency on the
9 part of the MTA, and I hope that the commissioner
10 of DOT keeps the promise it made to the Finance
11 Committee.

12 So I will be voting in the
13 affirmative on this bill. Thank you.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Dilan.

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

19 We welcome the distinguished Speaker
20 of the Assembly to the house. Speaker Heastie,
21 welcome to the Senate.

22 (Applause.)

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: We are now
10 simply waiting for direction at this point in
11 time. And hopefully we will have it soon so
12 everybody can know what we're going to be doing.
13 Hopefully, it will be just a few minutes more.

14 So if we can stand at ease in place
15 in case -- in place.

16 ACTING PRESIDENT GRIFFO: Very good
17 terminology. The Senate will stand at ease in
18 place.

19 (Whereupon, the Senate stood at ease
20 at 8:06 p.m.)

21 (Whereupon, the Senate reconvened at
22 8:09 p.m.)

23 ACTING PRESIDENT GRIFFO: The
24 Senate will come to order.

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Yes, I have
2 just been informed that there will be a Finance
3 Committee meeting at 9:15 this evening. The bill
4 is being printed, the next bill is being printed.
5 So that's basically where we are.

6 So we are at ease until after the
7 Finance Committee.

8 ACTING PRESIDENT GRIFFO: There
9 will be a Finance Committee meeting in Room 332,
10 Finance Committee meeting in Room 332 at 9:15.
11 Once again, all members of the Senate Finance
12 Committee are to report at 9:15 to Room 332.

13 The Senate will come into session
14 following the meeting of the Finance Committee.
15 Until such time, the Senate will stand at ease.

16 Senator Gianaris.

17 {Gaveling.} Can I have some order,
18 please.

19 Senator Gianaris, I'm banging that
20 so you can have attention now.

21 SENATOR GIANARIS: Thank you very
22 much, Mr. President.

23 There will be an immediate
24 Democratic conference in the Democratic
25 Conference Room.

1 ACTING PRESIDENT GRIFFO: There
2 will be an immediate meeting of the Democrat
3 Conference in the Democrat Conference Room, an
4 immediate meeting of the Democrat Conference in
5 the Democrat Conference Room on the third floor.

6 The Senate is at ease.

7 (Whereupon, the Senate stood at ease
8 at 8:10 p.m.)

9 (Whereupon, the Senate reconvened at
10 11:18 p.m.)

11 ACTING PRESIDENT GRIFFO: The
12 Senate will come to order.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, you have
15 on the desks Senate Supplemental Calendar Number
16 29B. I would request that you do the
17 noncontroversial reading.

18 ACTING PRESIDENT GRIFFO: There is
19 a message of necessity at the desk.

20 SENATOR DeFRANCISCO: I move that
21 you accept it.

22 ACTING PRESIDENT GRIFFO: First
23 we'll accept the Finance Committee report, with
24 your approval.

25 SENATOR DeFRANCISCO: I definitely

1 approve.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read the Finance Committee report.

4 THE SECRETARY: Senator Young, from
5 the Committee on Finance, reports the following
6 bill:

7 Senate Print 6409C, Senate Budget
8 Bill, an act to amend the Real Property Tax Law.

9 All bills reported direct to third
10 reading.

11 ACTING PRESIDENT GRIFFO: All in
12 favor of accepting the report of the Finance
13 Committee signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: The
18 report is accepted and before the house.

19 There is a message at the desk,
20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: I move to
22 accept.

23 ACTING PRESIDENT GRIFFO: All in
24 favor of accepting the message of necessity of
25 the Governor signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 message is accepted, and the bill is before the
6 house.

7 SENATOR GIANARIS: Lay it aside,
8 please.

9 ACTING PRESIDENT GRIFFO: Can we
10 read it first, Senator Gianaris?

11 SENATOR GIANARIS: {Inaudible.}

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 SENATOR DeFRANCISCO: The
15 noncontroversial reading, please.

16 THE SECRETARY: Calendar Number
17 517, Senate Budget Bill, Senate Print 6409C, an
18 act to amend the Real Property Tax Law.

19 SENATOR GIANARIS: Lay it aside.

20 ACTING PRESIDENT GRIFFO: The bill
21 is laid aside.

22 The Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 517, Senate Budget Bill, Senate Print 6409C, an

1 act to amend the Real Property Tax Law.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger.

4 SENATOR KRUEGER: Thank you,
5 Mr. President. If through you the sponsor would
6 yield, please.

7 ACTING PRESIDENT GRIFFO: Will the
8 sponsor yield?

9 SENATOR YOUNG: Yes. If we could
10 just have a moment, please.

11 SENATOR KRUEGER: Certainly.

12 (Pause.)

13 SENATOR YOUNG: Mr. President,
14 we're ready to proceed.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger.

17 SENATOR KRUEGER: Thank you.
18 Through you, Mr. President, if the sponsor will
19 yield.

20 SENATOR YOUNG: Yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KRUEGER: Thank you.

24 This is our first appropriations
25 bill; is that correct?

1 SENATOR YOUNG: Mr. President,
2 through you, this is the revenue bill in the
3 State Budget.

4 SENATOR KRUEGER: Through you,
5 Mr. President, I want to reference the 2007
6 Budget Reform Law, which clarified that "The
7 Legislature shall enact a budget for the upcoming
8 fiscal year that is determined is balanced in the
9 General Fund. Before voting on bills submitted
10 by the Governor and related legislation as
11 amended in accordance with Article 7 of the
12 Constitution, each house shall place on the desk
13 of its members a report relating to each such
14 bill and preceding final action on all such bills
15 and legislation. Members shall be so provided
16 with a comprehensive cumulative report relating
17 to all such bills and legislation. The reports
18 prepared for each house shall include, for the
19 General Fund, a summary of the proposed
20 legislative revisions to the Executive Budget for
21 the ensuing fiscal year, shall separately
22 identify and present all legislative additions,
23 reestimates, other revisions that increase or
24 decrease disbursements, and separately identify
25 and present all legislative reestimates and other

1 revisions that increase or decrease available
2 resources" -- which of course would include the
3 revenue bill.

4 "Such reports shall, where
5 practicable, display and separately identify and
6 present all legislative additions, reestimates,
7 and other revisions that increase or decrease
8 state funds and All Funds spending, including an
9 estimate of the impact of the proposed revisions
10 on local governments and the state workforce."

11 Do we have that available to us,
12 Mr. President?

13 SENATOR YOUNG: Through you,
14 Mr. President, I said to Senator Krueger earlier
15 in the evening that Senator DeFrancisco said one
16 of the first things she would ask would be about
17 the revenue plan or the fiscal plan. And you do
18 have that on your desk. It looks like this
19 (showing). Would you like to go through it?

20 SENATOR KRUEGER: Through you,
21 Mr. President, Senator Young is correct, I have
22 the three-page fiscal plan. But we don't have
23 the said report that is supposed to be prepared.

24 I have the sample from last year, at
25 least sections of it, for the -- this is the

1 section from last year matching the revenue bill.
2 I'm happy to hand it to Senator Young (handing).
3 That is the report that I am looking for.

4 SENATOR YOUNG: So through you,
5 Mr. President, are you saying that you're looking
6 for a fact sheet, Senator Krueger? Because
7 that's what this is.

8 SENATOR KRUEGER: Through you,
9 Mr. President, last year it was called a fact
10 sheet to match the revenue bill. And there was
11 one for each bill we were doing. So I am
12 perfectly happy to have it called a fact sheet as
13 opposed to the more explicit language in the 2007
14 law. I don't mind that it's called a fact sheet
15 or not a fact sheet.

16 SENATOR YOUNG: That's a similar
17 listing of the different parts of the bill. The
18 different part -- it goes Part A all the way
19 through Part H. Well, actually beyond that. To
20 the very end of the bill.

21 SENATOR KRUEGER: Through you,
22 Mr. President, I appreciate this is a list of the
23 lines of what each part is, but it is not showing
24 what is different from the Governor's proposed
25 budget, what we have added, what we have

1 subtracted, what we have changed, reestimates of
2 the cost from the original Governor's proposed
3 bill. It's not the same as what I just shared
4 with the chair, from last year.

5 SENATOR YOUNG: So we can go
6 through the fiscal plan, if you'd like, that's on
7 your desk.

8 SENATOR KRUEGER: Mr. President,
9 I'm happy to go through the fiscal plan, but
10 that's not the question before the house. It's
11 where is the legally required report on the
12 revenue bill, Section -- excuse me, Section 54 of
13 the Legislative Law.

14 SENATOR YOUNG: So through you,
15 Mr. President, if you look at page 2 of the
16 handout sheet that you were given, on the fiscal
17 year 2017 projected spending, if you look on page
18 2, there's Executive to Enacted Budget
19 Reconciliation, in millions of dollars. Is that
20 what you're looking for?

21 SENATOR KRUEGER: No. Can you give
22 me back that fact sheet for a minute that I just
23 handed you? I should have had multiple copies, I
24 apologize, Mr. President. Through you.

25 If everyone had a copy of last

1 year's fact sheet, it would, for example, show
2 "Part A, the Legislature modifies the Executive
3 proposal to achieve the following savings in this
4 fiscal year," and then it lays out the detailed
5 language of what was denied from the Governor's
6 original proposal in Part A, then what the
7 Legislature included. Then it goes to Part B,
8 again.

9 SENATOR YOUNG: So through you,
10 Mr. President, again, this is the report on the
11 amended Executive Budget, all state agencies and
12 operations. And we'll bring you a copy of that
13 right away.

14 SENATOR KRUEGER: Actually, we need
15 one for every member, under the law.

16 SENATOR YOUNG: Okay, we'll bring
17 that. We'll be able to do that, no problem.

18 SENATOR KRUEGER: Okay. I'll just
19 wait for that, thank you.

20 ACTING PRESIDENT GRIFFO: Senator
21 Latimer.

22 SENATOR LATIMER: Thank you,
23 Mr. President.

24 Would the Senator yield for some
25 questions?

1 SENATOR YOUNG: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 Senator yields.

4 SENATOR LATIMER: Thank you,
5 Senator.

6 I want to ask some very specific
7 questions, Senator, from Part A. It's on page 4
8 of the bill. And it relates to this new
9 provision for the STAR program and how it is to
10 be administered. I believe that the Senate
11 one-house rejected the original Executive
12 language, but I gather it has been reinstated in
13 some modified fashion. Senator, can you explain
14 what the reinstatement provisions are?

15 SENATOR YOUNG: Through you,
16 Mr. President, this is indeed to do with the STAR
17 program. And it's a STAR to a personal income
18 tax credit, and people who buy a new home will
19 receive an income tax credit.

20 SENATOR LATIMER: Would the Senator
21 continue to yield?

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 Senator yields.

25 SENATOR LATIMER: Senator, can you

1 describe what the existing system that's been
2 changed to this is? I read it as a dramatic
3 change, but I'd appreciate your analysis of it as
4 part of the presentation of this before us
5 tonight.

6 SENATOR YOUNG: So through you,
7 Mr. President, if you currently have the STAR
8 program, there is no change. It's only for new
9 homeowners.

10 SENATOR LATIMER: Would the Senator
11 continue to yield?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: The
14 Senator yields.

15 SENATOR LATIMER: Thank you.
16 Through the President. As I read the language on
17 page 4 and I go down to about -- approximately in
18 the 40s, line in the 40s, my reading of this is
19 it says that the applicant -- one of the
20 applicants must have held title to the property
21 on the taxable status on the date of the
22 assessment roll, and in the case -- as it goes on
23 to say -- that there is a change in the
24 applicant, then that would change the program
25 from the current procedure, which is a reduction

1 in your school taxes prior to you getting a
2 school bill, to this tax credit.

3 And if that is the case, then I
4 would interpret it to be not just new entrants,
5 but any situation where a home is taken over by
6 an inherited situation, where a parent has a home
7 and a child inherits it, or if a person is on the
8 STAR program and changes homes, moves to a
9 different house. It appears to be not just a new
10 entrant to the program, but any change in the
11 ownership of a particular unit.

12 Now, Senator, what's your assessment
13 of that interpretation? Is that accurate, or do
14 you think that's perhaps inaccurate?

15 SENATOR YOUNG: So, Mr. President,
16 through you. Senator, you're correct in that if
17 there's a change in title in a home, then it does
18 change over to a personal income tax credit.

19 SENATOR LATIMER: Thank you. Will
20 the Senator continue to yield?

21 SENATOR YOUNG: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 Senator yields.

24 SENATOR LATIMER: I think, then, it
25 looks like it's a much broader changeover for a

1 larger number of people than perhaps we would
2 have thought if it was just somebody who was
3 entering the program for the first time.

4 Now, there is a change in the system
5 whereby you will apply for a tax credit in the
6 following year. Now, am I correct in
7 understanding that that would create a cash-flow
8 issue? Because where you would have gotten the
9 reduction of your school taxes, say, in 2016, you
10 now have to get the financial benefit by applying
11 in 2017 as a tax credit, and therefore you could
12 well have a cash-flow difference between when you
13 got the benefit previously and when you get the
14 benefit now under this program? Is that a
15 correct understanding of this?

16 SENATOR YOUNG: Mr. President,
17 through you, no, that will not be an issue. And
18 it's because there's an advance tax credit that's
19 involved. So the check would be cut to the
20 homeowner before the taxes were due.

21 SENATOR LATIMER: Through the
22 President, will the Senator continue to yield?

23 SENATOR YOUNG: Yes.

24 SENATOR LATIMER: Is there any
25 provision made in here that differentiates an

1 enhanced STAR owner, who is a person of more
2 limited income and a senior citizen, 65 or older,
3 with a more limited income, that would protect
4 them in way, shape or form from these cash
5 concerns?

6 SENATOR YOUNG: So through you,
7 Mr. President, for Enhanced STAR it will be the
8 traditional requirements, but with the new system
9 if there's a change in title.

10 SENATOR LATIMER: Thank you,
11 Senator. Will the Senator continue to yield,
12 through the President?

13 SENATOR YOUNG: Yes.

14 SENATOR LATIMER: Thank you,
15 Senator.

16 There is a general statement that
17 says that provisions will be made for special
18 cases, such as cooperative apartments or
19 properties that are located in two districts.
20 Can you describe what the mechanism is for
21 provisions and what that may mean in a concrete
22 way? I'm not sure I know what "property located
23 in two districts" means. There are obviously
24 cooperative apartments that operate with the
25 benefit in a completely different way than the

1 private homeowner would be.

2 So the question is, what specifies
3 those provisions for those special cases?

4 SENATOR YOUNG: Mr. President,
5 through you. Basically it's a mechanism -- and
6 it's a differential between two districts. So
7 you would get an average between the two amounts
8 for your credit.

9 SENATOR LATIMER: And through the
10 President again, will the Senator yield?

11 SENATOR YOUNG: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 Senator yields.

14 SENATOR LATIMER: Help me
15 understand, Senator, when we say two districts,
16 what are we talking about? Is this a piece of
17 land that somehow crosses two school district
18 borders, or is there some other mechanism by
19 which we describe two districts?

20 SENATOR YOUNG: Mr. President,
21 through you. Yes, Senator, you're correct that
22 it would be, for example, a property that crosses
23 between two separate school districts.

24 SENATOR LATIMER: And the final
25 question in this area, through the President,

1 Senator, would you continue to yield?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 Senator yields.

5 SENATOR LATIMER: The details in
6 this legislation have to have some meat fleshed
7 out. Where do we reside the authority to
8 interpret and to lay out the specifics?
9 Obviously, people who benefit from this program
10 will have specific questions. And how will that
11 be structured through this legislation?

12 SENATOR YOUNG: Mr. President,
13 through you. Any issues with interpretation
14 would be handled through the New York State
15 Department of Taxation and Finance, just as the
16 system exists right now.

17 SENATOR LATIMER: And,
18 Mr. President, if the Senator would continue to
19 yield, I just have one additional question on a
20 different part of this legislation.

21 SENATOR YOUNG: Certainly.

22 ACTING PRESIDENT GRIFFO: The
23 Senator yields.

24 SENATOR LATIMER: Thank you,
25 Senator. I would direct your attention to Part

1 BB, which begins on page 50, and over the next
2 couple of pages it relates to an enhanced
3 financing of the Equine Health and Safety Program
4 at racetracks. And in this language it
5 identifies there will be an increase in the VLT
6 contribution to the Equine Health and Safety from
7 1 percent to 1.6 percent. It highlights that
8 there's a total dollar amount of \$2.4 million, of
9 which this enhanced purse is a million dollars.

10 With that million dollars being
11 redirected from the VLTs to the Equine Health and
12 Safety, what if anything compensates the way that
13 million dollars will be used for its other
14 existing entities that the VLTs fund, which would
15 be payments to host communities, education,
16 whatever else those other expenses are?

17 SENATOR YOUNG: So through you,
18 Mr. President, actually this 1 to 1.6 percent
19 does not affect education dollars at all. And as
20 a matter of fact, the extra collection of
21 \$700,000 would go to the state for equine
22 testing, and that comes from the handle.

23 SENATOR LATIMER: May I just follow
24 up, Mr. President? Senator, if you'd continue to
25 yield.

1 If it doesn't affect education,
2 though, there is still some reallocation of
3 money. If a million dollars is going from the
4 VLTs to the Equine Health and Safety, that's a
5 million dollars that's not being used in some
6 other fashion. Does the legislation specify how
7 that million dollars is made up for whatever
8 other entities are to receive funding under the
9 present VLT formulas of compensation?

10 SENATOR YOUNG: The funds would
11 come from the betting pool.

12 SENATOR LATIMER: Senator,
13 Mr. President, thank you very much for your time.

14 SENATOR YOUNG: Thank you, Senator.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Latimer. Thank you, Senator Young.

17 Senator Krueger, we'll return to you
18 now. I know you were waiting for the
19 distribution of papers throughout the chamber.

20 SENATOR KRUEGER: Well, I was. And
21 I guess I still am. Am I still waiting for the
22 distribution of papers? They're coming?

23 Because I have another line of
24 questioning I could continue with pending that.
25 How do you want to do this?

1 (Discussion off the record.)

2 SENATOR KRUEGER: Through you,
3 Mr. President, in discussion with the chair, we
4 are still waiting for the 63 copies of said
5 required report to be made and delivered to each
6 Senator.

7 But I do have another line of
8 questioning. So through you, Mr. President, if
9 the sponsor will yield.

10 SENATOR YOUNG: Of course.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR KRUEGER: Thank you. And
14 this line of questioning all relates to the
15 gambling sections of the revenue bill. So I
16 don't know whether Senator Young wants to be the
17 answerer of the questions or someone else.

18 SENATOR YOUNG: So if you would
19 just give us a moment.

20 SENATOR KRUEGER: Certainly.

21 (Pause.)

22 SENATOR KRUEGER: Through you,
23 Mr. President, if the sponsor will yield.

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: Thank you. There
3 is a new Part SS in the revenue bill before us
4 which relates to Nassau OTB VLT license transfer.
5 And as I read the bill -- and it's a fairly
6 complicated set of changes -- this would involve
7 an arrangement where the County of Nassau and its
8 OTB would be transferring their right to have a
9 VLT facility to Aqueduct Racetrack and Racino in
10 Queens; is that correct?

11 SENATOR YOUNG: Through you,
12 Mr. President. Yes.

13 SENATOR KRUEGER: And through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: Could the sponsor
20 explain to me the actual financial arrangement
21 that this would result in -- what is happening,
22 who is getting what money?

23 SENATOR YOUNG: Through you,
24 Mr. President, basically this is per a separate
25 agreement, approval given by the Gaming

1 Commission. And as of right now, that agreement
2 has not been established.

3 SENATOR KRUEGER: So through you,
4 Mr. President, if the sponsor could continue to
5 yield.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR YOUNG: Yes.

9 SENATOR KRUEGER: So while this is
10 language in the revenue bill we're being asked to
11 pass tonight and it transfers machines from
12 Nassau County OTB which don't yet exist at a
13 facility that doesn't yet exist to Aqueduct
14 Racetrack in Queens and a facility run by Genting
15 that does exist, there's no detail about what the
16 arrangement is.

17 There is a news story that there is
18 some kind of memorandum of understanding. Can
19 the sponsor explain what that memorandum of
20 understanding is or would need to be between
21 whom?

22 SENATOR YOUNG: So through you,
23 Mr. President. Currently there are no machines
24 in Nassau County, but there's a statutory
25 authority to have those machines in Nassau. And

1 so this gives that authority to transfer the
2 machines.

3 SENATOR KRUEGER: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR KRUEGER: Thank you. I
10 agree; that's how I read the bill as well. But
11 my question is, what is going to be transferred
12 under what financial arrangement? Is there X
13 amount of money that will be paid to the Nassau
14 OTB because they will no longer have the right to
15 create a VLT site, they will have, so to speak,
16 under this bill sold their statutory rights to
17 these machines to a company called Genting in
18 Queens?

19 SENATOR YOUNG: So through you,
20 Mr. President, in most cases it's the same
21 application as if they were posted in Nassau. So
22 whatever Nassau would pay to the state, it would
23 be the same for these machines.

24 SENATOR KRUEGER: Through you,
25 Mr. President, if the sponsor would continue to

1 yield.

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR KRUEGER: Okay, so let's
6 hypothetically make me Nassau OTB, let's make
7 Senator Young Genting at Aqueduct. Is that okay?

8 SENATOR YOUNG: Sure.

9 SENATOR KRUEGER: Let's make my
10 counsel the State of New York in this story. I
11 am, through this bill, statutorily giving up my
12 right to have the facility and the machines, and
13 through this bill Senator Genting has that right
14 handed to her. Does this bill actually transfer
15 the authority in statute from Nassau OTB to
16 Senator Young?

17 SENATOR YOUNG: Through you,
18 Mr. President. Actually, it transfers to the
19 authority pursuant to an agreement by the Gaming
20 Commission, as I previously stated.

21 SENATOR KRUEGER: Sorry, it
22 transfers to -- it transfers from OTB Nassau to
23 whom? You said "the authority." What's the
24 authority?

25 SENATOR YOUNG: So through you,

1 Mr. President, what I mean by "authority" is
2 whoever is operating the VLT facility at
3 Aqueduct. And again, it's pursuant to an
4 agreement through the Gaming Commission.

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

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

12 Who establishes how much the
13 facility at Aqueduct has to pay to Nassau OTB,
14 and under what formula is that? Is that set in
15 this bill?

16 SENATOR YOUNG: So through you,
17 Mr. President, that's established by the two
18 parties.

19 SENATOR KRUEGER: Through you,
20 Mr. President, if the sponsor will continue to
21 yield.

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR KRUEGER: So in this bill

1 we're saying these two parties can make a deal
2 but the deal is not laid out, but it has to be
3 approved by the Gaming Commission?

4 SENATOR YOUNG: Correct.

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

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

12 How long must this contract be for,
13 or what happens at the time that the contract
14 ends? Is there no statutory authority for these
15 machines at all, or does it revert back to Nassau
16 OTB?

17 SENATOR YOUNG: So through you,
18 Mr. President, there's cases where they could
19 revert back, but there's no sunset included in
20 this provision.

21 SENATOR KRUEGER: Through you,
22 Mr. President, if the sponsor would continue to
23 yield.

24 SENATOR YOUNG: Yes.

25 SENATOR KRUEGER: So this kind of

1 arrangement has happened before, because there
2 are cases. Can you give me the examples of where
3 else this happens or has happened?

4 SENATOR YOUNG: So through you,
5 Mr. President, actually this is like a regular
6 contract. So there could be situations where it
7 would be allowed for Nassau to revoke the
8 authority. So, for example, nonpayment of taxes,
9 those types of situations, where it actually is a
10 breach of the contract.

11 SENATOR KRUEGER: Through you,
12 Mr. President, if the sponsor will continue to
13 yield.

14 SENATOR YOUNG: Yes --

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR YOUNG: -- through you.
18 And actually, I guess if you look at the
19 paragraph, I think that the information is pretty
20 clear in it.

21 SENATOR KRUEGER: You're more awake
22 than I am. Which paragraph?

23 SENATOR YOUNG: Lots of coffee.

24 SENATOR KRUEGER: Want to reference
25 the paragraph for me?

1 SENATOR YOUNG: It's page 78. If
2 you look at -- starting on line 23. There's
3 quite a bit of detail in that provision.

4 SENATOR KRUEGER: Through you,
5 Mr. President, if the sponsor would continue to
6 yield.

7 SENATOR YOUNG: Yes.

8 SENATOR KRUEGER: Thank you.

9 So this paragraph does lay out that
10 Aqueduct Racetrack should be making -- going into
11 some kind of contractual agreement with Nassau
12 OTB. Is it just a private contract between these
13 two, or is it actually the Gaming Commission who
14 actually has to sign off on what this contract
15 says?

16 SENATOR YOUNG: Through you,
17 Mr. President, the language says that they can
18 enter into an agreement, but they must in order
19 for the authority to transfer to Aqueduct.

20 SENATOR KRUEGER: In order for the
21 authority to transfer to Aqueduct they must -- I
22 don't think I understood the end of the sentence.

23 SENATOR YOUNG: Enter into this
24 agreement.

25 SENATOR KRUEGER: Does the State

1 Gaming Commission have to approve this contract
2 for them to go forward?

3 SENATOR YOUNG: Yes. As I
4 previously stated several times, the Gaming
5 Commission would have to approve that.

6 SENATOR KRUEGER: Through you,
7 Mr. President, if the sponsor would continue to
8 yield.

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: Even though the
13 contract does not exist yet and hence has not
14 been reviewed by the Gaming Commission, is there
15 an estimated value of the thousand machines going
16 to Aqueduct and an expectation of some specific
17 amount of income by Nassau OTB?

18 SENATOR YOUNG: So through you,
19 Mr. President. Actually, when you talk about
20 anticipated money, when all of the 1,000 machines
21 go into effect, it's estimated that it would be
22 about \$25 million going to Nassau County.

23 SENATOR KRUEGER: Through you,
24 Mr. President, if the sponsor would continue to
25 yield.

1 SENATOR YOUNG: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR YOUNG: I should actually
5 add -- Senator Bonacic, could I borrow that? I
6 want to give you some more clarification.

7 So for example, in the first year,
8 for 400 machines, it would be \$9 million. And
9 then with the 1,000 machines, as I stated, it
10 would actually eventually go to \$25 million. And
11 65 percent of the net winnings would go to the
12 State of New York, by the way.

13 SENATOR KRUEGER: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: Thank you.

19 So 65 percent goes to New York
20 State, which then we assume 35 percent remains
21 with Genting. Out of which they would pay Nassau
22 County OTB?

23 SENATOR YOUNG: You know, Senator,
24 there's somebody in the house that has a lot more
25 specific information about this, and I would like

1 to yield to my colleague Senator Martins.

2 SENATOR KRUEGER: I'm happy to
3 transfer my questions to Senator Jack Martins.

4 ACTING PRESIDENT GRIFFO: Without
5 objection, the chair will recognize Senator
6 Martins.

7 SENATOR MARTINS: Thank you,
8 Senator. I'm happy to answer my questions you
9 have.

10 SENATOR KRUEGER: Thank you very
11 much, Senator.

12 So my last question was 65 percent
13 of the revenue from these ultimately
14 1,000 machines is supposed to go to the state,
15 meaning 35 percent goes to Genting, out of
16 which -- out of that 35 percent they then pay a
17 percentage to Nassau County or a set fee to
18 Nassau OTB?

19 SENATOR MARTINS: The arrangement
20 between Nassau OTB and Genting has been
21 discussed. Obviously there are terms that they
22 have agreed to. They are to memorialize that in
23 an agreement that has yet to be formed. But the
24 particulars are that they will receive \$9 million
25 the first year, \$9 million the second year,

1 \$25 million the third year, and thereafter
2 adjusted for a cost-of-living adjustment.

3 The 9 million and 9 million are tied
4 to the use of 400 machines. And when they're
5 able to phase in the full use of the 1,000
6 machines, it ramps up to \$25 million.

7 So to answer your question, yes,
8 Genting will be paying the 9 million, the
9 9 million and the 25 million from what they
10 expect to be their net proceeds given the figures
11 that they have calculated as to what their
12 expectation is for revenue from these machines as
13 they are capable of doing. So based on their own
14 revenue estimates, they have calculated that.
15 Again, it's an agreement that has yet to be
16 memorialized and subject to Gaming Commission
17 approval.

18 SENATOR KRUEGER: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 SENATOR MARTINS: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 Senator yields.

24 SENATOR KRUEGER: Thank you. I
25 appreciate the answers.

1 Genting currently has 5,545 VLTs at
2 Aqueduct. And we're talking about moving in an
3 additional 1,000 through this arrangement. My
4 understanding is, though, that it's different
5 kinds of machines. Can you explain how these
6 thousand machines will be different than the 5400
7 currently at Aqueduct?

8 SENATOR MARTINS: I understand that
9 they have authority to have up to that many
10 machines. They actually have less than that. I
11 think they actually have 5,000 machines. And
12 therefore they have flexibility to be able to
13 incorporate a number of machines immediately and
14 then phase in the others over a period of time.

15 And certainly the machines are
16 similar, they are in keeping with the machines
17 that they have there, and obviously -- not to
18 substitute our understanding of those machines
19 for those of the parties, either Genting or
20 Nassau OTB -- suffice it to say that they are of
21 a type that is easily incorporated into their
22 business model, and they're willing to accept
23 them and to enter into this agreement.

24 And frankly, just to clarify, what
25 we are being asked to approve here today is

1 merely the authority for Nassau County OTB to be
2 able to enter into an agreement with Aqueduct for
3 this purpose, on terms that they will -- that
4 they have negotiated but they will memorialize in
5 a further writing, which will again be on the
6 terms that I've previously discussed.

7 Thank you, Mr. President.

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

11 SENATOR MARTINS: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 Senator yields.

14 SENATOR KRUEGER: Thank you.

15 So to be a little more technical
16 about the question I just asked, so it's 5,000
17 now but they have the right to add another 545
18 regardless of the Nassau deal.

19 But the 1,000 that they would be
20 allowed to add through this specific contract
21 would be allowed to be a different kind of
22 machine with different kinds of gaming and, I've
23 been led to believe, a higher revenue projection
24 than the kinds of machines that currently are
25 approved through statute at every other site in

1 New York State. Is that correct?

2 SENATOR MARTINS: Mr. President,
3 through you. Frankly, I think the machines may
4 actually be very similar to the machines that
5 they have there.

6 But your point, Senator, is
7 well-made. The revenue and the taxes that will
8 be paid on these machines will be different.
9 They will be consistent with the taxes that would
10 be expected to be paid through a facility should
11 Nassau OTB have opened a facility within
12 Nassau County. Genting will be responsible for
13 paying pursuant to that same tax structure for
14 the purposes of those machines once they are
15 incorporated into their facility at Aqueduct.

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

19 SENATOR MARTINS: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 Senator yields.

22 SENATOR KRUEGER: Just to clarify,
23 if Nassau OTB had kept their statutory right to
24 open a facility in Nassau County -- and they're
25 not, and I don't have actually have a problem

1 with that -- would they have been able to use the
2 newer, slicker, fancier machines? Or would they
3 have been required, under the existing statute,
4 to use the same kinds of machines that all the
5 other racinos in New York State have?

6 SENATOR MARTINS: Mr. President,
7 through you. I don't know about any newer,
8 slicker, shinier type of machines. But, Senator,
9 they would use whatever machines are authorized
10 pursuant to the enabling statute that we passed a
11 few years ago. And those same machines and
12 whatever qualifications there are for those
13 newer, sleeker machines would equally apply to
14 Aqueduct.

15 SENATOR KRUEGER: Through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 SENATOR MARTINS: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 Senator yields.

21 SENATOR KRUEGER: I do have
22 multiple reasons for being curious about newer
23 kinds of machines. And if I had the right
24 terminology of how the newer machines were
25 different from the older machines, I would use

1 it. But alas, I am actually not a gambler.

2 My concerns are on two levels here.
3 One, this state has gone through a series of
4 different timelines and constitutional amendments
5 to allow or not allow certain kinds of gambling.
6 So I am curious whether these new machines
7 constitute actually a new type of gambling
8 activity.

9 And, one, is there any reason for us
10 to be concerned about it being more gambling
11 addictive? And, two, is there a reason for us to
12 believe that it will dramatically increase the
13 revenue generated by those 1,000 machines for
14 Genting, and should that be factored in in any
15 way to the decisions we make about our other
16 racinos in New York State?

17 Are we somehow giving them a
18 business advantage within this contract deal
19 where they can not only get the Nassau County
20 machines moved to their site, but they can get
21 the bigger, better, make-more-money, perhaps-
22 make-you-more-addicted-type machines?

23 SENATOR MARTINS: Mr. President,
24 through you. And to my colleague, my apologies.
25 I didn't mean to infer that there was any

1 difference. I also do not -- am not familiar
2 with the terminology.

3 And so let me just say that my
4 understanding is that these machines are of the
5 same type of machines that are currently at
6 Aqueduct. Although they may be a newer version
7 of that machine, they do not change
8 significantly, certainly, the types of machines
9 that are there. They're not an evolution in the
10 direction that I think you're inferring to a
11 different type of gaming that we have not
12 authorized here in the Legislature.

13 So if Nassau OTB was permitted,
14 which they were -- if they had chosen to open a
15 facility in Nassau County, they would be using
16 these very same machines. And what this would do
17 is allow Nassau OTB to, instead of opening that
18 facility in Nassau County, in essence take those
19 very same machines that they otherwise would,
20 using the very same tax structure that they would
21 have in Nassau County, and to do so by proxy in
22 Aqueduct, and as a result negotiate a return that
23 would compensate the county for this asset that
24 this Legislature authorized them to have just a
25 few years ago.

1 So it is merely a shifting of that
2 same facility, those same machines on those same
3 conditions that would have been in Nassau County,
4 frankly a few miles to the west, where they be
5 located at Aqueduct. There would be no change in
6 revenue or expectations of revenue to the state,
7 because it would have the same revenue structure
8 and tax structure, and it would be limited to the
9 same number of machines except -- for the ease of
10 both Nassau County OTB and Aqueduct-- they would
11 have the ability to essentially partner, in a
12 loose term, with Aqueduct, whereby they get to
13 use those similar type of machines and Nassau OTB
14 receives the benefit.

15 And since Nassau OTB is a public
16 benefit corporation, I will remind everyone that
17 that benefit inures to the benefit of Nassau
18 County and its taxpayers.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Through
21 you, Mr. President, if the sponsor would continue
22 to yield.

23 SENATOR MARTINS: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 Senator yields.

1 SENATOR KRUEGER: Thank you.

2 Another section of this bill, and I
3 guess -- I don't think it's part of the contract
4 arrangement, it just establishes in statute that
5 while the current capital award program is a
6 certain formula for all of the racinos in
7 New York State, this bill language would allow to
8 be extended to Aqueduct a total of -- excuse
9 me -- 1 percent of the total revenue after payout
10 of prizes, with an increase of up to 4 percent.

11 So it allows them to take a greater
12 share of the revenue and apply it to capital
13 construction for themselves, which I think then
14 would decrease payment to the state, because
15 they're using it for their own capital purposes.
16 And it's a different formula and deal than we
17 have at the other racino racetracks in New York.

18 Could you clarify that situation for
19 me?

20 SENATOR MARTINS: Yes.

21 Mr. President, through you, I am not familiar
22 with what the arrangements are for these other
23 racinos in New York State. But that is true,
24 there is a provision in here that would change
25 and allow for a percentage for Genting to use for

1 capital improvements -- at their discretion,
2 obviously, and under the direction of the
3 state -- for capital improvements at Aqueduct,
4 yes.

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

8 SENATOR MARTINS: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 Senator yields.

11 SENATOR KRUEGER: Thank you.

12 So he is confirming that yes, this
13 is a deal that does allow them a greater amount
14 of their winnings to go towards investment in
15 their own business. Which, by the way, means
16 less money for education, because they're not
17 sending as much money to the state, they're using
18 it for their capital infrastructure.

19 This also, as I read the bill, would
20 allow an exemption from the current law that when
21 other casino racinos -- I'm always confused
22 because I thought we called them racinos, but
23 then I see the signs and they say "Casino." So I
24 don't know legally what the difference is right
25 now.

1 But under our current law, if a
2 facility is going to use a share of their
3 winnings for their own capital purposes instead
4 of sending it to us for education, they have to
5 match one-to-one. They have to put in a dollar
6 to take a dollar from what otherwise would be tax
7 revenue to the state.

8 Under this deal, my understanding is
9 they don't have to match it; is that correct?
10 There doesn't have to be a one-to-one match, they
11 get to take a significantly higher percentage of
12 the purse for capital construction for
13 themselves, and they do not have to do a match
14 for that money.

15 Am I reading the bill correctly?

16 SENATOR MARTINS: Mr. President,
17 through you, that is what the bill says.

18 And to clarify for my colleague, I
19 think racino is what we call them and casinos is
20 what others may call them.

21 SENATOR KRUEGER: So,
22 Mr. President, if the sponsor will yield.

23 SENATOR MARTINS: Yes, of course.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: So he agrees
2 that's what the bill says. Why would we give
3 this facility a better financial deal for their
4 own profit margins than we give all the other
5 facilities under statute and in existence in the
6 state, whether we call them casinos or racinos?

7 SENATOR MARTINS: Mr. President, I
8 apologize. I was distracted, so I didn't hear
9 your question. If you would kindly repeat it, I
10 would be happy to answer, thank you.

11 ACTING PRESIDENT GRIFFO: Can you
12 repeat it, Senator Krueger?

13 SENATOR KRUEGER: Certainly.

14 So the sponsor in his last answer
15 agreed that my analysis was right, that's what
16 the bill says. The question is, why would we
17 give this facility a better deal than all the
18 other facilities in New York State, because they
19 could take a significantly larger percentage of
20 the profits, not send them to us for education,
21 reinvest them in their own facility and not have
22 to provide the one-to-one match? Why are we
23 letting them have this deal?

24 SENATOR MARTINS: Mr. President,
25 through you. Well, if you're asking me how I'm

1 going to vote, Senator, I will be supporting this
2 bill. Each one of us will have to make that
3 decision for themselves.

4 For me, the idea that Aqueduct will
5 be investing in capital there and potentially
6 creating jobs and expanding their operation is
7 something that I'm willing to support. But
8 certainly the "why" is frankly the reason that we
9 actually end up voting on these bills, you know,
10 throughout the year. And I will leave it to the
11 discretion of each and every one of my colleagues
12 to determine that "why" for themselves. I'm
13 pretty clear on why I think it's a good idea.

14 SENATOR KRUEGER: Through you,
15 Mr. President, if the sponsor would continue to
16 yield.

17 SENATOR MARTINS: Of course.

18 SENATOR KRUEGER: Thank you.

19 I guess an editorial comment, and
20 then I'll ask my next question. I suppose the
21 "why" might be because maybe the Liz Krueger
22 Casino/Racino thinks she ought to get the same
23 deal as the Aqueduct Genting Casino/Racino and is
24 sitting out there wondering how come they're
25 getting a better deal than I got? That might be

1 one of the whys.

2 But because Genting will, we assume,
3 be trying to build an additional 1,000
4 machines -- I guess they don't build them, they
5 truck them in. They may need to expand their
6 facilities to fit them; I'm not sure how crowded
7 it is now, haven't been there. But there are
8 concerns about whether or not they can do this
9 until a new environmental review or a SEQRA
10 review takes place.

11 Can the sponsor confirm for me that
12 this proposal is subject to SEQRA prior to there
13 being any kind of contract that can be approved
14 by the Gaming Commission?

15 SENATOR MARTINS: Mr. President,
16 through you, there is an agreement -- again, that
17 has yet to be memorialized between Nassau OTB and
18 Genting, operating Resorts World Casino at
19 Aqueduct -- or Racino, excuse me, since it is at
20 a racing facility.

21 The terms of that, as was discussed
22 earlier, has these numbers being phased in over a
23 number of years. That limitation has to do with
24 a limitation on the number of machines that were
25 imposed as a result of what I understand to be

1 limitations tied to a traffic study.

2 And so it will be Genting who will
3 be pursuing that review, and that expanded review
4 will allow them to use the balance of those
5 machines that we had discussed earlier, but their
6 commitment, pursuant to the agreement, is fixed.
7 And so it's not subject to the SEQRA review, it
8 is frankly up to Genting, pursuant to the
9 agreement that has yet to be memorialized, to
10 make application and to seek the expansion. But
11 it is not subject to a SEQRA review. So it is a
12 condition obviously on that end, but not subject
13 to this agreement.

14 SENATOR KRUEGER: Through you,
15 Mr. President, if the --

16 SENATOR MARTINS: As I understand
17 it.

18 SENATOR KRUEGER: Thank you.
19 Through you, Mr. President, if the sponsor would
20 continue to yield.

21 SENATOR MARTINS: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 Senator yields.

24 SENATOR KRUEGER: So just jumping
25 back, there's this deal that allows them to keep

1 more of the winnings for capital construction,
2 and then there's also a section that has a
3 minimum capital investment of \$300 million to
4 trigger the higher capital investment award. So
5 I have to assume, since they've been thinking
6 about this so much, that spending \$300 million or
7 more, they plan on building something else. At
8 least one of the newspaper articles I read
9 referenced the possibility of a hotel.

10 Is it your understanding that,
11 moving forward, this would all require Genting
12 and Aqueduct to follow New York City zoning
13 regulations?

14 SENATOR MARTINS: Mr. President,
15 through you. Senator, I am loath to give you an
16 opinion on something that frankly has very little
17 to do with what is before this house right now.
18 Certainly I would suggest that if there's any
19 clarity needed, you may want to reach out to
20 Genting and their representatives and ask them
21 for that kind of clarity.

22 I would just remind my colleague and
23 the rest of the house that all this bill does is
24 authorize Nassau OTB to take a resource that they
25 currently have in statute and allow them to enter

1 into an agreement with Genting for use at
2 Aqueduct -- same machines, same tax structure,
3 merely a half dozen miles to the west -- and in
4 doing so, be able to recoup revenue to the
5 benefit of Nassau OTB and ultimately to the
6 benefit of Nassau County and its taxpayers.

7 So again, we can sit here,
8 Mr. President, and we can discuss possible
9 scenarios as to how Genting will be using its
10 capital, we can sit here and discuss possible
11 scenarios on what their business plan is. But I
12 would ask that, you know, we not go down that
13 road because, simply, I don't have the facts to
14 be able to answer my colleague's questions on
15 hypotheticals when this bill doesn't entertain
16 any of those details.

17 SENATOR KRUEGER: Through you,
18 Mr. President, on the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger on the bill.

21 SENATOR KRUEGER: Oh. But before I
22 do that, I just want to double-check, because we
23 still have the open question of the reports being
24 made available.

25 ACTING PRESIDENT GRIFFO: They're

1 on the desks.

2 SENATOR KRUEGER: Oh, as I've been
3 talking, they've been distributed. Thank you.

4 So I -- one, I will be on the bill.
5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Krueger on the bill.

8 SENATOR KRUEGER: I want to bring
9 to my colleagues' attention that now you have
10 received the report on the amended Executive
11 Budget laying out -- with less detail than in
12 perspective years, but we took a look and we
13 think it does meet the requirements, thank you
14 very much -- the changes from the original
15 Executive Budget to --

16 ACTING PRESIDENT GRIFFO: Senator
17 Díaz, why do you rise?

18 SENATOR DIAZ: Just to announce
19 that the budget is late.

20 (Laughter.)

21 ACTING PRESIDENT GRIFFO: Senator
22 Krueger, you may continue.

23 SENATOR KRUEGER: I've been very
24 busy chatting on the floor. Did we miss all the
25 other bills that are available to be voted on? I

1 think not, Senator Díaz.

2 But on this bill, this report is on
3 everyone's desks. I am assuming we will receive
4 on every other bill coming forward to us till
5 whenever we finish the budget -- clearly, after
6 midnight of Thursday.

7 Going back to the actual revenue
8 bill, I have to say -- and I often have voted no
9 on revenue bills on the floor of this house
10 because of things that I liked and disliked in
11 the bills and what was there and what wasn't
12 there.

13 There are things I wish were in
14 here, there are things I'm delighted with that
15 aren't here this year. I'm concerned that we
16 didn't address how we're going to meet our
17 outyear revenue gaps from passing a middle-income
18 tax cut -- which I do not object to at all, I
19 want to make clear, but in the past we have tied
20 that to revenue enhancements through high-end tax
21 supplements. We have a high-end tax supplement
22 that sunsets next year; I very much wish we were
23 doing these two together, both a continuation or
24 even further progressivity in our overall income
25 tax package, at the time we were establishing a

1 lowering of taxes for middle-income New Yorkers.
2 I think it's a mistake that we're not doing that.
3 But that is not a reason for me to vote against
4 this bill.

5 I am concerned about the gambling
6 sections. I appreciate very much both sponsors'
7 attempts to answer the questions. And I keep
8 trying to say to myself, I'm really not
9 anti-gambling, I just don't ever seem to like any
10 of the gambling bills that come before me in the
11 New York State Senate. And I have to say I have
12 the same reaction tonight. I know that the horse
13 is out of the barn on gambling in New York State,
14 everywhere in every possible way.

15 I also know that when I read about
16 what happens in states when they become more and
17 more dependent on gambling, as we are, you
18 immediately see entities coming to Albany or
19 whatever state capital to try to get better deals
20 for themselves, to increase their profit margins,
21 allow them to get bigger and stronger, and
22 decrease the amount of revenue that actually
23 comes back to the state for education or other
24 purposes.

25 I thought that would be what

1 happened when we passed the casino referendum.

2 The casinos aren't open yet, but I'm right, it's
3 already happening, it's already changing.

4 So assuming that this becomes law --
5 and I understand why Nassau wants this deal. If
6 I was Nassau County, I would want this deal. You
7 get the revenue but you don't have to have any of
8 the negatives that come from having a large
9 gambling facility. If I lived in Queens, I might
10 have to ask the question: How has this gambling
11 facility already affected me, and what will be
12 the impact on my communities if it's even bigger,
13 with more people gambling, and it has a hotel and
14 who knows what else? Because now they can
15 continue to build, build, build and simply let
16 the state pay for it through lower revenues
17 handed over to the state.

18 So I worry about that. I also,
19 while I'm not likely to open the Liz Krueger
20 Casino, I take a look and I say, I don't know why
21 somebody else gets a better deal than other
22 casinos or racinos in the rest of the state. And
23 I assume they'll come to Albany and want the same
24 deal, and we may give them the deal, because
25 we'll say, Well, we're not sure why we gave this

1 group the deal, but we should certainly keep it
2 even and change it for you, which will lower our
3 revenue even further in future years and, perhaps
4 yet again, take us down a further road of not
5 really being able to explain why we've made all
6 these changes in our gambling law but realizing
7 we did.

8 So for the record, at 12:15 tonight,
9 I will vote yes on this bill, wanting to go on
10 record that if I could have voted no on the
11 gambling sections, I would have voted no on the
12 gambling sections. I have great concern about
13 the pattern and path our state is taking. But
14 overall, I cannot justify a no vote for myself on
15 the revenue bill tonight, Mr. President.

16 I vote yes. Thank you very much.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Krueger.

19 Perhaps at the Krueger Casino we'd
20 be able to host an MMA event.

21 (Laughter.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Squadron.

24 SENATOR SQUADRON: Thank you,
25 Mr. President. If the sponsor would yield for

1 just a moment, briefly.

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR SQUADRON: Just sort of a
6 check-in on where we are in the budget process
7 here, I believe -- through you, Mr. President --
8 that this is the fourth Article VII bill of the
9 evening of the budget. Is that correct?

10 SENATOR YOUNG: Through you,
11 Mr. President, this is the revenue bill.

12 SENATOR SQUADRON: If the sponsor
13 would continue to yield.

14 SENATOR YOUNG: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR SQUADRON: And I believe,
18 as the revenue bill, it is the fourth Article VII
19 bill that the house has considered and that there
20 is one more Article VII bill that I've heard is
21 moving forward, the so-called ELFA bill; is that
22 correct?

23 SENATOR YOUNG: Yes. Through you,
24 Mr. President. And for those watching, the ELFA
25 bill is Education, Labor and Family Assistance.

1 SENATOR SQUADRON: Thank you. I'm
2 sure many folks are watching without an arcane
3 knowledge of the Senate at this point in the
4 morning.

5 If the sponsor would continue to
6 yield.

7 SENATOR YOUNG: Yes.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR SQUADRON: Thank you.

11 I know the Governor introduced two
12 other Article VIIs as part of the budget. Should
13 we expect those as well?

14 SENATOR YOUNG: So through you,
15 Mr. President, I'm not sure which Article VIIs
16 you're referring to. Maybe you could tell me.

17 SENATOR SQUADRON: Oh, I will. The
18 ethics reform bill and the pension reform
19 concurrent resolution.

20 SENATOR YOUNG: So through you,
21 Mr. President, we have one more Article VII to
22 handle, and that's the ELFA bill.

23 SENATOR SQUADRON: Thank you.

24 On the bill, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Squadron on the bill.

2 SENATOR SQUADRON: I know from
3 prior conversation tonight that I'll have no luck
4 speaking about the critical ethics reform needed
5 in this state and discussing it in a bill that it
6 does not appear in. And I know now definitively
7 that it will not be appearing over the course of
8 this budget.

9 I do want to point out again, as I
10 said earlier this evening, these are outstanding
11 issues, critical issues, issues that should by
12 all rights be related to our passage of the
13 budget. There's very positive policy that I hope
14 we will move forward shortly, some concerns, some
15 new information, some stuff that wasn't even in
16 any of the one-houses.

17 But one thing does not exist in this
18 budget and is not being introduced in this house
19 or allowed a vote, and that is ethics reform, a
20 way to increase New Yorkers' faith in this
21 government. That's an enormous mistake. This is
22 the fourth of five Article VIIIs. I can only hope
23 that that ELFA bill, in addition to Education,
24 Labor and Family Assistance, has something for
25 public integrity, has something to give the

1 public confidence in what's happening here in
2 Albany. Because as the sponsor points out, we
3 have not seen it yet, and there does not seem to
4 be any interest in introducing the Governor's
5 reform Article VII bill.

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Squadron.

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

12 I'm going to request that members
13 remain in their seats for procedural purposes
14 following the vote.

15 The Secretary will read the last
16 section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Boyle to explain his vote.

24 SENATOR BOYLE: To explain my vote.

25 I just want to commend the sponsor

1 for this legislation and point out a provision
2 I'm particularly proud of. A few years ago
3 former State Senator Greg Ball and I on worked on
4 legislation pertaining to wholesale fuel, and the
5 provision in here now requires wholesalers of
6 motor fuel to register with the Department of
7 Taxation. They're going to have to report every
8 gallon they sell in certain areas of the state.

9 It is literally going to save the
10 state tens of millions of dollars during its
11 implementation, \$9.5 million per year in state
12 revenues which was being evaded criminally
13 throughout downstate New York. It's a great
14 provision that's going to allow us to use needed
15 tax revenue for other important purposes.

16 I vote aye.

17 ACTING PRESIDENT GRIFFO: Senator
18 Boyle to be recorded in the affirmative.

19 Senator Latimer to explain his vote.

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

22 I'm pleased to pleased to support
23 this bill. There are a number of things in here
24 that are very good. I particularly want to
25 compliment whoever wants to claim credit for

1 being the sponsor of the middle-class tax cut
2 that reduces taxes over a period of time for
3 those who need that tax benefit.

4 But I do want to highlight I do not
5 support -- although it's all part of a package --
6 the changes that are being made to the STAR
7 program. The Senate's one-house and the
8 Assembly's one-house both rejected Executive
9 language that would create this STAR program. I
10 gather in the negotiations it was insisted that
11 it be back in. But this changes the program. I
12 believe it creates a cash-flow problem. I do not
13 see a differentiation for those who are on
14 Enhanced STAR that are people of need. And I
15 could see a senior family that might downsize
16 their home and then all of a sudden find that
17 they're no longer under the old program but under
18 the new program.

19 So I would hope that the Senate and
20 the Assembly would monitor how this program is
21 going to be administered and that we would make a
22 strong effort to make sure that the rules and
23 regs that come out of Taxation & Finance are
24 sensitive to the needs of the people whom this
25 program benefits.

1 Absent that objection, I vote in the
2 affirmative.

3 ACTING PRESIDENT GRIFFO: Senator
4 Latimer to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 Senator DeFrancisco, that completes
10 the vote. And I will entertain a motion in
11 coordination with Rule 6-2.

12 SENATOR DeFRANCISCO: I would like
13 to move, pursuant to that rule, that we go on to
14 the next day's business.

15 ACTING PRESIDENT GRIFFO: On
16 motion, in accordance with Rule 6, Section 2, the
17 question before the house on hours of session,
18 all in favor of continuing signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO: Opposed?

21 (Response of "Nay.")

22 (Laughter.)

23 ACTING PRESIDENT GRIFFO: We will
24 continue.

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Would you
2 call on Senator Serrano.

3 ACTING PRESIDENT GRIFFO: Senator
4 Serrano.

5 SENATOR SERRANO: Thank you,
6 Mr. President. There will be an immediate
7 meeting of the Senate Democratic Conference in
8 Room 315.

9 ACTING PRESIDENT GRIFFO: There
10 will be an immediate meeting of the Senate
11 Democrat Conference in Room 315.

12 SENATOR DeFRANCISCO: And the
13 Senate will stand at ease.

14 ACTING PRESIDENT GRIFFO: The
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at ease
17 at 12:28 a.m.)

18 ACTING PRESIDENT BOYLE: Mr. Floor
19 Leader.

20 SENATOR DeFRANCISCO:
21 Mr. President, there will be an immediate meeting
22 of the Finance Committee in Room 322 -- 332. I
23 forgot the room.

24 ACTING PRESIDENT BOYLE: There will
25 be an immediate meeting of the Finance Committee

1 in Room 332.

2 SENATOR DeFRANCISCO: I can't
3 understand why I forgot it.

4 ACTING PRESIDENT BOYLE: You've
5 only been there a couple of times.

6 (Whereupon, the Senate continued to
7 stand at ease and reconvened at 2:01 a.m.)

8 ACTING PRESIDENT GRIFFO: The
9 Senate will come to order.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, I
12 understand there's a report of the Finance
13 Committee at the desk.

14 ACTING PRESIDENT GRIFFO: There is
15 a report of the Finance Committee, and the
16 Secretary will read.

17 THE SECRETARY: Senator Young, from
18 the Committee on Finance, reports the following
19 bills:

20 Senate Print 6404D, Senate Budget
21 Bill, an act making appropriations for the
22 support of government: CAPITAL PROJECTS BUDGET;

23 Senate 6400D, Senate Budget Bill, an
24 act making appropriations for the support of
25 government: STATE OPERATIONS BUDGET.

1 Both bills reported direct to third
2 reading.

3 SENATOR DeFRANCISCO: Move to
4 accept the report of the Finance Committee.

5 ACTING PRESIDENT GRIFFO: On
6 motion, all in favor of accepting the Committee
7 on Finance report signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO: Opposed?

10 (No response.)

11 ACTING PRESIDENT GRIFFO: The
12 Committee on Finance report is accepted and
13 before the house.

14 SENATOR DeFRANCISCO: Could you now
15 do the noncontroversial reading of Calendar
16 Number 29C.

17 ACTING PRESIDENT GRIFFO: There is
18 a message of necessity before the desk, Senator
19 DeFrancisco. Let him read first, and then we'll
20 accept the message.

21 Go ahead, Secretary.

22 THE SECRETARY: Calendar Number
23 518, Senate Budget Bill, Senate Print 6404D, an
24 act making appropriations for the support of
25 government: CAPITAL PROJECTS BUDGET.

1 SENATOR DeFRANCISCO: Is there a
2 message of necessity on Calendar 518 at the desk?

3 ACTING PRESIDENT GRIFFO: That
4 message does exist at the desk.

5 SENATOR DeFRANCISCO: Move to
6 accept that existing message.

7 ACTING PRESIDENT GRIFFO: All in
8 favor of accepting the Governor's message of
9 necessity signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 message of necessity is accepted, and the bill is
15 before the house.

16 SENATOR GIANARIS: Lay it aside.

17 ACTING PRESIDENT GRIFFO: The bill
18 is laid aside.

19 THE SECRETARY: Calendar Number
20 519, Senate Budget Bill, Senate 6400D, an act
21 making appropriations for the support of
22 government: STATE OPERATIONS BUDGET.

23 ACTING PRESIDENT GRIFFO: The bill
24 has been laid aside.

25 The Secretary will ring the bell.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 518, Senate Budget Bill, Senate Print 6404D, an
4 act making appropriations for the support of
5 government: CAPITAL PROJECTS BUDGET.

6 ACTING PRESIDENT GRIFFO: Senator
7 Stavisky.

8 SENATOR STAVISKY: Thank you. May
9 I ask the sponsor to answer just a couple of
10 questions?

11 SENATOR YOUNG: Of course.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR STAVISKY: Is there any
15 capital money in here for either the State
16 University of New York or the City University of
17 New York?

18 SENATOR YOUNG: Yes.

19 I'm sorry, I misspoke, it's not in
20 the capital bill but it's going to be pursuant to
21 a chapter amendment later on.

22 ACTING PRESIDENT GRIFFO: Excuse
23 me, Senator Young. Can we have some order in the
24 house, please. I know that Senator Stavisky is
25 having a little difficulty hearing you.

1 SENATOR STAVISKY: No, I'm not.

2 (Laughter.)

3 SENATOR YOUNG: Everybody is a
4 little tired, right?

5 ACTING PRESIDENT GRIFFO: I saw you
6 lean over.

7 SENATOR STAVISKY: No,
8 Mr. President, I was looking for the capital
9 money in this budget, because I couldn't find it.

10 SENATOR YOUNG: Well, the reason
11 why is that there isn't any, but it will be in a
12 chapter amendment later on.

13 SENATOR STAVISKY: Will the sponsor
14 continue to yield?

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR STAVISKY: What will be in
19 the chapter amendment? Can you give us a
20 timetable and describe the amounts that are going
21 to be there and a description of both SUNY and
22 CUNY capital money?

23 SENATOR YOUNG: So to clarify,
24 Senator -- through you, Mr. President -- it will
25 be tonight, but it will be in the Aid to

1 Localities portion of the budget.

2 SENATOR STAVISKY: Thank you. Will
3 the sponsor yield for another question?

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR STAVISKY: Would that
8 include critical maintenance funding, or is that
9 a separate issue?

10 SENATOR YOUNG: Yes, critical
11 maintenance funding would be part of that.

12 SENATOR STAVISKY: Thank you,
13 Mr. President.

14 SENATOR YOUNG: Thank you.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Stavisky.

17 Senator Hamilton.

18 SENATOR HAMILTON: Yes,
19 Mr. President, I'd like to ask the sponsor of the
20 bill a question, please.

21 ACTING PRESIDENT GRIFFO: Will the
22 sponsor yield?

23 SENATOR YOUNG: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields, Senator Hamilton.

1 SENATOR HAMILTON: Yes. As you
2 know, Senator, Kings County is the largest county
3 in New York State, consisting of 2.5 million
4 people. And we have many fruit and vegetable
5 deserts in our great County of Kings. I just
6 want to know how much money is being allocated --
7 I know there's \$5 million going for the State
8 Fair. And how much money is going to be
9 allocated to help -- additional funding to bring
10 fruits and vegetables into Kings County,
11 Brooklyn?

12 SENATOR YOUNG: Senator, do you
13 mean a capital allocation or on the capital
14 portion of the budget?

15 SENATOR HAMILTON: Both. Both.

16 SENATOR YOUNG: Through you,
17 Mr. President --

18 ACTING PRESIDENT GRIFFO: Can I
19 have some order in the house, please.

20 SENATOR YOUNG: This is actually
21 statewide, it's not just specifically for Kings
22 County. But there is a \$500,000 line item and
23 it's a carve-out, it's a appropriation for
24 initiatives to allow grocery stores to provide
25 healthy foods and revitalize downtowns. And it's

1 a two-for-one match.

2 SENATOR HAMILTON: Through you,
3 Mr. President, may the sponsor yield to another
4 question, please?

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR HAMILTON: Yes, Senator.
9 As I mentioned before, Kings County is the
10 largest county in New York State, 2.5 million
11 people. I notice here for Mental Hygiene and
12 Mental Health there's been an allocation of
13 money, \$200 million. How much of that is being
14 allocated towards the largest county in New York
15 State, Kings County?

16 SENATOR YOUNG: Senator, it's a
17 little noisy in here. Could you please repeat
18 the question?

19 SENATOR HAMILTON: Can we get a
20 little order in here, please, Mr. President?

21 ACTING PRESIDENT GRIFFO:
22 (Gaveling.) Senator Hamilton, please repeat the
23 question for Senator Young.

24 SENATOR HAMILTON: Yes. Senator
25 Young, it mentions here that there's an increase

1 in spending for mental health in the budget. As
2 I mentioned before, Kings County is the largest
3 county in New York State, 2.5 million people.
4 How much of that budget is being allocated to the
5 County of Kings?

6 SENATOR YOUNG: So through you,
7 Mr. President, that's a decision that the Office
8 of Mental Health will make based on need, going
9 forward.

10 SENATOR HAMILTON: I'm sorry,
11 Senator?

12 ACTING PRESIDENT GRIFFO: Can you
13 repeat that, Senator Young?

14 SENATOR YOUNG: Yes. Do you want
15 me to repeat the answer?

16 SENATOR HAMILTON: Yes, please, I
17 was --

18 SENATOR YOUNG: Yes, I'm sorry.

19 SENATOR HAMILTON: I'm sorry.

20 SENATOR YOUNG: So that's a
21 decision that the Office of Mental Health will
22 make, going forward, based on need.

23 SENATOR HAMILTON: Thank you. May
24 the sponsor yield to another question,
25 Mr. President?

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR YOUNG: Yes.

4 SENATOR HAMILTON: Mental Health is
5 something that I'm the ranker on, and there's an
6 issue that is something that's dear to my heart,
7 and it's alarming, is the suicide rate. Right
8 now the third leading cause of death for children
9 six to 11 years old is suicide. The second
10 leading cause of death in this state --

11 SENATOR YOUNG: Senator, I just
12 want to clarify -- not to interrupt, but we are
13 on the capital portion of the budget. So you may
14 be looking, I think, at a different portion of
15 the budget.

16 SENATOR HAMILTON: I'm going to go
17 forward as far as having a space for youth.

18 If suicide is the third highest rate
19 for our youth six to 11, and the second highest
20 rate for our youth 12 through 35, are there any
21 capital projects to build facilities to address
22 the high rate of suicide in this state and
23 particularly in Kings County?

24 SENATOR YOUNG: Senator, I just
25 want to clarify. Are you talking about building

1 new psychiatric centers? Or what are you
2 speaking of?

3 SENATOR HAMILTON: I'm just saying
4 we have a crisis of suicide in this state. Are
5 there any types of funding for capital projects
6 in Kings County, the largest county in the State
7 of New York, to address the issue of suicide and
8 suicide prevention?

9 SENATOR YOUNG: Mr. President, I
10 don't believe that there's any allocation
11 specific to Kings County in the budget that is to
12 build facilities related to preventing suicide.

13 SENATOR HAMILTON: May the sponsor
14 please yield to another question, please?

15 ACTING PRESIDENT GRIFFO: The
16 sponsor will yield.

17 SENATOR HAMILTON: For the capital
18 projects for alcoholism and substance abuse,
19 there's been \$10 million that's been allocated.
20 Do you know how much of that is going to
21 Kings County, the largest county in the State of
22 New York, 2.5 million people?

23 SENATOR YOUNG: So through you,
24 Mr. President. First of all, I do want to
25 clarify. There is \$200 million in capital

1 funding that will go towards hospitals and health
2 facilities that potentially could be utilized for
3 some kind of facility that is focused on suicide
4 prevention.

5 And also, such a project could be
6 eligible under the Mental Hygiene funding that's
7 available. So there may be some things there.

8 Specifically for Kings County, I do
9 not believe that there is a specific allocation.
10 However, those other resources would be
11 available -- local health entities, for example,
12 could apply for funding through the appropriate
13 agency and try to access those funds if they had
14 a good project.

15 SENATOR HAMILTON: Thank you.

16 Mr. President, may the sponsor yield
17 to another question, please?

18 ACTING PRESIDENT GRIFFO: Senator
19 Young, do you continue to yield?

20 SENATOR YOUNG: Sure.

21 ACTING PRESIDENT GRIFFO: The
22 Senator yields.

23 SENATOR HAMILTON: Thank you,
24 Senator.

25 As you know, New York City is going

1 through a homeless crisis. We have approximately
2 60,000 people in the City of New York who are
3 homeless. Many of those are women and children
4 who are homeless. Under Housing, can you please
5 let me now how much money has been allocated to
6 the largest county in the State of New York of
7 2.5 million people, Kings County, for housing?

8 SENATOR YOUNG: So, Mr. President,
9 there's actually \$2.1 billion in capital funding
10 through Housing. And that will be negotiated
11 through a memorandum of understanding.

12 SENATOR HAMILTON: Memorandum of
13 understanding.

14 SENATOR YOUNG: For programs
15 statewide. So, for example, if there were a
16 project in your district that you were trying to
17 spearhead, or some other group, you may want to,
18 you know, let the Governor's office know about
19 it, write a letter to the Governor, for example,
20 just to let the Governor's office know that it's
21 important to the people in your district and
22 important to you.

23 SENATOR HAMILTON: Yes, Senator.
24 Thank you for that response.

25 Through the Speaker, can the sponsor

1 please yield to another question, please?

2 ACTING PRESIDENT GRIFFO: Does the
3 sponsor continue to yield?

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR HAMILTON: Yes, thank you,
8 Senator Young.

9 The MOU for the housing development,
10 as you know, it's unfortunate that we have hardly
11 any vacant land in New York City. So out of the
12 \$1.9 billion being allocated, how are we going to
13 build -- what's the MOU for, and where would the
14 new construction be allocated at in the largest
15 county in the State of New York, Brooklyn, of
16 2.5 million people.

17 SENATOR YOUNG: Through you,
18 Mr. President, as I said, the \$2.1 billion that
19 is available through Housing for capital
20 construction projects actually would be available
21 statewide. So if there's a list of projects that
22 could be funded, those would be potentially
23 included under the MOU.

24 SENATOR HAMILTON: Mr. Speaker, may
25 the sponsor please yield to another question,

1 please?

2 ACTING PRESIDENT GRIFFO: Senator
3 Young, do you yield to an additional question?

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 Senator yields.

7 May I ask again, before the members
8 continue to engage in conversation, there are a
9 number of conversations that are taking place
10 here in the chamber. I would ask staff and
11 members to please take those conversations
12 outside the chamber so we can allow the two
13 members to exchange in discussion and debate.

14 Senator Hamilton, you may continue.

15 SENATOR HAMILTON: Thank you,
16 Senator, for answering my questions. You've been
17 very forthcoming, and I appreciate that.

18 Senator, who would the MOU be
19 between as far as the housing development in the
20 County of Kings? Because I would like to be a
21 part of that. So who would be the parties
22 involved in the MOU for construction of housing
23 in the largest county in New York State, the
24 County of Kings, with 2.5 million people?

25 SENATOR YOUNG: So through you,

1 Mr. President, all three entities -- both houses,
2 the Governor -- would be involved in the
3 negotiation.

4 SENATOR HAMILTON: The Governor and
5 who else?

6 SENATOR YOUNG: The two houses.

7 SENATOR HAMILTON: Two houses.

8 Okay, thank you. I'm sorry about that.

9 Mr. President, would the speaker
10 yield to another question, please?

11 SENATOR YOUNG: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 Senator yields.

14 SENATOR HAMILTON: Thank you,
15 Senator Young.

16 I represent beautiful Brownsville.
17 It has the highest density of NYCHA housing in
18 the state. It has the highest murder rate in the
19 state. It's the pipeline to economic development
20 in upstate New York. We have many schools where
21 the kids are -- only 8 percent and sometimes
22 2.1 percent are reading at grade level. I'd like
23 to know -- NYCHA housing is dilapidating in that
24 area. I think it's being done purposely. And so
25 I'd like to know, within the area of Brownsville,

1 which is approximately 60,000 people, how much
2 money has been allocated to preserve or maintain
3 the infrastructure of NYCHA housing?

4 SENATOR YOUNG: So through you,
5 Mr. President, that would also be subject to an
6 MOU.

7 SENATOR HAMILTON: Thank you to the
8 sponsor.

9 Mr. President, I'd like to speak on
10 the bill.

11 ACTING PRESIDENT GRIFFO: Senator
12 Hamilton on the bill.

13 SENATOR HAMILTON: I come from the
14 Borough of Kings, which I'm proud of, which is
15 the largest county in New York State,
16 representing 2.5 million people. There are many
17 things in here that I don't agree with. I find
18 it hard that within the last half-hour I have
19 been given 677 pages to read, which I think is an
20 insurmountable task for me to read this amount of
21 literature within a half-hour.

22 So with due diligence, I cannot vote
23 on a bill that I have not read. It's hard for
24 me, even if I were to read it, to comprehend it
25 at 2 o'clock in the morning. So, Mr. President,

1 due to the fact of this untimely hour, due to the
2 fact that I received this bill of 677 pages
3 within the last -- within a half an hour, I
4 cannot read this; if I were to read it, I
5 wouldn't comprehend it at this time, and I would
6 need more than a couple of days, if not a week,
7 to fully comprehend and digest what's actually
8 being presented towards me tonight.

9 So I'm not saying that this is a
10 good bill or a bad bill, but it's a bill that I
11 have not read. And I do not want to be negligent
12 to my constituents, 350,000 people, and vote on
13 something that I have not read and vote on
14 something that was given to me at literally 1:30
15 in the morning.

16 So I have to vote no on this. Thank
17 you.

18 ACTING PRESIDENT GRIFFO: Senator
19 Espaillat.

20 SENATOR ESPAILLAT: Thank you,
21 Mr. President. On the bill.

22 ACTING PRESIDENT GRIFFO: Senator
23 Espaillat on the bill.

24 SENATOR ESPAILLAT: Thank you,
25 Mr. President.

1 As you know, for some years we have
2 been discussing the housing crunch, the housing
3 crisis affecting the City and the State of
4 New York. In fact, that is a crisis that has
5 been ripping neighborhoods apart. And right at
6 the center of it is the cost of rent and
7 affordability.

8 We have also been very critical that
9 the settlements that have taken place between the
10 Attorney General's office, the New York State
11 Attorney General's office, and the banking and
12 financial institutions of Wall Street that
13 engaged in risky business resulting in a
14 financial collapse, a close financial collapse of
15 our economy, that the settlement money that we
16 have gotten for several years has gone elsewhere,
17 outside of the epicenter of the housing crisis,
18 primarily to some of the counties outside of
19 New York City.

20 But we are happy to see that in this
21 budget, \$600 million of that settlement money is
22 coming towards the Division of Housing and
23 Community Renewal for the purpose of affordable
24 housing. And so we are hopeful that that
25 \$1.9 billion will result in the creation and the

1 construction of affordable housing, and that when
2 the MOU is reached between the Director of the
3 Budget and the three leaders, that in fact
4 through that agreement we may be able to get some
5 funding for NYCHA.

6 As you know, last year we allocated
7 \$100 million for the first time in over a decade
8 to the NYCHA network of complexes that are facing
9 a \$17 billion deficit and are facing critical
10 challenges, infrastructure and capital project
11 challenges, throughout the City of New York.

12 So we're hopeful that when that MOU
13 is reached, that NYCHA is given the ability to
14 access some of this capital funding to the tune
15 perhaps of \$100 million for the next five years.

16 I am also pleased to see that in the
17 original Senate resolution there was a
18 \$2.5 million allocation that has been
19 traditionally included for the Hudson River Park
20 Trust that I represent, along with Senator
21 Hoylman, and that in fact this was zeroed out in
22 the resolution. But we're happy to see that this
23 budget includes it, and it was restored.

24 For those reasons, Mr. President, I
25 will be voting in the affirmative.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Espaillat.

3 Senator Dilan.

4 SENATOR DILAN: Mr. President,
5 would the sponsor yield for some questions?

6 ACTING PRESIDENT GRIFFO: Senator
7 Young, do you yield?

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 Senator yields.

11 SENATOR DILAN: Yes, Senator, these
12 are just follow-ups to the questions I had
13 previously asked.

14 So first, with respect to DOT
15 funding capital, can you give us an overview of
16 what funds are in there for the capital budget
17 DOT? And also, has the commissioner provided us
18 the project list as promised?

19 SENATOR YOUNG: So through you,
20 Mr. President, under the Department of
21 Transportation, for the fiscal year 2016 through
22 2021, the amount would be \$27.1 billion. So how
23 that breaks down is there was \$20.1 billion
24 committed as of fiscal year 2017 in the Executive
25 Budget; 1 billion over the next four years, the

1 breakdown to be determined; \$4 billion in the
2 sixth year by fiscal year 2021; \$2 billion for
3 the Thruway Stabilization Program, which includes
4 the Tappan Zee Bridge and core capital program.

5 SENATOR DILAN: And has the project
6 list been provided by the commissioner?

7 ACTING PRESIDENT GRIFFO: Senator
8 Young.

9 SENATOR YOUNG: So through you,
10 Mr. President, when the MTA, the Metropolitan
11 Transportation Authority, has the CPRB approval,
12 that's when the list will be out.

13 SENATOR DILAN: Mr. President,
14 would the sponsor continue to yield?

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields.

18 SENATOR DILAN: I was referring to
19 the DOT capital projects list.

20 SENATOR YOUNG: They're linked
21 together, Senator.

22 ASSEMBLYMAN DILAN: They're linked
23 together?

24 SENATOR YOUNG: That's what I'm
25 saying, yes.

1 SENATOR DILAN: Because it is my
2 understanding that MTA has already submitted
3 their project list, which was rejected.

4 SENATOR YOUNG: Yes.

5 SENATOR DILAN: Okay. Would the
6 sponsor yield for further questions?

7 SENATOR YOUNG: Yes.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR DILAN: In the Senate
11 one-house bill, which both conferences supported
12 additional funding for CHIPS, was that additional
13 funding, is that in this budget? And also is
14 there funding for PAVE NY and BRIDGE NY?

15 SENATOR YOUNG: So through you,
16 Mr. President, under the CHIPS program, which we
17 know is very popular across the state, there's
18 \$438 million that's available. And then on top
19 of that, through the PAVE program, there would be
20 an additional \$400 million.

21 SENATOR DILAN: So there is funding
22 for PAVE NY and BRIDGE NY in this budget?

23 SENATOR YOUNG: I'm sorry?

24 SENATOR DILAN: Is there actual
25 funding for PAVE NY and BRIDGE NY in this budget?

1 SENATOR YOUNG: Yes, Senator, it's
2 included within the appropriation, Mr. President.

3 SENATOR DILAN: I didn't see any
4 language. That's why I'm asking that question.

5 Mr. President, a further question?

6 ACTING PRESIDENT GRIFFO: Senator
7 Young, do you continue to yield?

8 SENATOR YOUNG: Yes.

9 SENATOR DILAN: With respect to the
10 MTA capital funding, I see language where we are
11 getting \$2.9 billion and there's some language in
12 here which states "Regarding the commitment of
13 the State of New York to fund, over a multiyear
14 period, \$7.3 billion of capital costs related to
15 such program, funds appropriated herein shall be
16 available in the event that the state elects to
17 meet its commitment through direct payments."

18 Can you explain that language? And
19 who makes the determination?

20 SENATOR YOUNG: So through you,
21 Mr. President, the state has committed
22 \$7.3 billion to the MTA, and out of that amount,
23 \$2.9 billion is appropriated.

24 SENATOR DILAN: Mr. President, the
25 question also is who makes the determination if

1 the commitment is kept? I'll read that again.
2 It says: "Funds appropriated herein shall be
3 made available in the event that the state elects
4 to meet its commitment through direct payments."

5 And I need an explanation as to
6 that, and who makes the determination if the
7 state elects.

8 SENATOR YOUNG: So through you,
9 Mr. President, it would be the Executive and the
10 Division of Budget.

11 SENATOR DILAN: Would the sponsor
12 yield for further questions?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR DILAN: So this
17 \$2.9 billion, is it real money in the budget or
18 is it something that's put into the budget so the
19 MTA can leverage funding on its own?

20 SENATOR YOUNG: So through you,
21 Mr. President, it's the commitment that the state
22 plans to make to the MTA.

23 SENATOR DILAN: One further
24 question.

25 ACTING PRESIDENT GRIFFO: Senator

1 Young, do you yield?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 Senator yields.

5 SENATOR DILAN: The final question
6 is I would like to know if there is actual
7 funding in this budget for the Second Avenue
8 subway.

9 SENATOR YOUNG: So through you,
10 Mr. President. Yes, Senator, there's a
11 commitment through the five-year capital plan.

12 SENATOR DILAN: Is there a dollar
13 amount?

14 SENATOR YOUNG: So through you,
15 Mr. President, there's \$1.5 billion total, and
16 \$535 million that was already in the proposed
17 plan.

18 SENATOR DILAN: On the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Dilan on the bill.

21 SENATOR DILAN: Yes, I would just
22 like to thank the sponsor for her responses, and
23 I will be voting in favor of the bill.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Dilan.

1 Senator Krueger.

2 SENATOR KRUEGER: Can we all do a
3 little gym exercise? I think we need to get our
4 blood sugar going, our energy up. Will the
5 sponsor please yield, Mr. President?

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR KRUEGER: Thank you.
10 Wasn't there some show years ago that they would
11 like take a break and they'd all do some kind
12 of -- no, I'm making it up?

13 SENATOR YOUNG: Calisthenics?

14 SENATOR KRUEGER: I think so. Jack
15 LaLanne, maybe it was.

16 ACTING PRESIDENT GRIFFO: Senator
17 Krueger, are you going to lead us in
18 calisthenics?

19 SENATOR KRUEGER: If I remember the
20 routine. But no, I'm probably going to ask one
21 of our younger members perhaps who was in the
22 military to lead us. Wouldn't that be a good
23 idea? Senator Croci, do you want to lead us?

24 (Laughter.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Young, do you yield to a question from Senator
2 Krueger?

3 SENATOR YOUNG: Regarding the
4 budget, yes. Not about calisthenics.

5 (Laughter.)

6 SENATOR KRUEGER: Okay, fine.
7 We'll go back to the budget. It's 2:30 in the
8 morning. We really could be doing something
9 else, but fine.

10 So the capital budget, the capital
11 bill, adds up to how much money in this bill in
12 total?

13 SENATOR YOUNG: You know what,
14 Senator, we'll have to check on that amount
15 because -- and we can get it to you, I believe,
16 later tonight.

17 SENATOR KRUEGER: Okay. Well, I
18 think if we look at the financial plan which you
19 have pointed out that you gave us tonight, I
20 think it adds up to about 11.16 billion enacted,
21 looking at your charts from earlier this evening.

22 SENATOR YOUNG: Okay.

23 SENATOR KRUEGER: Okay? So my
24 question was, is all of that capital within this
25 budget bill, so would that be approximately the

1 right number?

2 SENATOR YOUNG: So through you,
3 Mr. President, those funds that you're
4 referencing are the capital projects that are
5 cash in the plan.

6 SENATOR KRUEGER: Did you want to
7 give me more of an answer? I was giving you
8 time.

9 SENATOR YOUNG: No, no. No.

10 SENATOR KRUEGER: No? Okay. So
11 you believe that this 11.166 billion -- some of
12 which is cash, is that what you're saying?

13 SENATOR YOUNG: Through you,
14 Mr. President, it's all cash. It's cash
15 financial.

16 SENATOR KRUEGER: So that's the
17 cash -- excuse me, Mr. President, through you.
18 So the \$11.166 billion is the cash for capital.

19 SENATOR YOUNG: Right.

20 SENATOR KRUEGER: Thank you. And
21 then we see that the change between the --
22 through you, Mr. President, if the sponsor would
23 continue to yield.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor will yield. And I'll be a little

1 flexible here.

2 SENATOR KRUEGER: Thank you.

3 So we see that the changes from the
4 Executive's original proposed budget to the bills
5 we are getting here tonight -- I can find about
6 \$4 billion in new money that was added through
7 negotiations, including over a billion more for
8 the economic development UDC budget, going from
9 \$1.1 billion to over \$2 billion; additional
10 monies for the MTA, as my colleague was
11 discussing, of approximately \$2.9 billion; a
12 billion dollars for the Javits Center. Where are
13 we getting that money from? Because that's new
14 additional capital that came in between the
15 Governor's original proposed budget and what we
16 are looking for tonight.

17 We know that we -- we say we're
18 staying within the 2 percent cap, so where did we
19 find that money and what did we cut out instead?

20 SENATOR YOUNG: So through you,
21 Mr. President, the capital actually falls outside
22 the 2 percent cap.

23 SENATOR KRUEGER: Okay. So through
24 you, Mr. President, if the sponsor would continue
25 to yield.

1 SENATOR YOUNG: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR KRUEGER: So when we look
5 at the 2 percent cap, that doesn't include any
6 capital money?

7 SENATOR YOUNG: You're correct,
8 Senator. No, it does not.

9 SENATOR KRUEGER: Thank you.
10 That's actually very helpful, thank you.

11 Through you, Mr. President, if the
12 sponsor would continue to yield.

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KRUEGER: One of the items
17 in this bill is a billion dollars for expansion
18 of the Javits Center. Who decided that we ought
19 to spend a billion dollars on the Javits Center?
20 What process did that go through?

21 SENATOR YOUNG: So through you,
22 Mr. President, the Governor had a proposal and
23 the Legislature decided to accept the Governor's
24 proposal.

25 SENATOR KRUEGER: Through you,

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

3 SENATOR YOUNG: Yes.

4 SENATOR KRUEGER: Thank you.

5 So it was a Governor's proposal. Do
6 we know, since it is located in the City of
7 New York, does the City of New York support the
8 billion-dollar expansion of the Javits Center?

9 SENATOR YOUNG: Senator -- through
10 you, Mr. President -- I haven't talked to the
11 mayor recently about such subjects. But if it
12 were me and I were the mayor, I would support a
13 billion-dollar investment in my community for
14 sure.

15 SENATOR KRUEGER: On the bill,
16 Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Krueger on the bill.

19 SENATOR KRUEGER: I want to thank
20 the sponsor for her answers.

21 Capital money is a critical
22 component of what the state ought to be spending
23 its money on. As we have heard from some of my
24 colleagues already, I'm very concerned about what
25 we're deciding to spend money on and not spend

1 money on in this capital budget.

2 I am not confident that there is
3 adequate funding for the five-year plans for the
4 MTA or upstate transportation package. I worry
5 that we say we'll have the money, but we're
6 actually not really putting it in, other than the
7 first two years of five, and now we're calling
8 them sort of six-year plans. It worries me
9 immensely.

10 We're not adequately putting our
11 money into affordable housing, where we heard
12 about \$10 billion and \$20 billion proposals for
13 housing and homelessness during the State of the
14 State, but we're not seeing anywhere near a down
15 payment on those commitments through capital in
16 this budget.

17 I suppose it's a reasonable question
18 whether it is a better use of money to spend a
19 billion dollars on a convention center that I
20 think we've just finished rebuilding, I think to
21 the tune of more than half a billion, and now we
22 might have to undo that and spend another billion
23 to change it, and there's still not evidence that
24 the City of New York or even any cities need
25 larger convention centers. But I sure know what

1 we could do with a billion dollars for housing or
2 mass transit in the City of New York, as long as
3 we seem to have an extra billion to spend.

4 It's frustrating, as one of my
5 colleagues already said, to get a bill that's
6 over 600 pages long, to have I guess perhaps from
7 1 a.m. till 2:30 a.m. to try to evaluate it and
8 what's in it, to realize that a billion here, a
9 billion there, we'll figure it out later, is the
10 way we do our budgets in the State of New York.

11 It's -- you know, I haven't voted no
12 on any of the budget bills this year. It's a
13 little disturbing to me, given me. I don't think
14 I can vote for this bill. I don't think this is
15 the right way to spend capital money to put the
16 state into further debt. I believe that capital
17 infrastructure is exactly what we should be
18 investing in, but I'm not sure we're divvying up
19 our money correctly here. And I certainly don't
20 think that we have evaluated the options
21 correctly.

22 So I'll be voting no on this bill,
23 Mr. President. Thank you.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Krueger.

1 Senator Sanders.

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

4 ACTING PRESIDENT GRIFFO: Senator
5 Sanders on the bill.

6 SENATOR SANDERS: Back to the
7 housing portion of this bill, I'm happy that
8 \$1.9 billion has been recouped, of course, from
9 banks due to predatory lending and other shady
10 mortgage practices, and many of these have gone
11 into different settlement funds. I'm also happy
12 that \$600 million from one settlement fund is
13 going to the DHCR to start addressing some of the
14 problems that have been caused and the city is
15 plagued with -- the city and the state, for that
16 matter.

17 But I must point out that none of
18 this money has been targeted and returned to the
19 people who were impoverished due to this
20 mortgage -- theft is the best way to say it.
21 None of these people have been made whole from
22 these monies. This money is being distributed
23 citywide for housing, yet we're not even
24 targeting the communities that the money was
25 generated from. The theft occurred and was

1 concentrated in certain communities. The monies
2 should be targeted on those particular
3 communities.

4 I am glad that we're dealing with
5 some of the problems citywide and statewide, but
6 I again urge folks that if theft occurs in a
7 certain area, then we should target that area to
8 make it whole. So I'm going to work with DHCR to
9 see what we can do to create programs to target
10 the areas that were impoverished.

11 I want to thank the staff of the
12 Senate Democrats for, in such a short period of
13 time, putting a lot of information into something
14 that people can understand. I really want to
15 thank them for getting to the gist of all of
16 these things.

17 And there are real problems with
18 this budget, let us be clear, but I believe that
19 the good in the budget so far outweighs the bad.
20 So I will be voting in the affirmative on this
21 particular part, as I'm going to work with the
22 different agencies to see what we can do to make
23 the communities whole that were impoverished
24 thanks to the theft and plunder by the banking
25 industry.

1 Thank you very much, Mr. President.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Sanders.

4 Senator Hoylman.

5 SENATOR HOYLMAN: Thank you,
6 Mr. President. Would the sponsor yield for a
7 couple of questions?

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR HOYLMAN: Thank you.
12 Through you, Mr. President. Under the New York
13 Works economic development fund, I understand the
14 Executive proposal is modified by an increase
15 from \$99 million to \$199 million. Could the
16 sponsor explain why the increase of \$100 million
17 and what that's dedicated toward?

18 SENATOR YOUNG: So through you,
19 Mr. President, basically that money was put in
20 there because it was needed to pay back what the
21 Solar City project had borrowed, the one in
22 Buffalo.

23 SENATOR HOYLMAN: So would the
24 sponsor continue to yield?

25 SENATOR YOUNG: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR HOYLMAN: So this is the
4 Solar City project in Buffalo, and that money is
5 \$100 million dedicated toward that project
6 exclusively?

7 SENATOR YOUNG: Yes. So you may
8 have read news reports recently where there was a
9 little funding flow glitch, and so they borrowed
10 the \$100 million from this pot of money. And so
11 now this restores that money back to that line.

12 SENATOR HOYLMAN: Would the sponsor
13 continue to yield?

14 SENATOR YOUNG: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR YOUNG: Yes.

18 SENATOR HOYLMAN: Thank you,
19 Mr. President. Through you, is any of this
20 money, the 199 million, so-called discretionary
21 funds that, as I understand, either house has had
22 in recent years for members? We don't call them
23 member items any longer, but we do understand
24 that some members have access to this kind of
25 money.

1 SENATOR YOUNG: Through you,
2 Mr. President. Actually these decisions are made
3 by the Executive, Empire State Development
4 Corporation, and it's all controlled by the
5 executive.

6 SENATOR HOYLMAN: Thank you,
7 Mr. President. Thanks to the sponsor for her
8 answers.

9 ACTING PRESIDENT GRIFFO: Is there
10 any other Senator that wishes to be heard?

11 Seeing none, hearing none, debate is
12 closed. The Secretary will ring the bell.

13 Read the last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: In relation to
20 Calendar 518, those recorded in the negative are
21 Senators Hamilton, Krueger and Rivera.

22 Ayes, 59. Nays, 3.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: On the next
2 bill, Calendar 519, do we have a message of
3 necessity?

4 ACTING PRESIDENT GRIFFO: There is
5 no message before the desk.

6 Can I have some order in the house,
7 please.

8 SENATOR DeFRANCISCO: So we'll wait
9 here at 10 minutes of 3:00 until we get a message
10 so we can continue the business of the state.

11 ACTING PRESIDENT GRIFFO: The
12 Senate will stand temporarily at ease.

13 (Whereupon, the Senate stood at ease
14 at 2:50 a.m.)

15 (Whereupon, the Senate reconvened at
16 4:20 a.m.)

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco.

19 SENATOR DeFRANCISCO: It's my
20 understanding, since we don't have a message of
21 necessity but we want to be productive here in
22 this chamber, that all three leaders have
23 indicated they would consent to at least debating
24 the next bill, 519, and then, once the debate is
25 over, hold for the message, so that we can use

1 the time productively.

2 If that's in fact the case, can we
3 start the debate on this bill now. Senator
4 Rivera has consented --

5 ACTING PRESIDENT GRIFFO: Without
6 objection, we shall so move, and the Secretary
7 will read.

8 THE SECRETARY: Calendar Number
9 519, Senate Budget Bill, Senate Print 6400D, an
10 act making appropriations for the support of
11 government: STATE OPERATIONS BUDGET.

12 SENATOR GIANARIS: Lay it aside.

13 ACTING PRESIDENT GRIFFO: The bill
14 is laid aside.

15 The Secretary will ring the bell.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 519, Senate Budget Bill, Senate Print 6400D, an
19 act making appropriations for the support of
20 government: STATE OPERATIONS BUDGET.

21 ACTING PRESIDENT GRIFFO: Senator
22 Stavisky.

23 SENATOR STAVISKY: Thank you,
24 Mr. President. Will the sponsor yield?

25 SENATOR YOUNG: Yes, Mr. President.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 Can we have some quiet in the
4 chamber, please. Senator Stavisky, you may
5 proceed.

6 SENATOR STAVISKY: The City
7 University of New York, can you tell me whether
8 the faculty there has a contract?

9 SENATOR YOUNG: Thank you, Senator
10 Stavisky. Actually, I don't believe that they do
11 have a contract.

12 SENATOR STAVISKY: Will the Senator
13 continue to yield?

14 SENATOR YOUNG: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 Senator yields.

17 But I'd ask again for some quiet in
18 the chamber so the members can hear the exchange.

19 SENATOR STAVISKY: In fact, the
20 faculty at the City University of New York has
21 not had a contract since 2010. And one of the
22 issues involved in that is the cost of the
23 contract.

24 Can you tell me what happened to the
25 \$240 million that had originally been proposed by

1 the Executive in his budget proposal?

2 SENATOR YOUNG: Why don't we let
3 Senator LaValle answer these questions.

4 ACTING PRESIDENT GRIFFO: Without
5 objection, I will ask Senator LaValle. Senator
6 LaValle.

7 SENATOR LaVALLE: I'm ready,
8 Senator Stavisky.

9 ACTING PRESIDENT GRIFFO: Senator
10 Stavisky, you may pose your question.

11 SENATOR STAVISKY: Continuing with
12 the previous question, I had asked about the
13 \$240 million that had been set aside for the
14 contract.

15 SENATOR LaVALLE: That was in the
16 Governor's Executive Budget to us, \$240 million
17 for a collective bargaining agreement. And yes,
18 the union there has not had a contract for
19 multiple years.

20 SENATOR STAVISKY: And in fact --
21 if the Senator would continue to yield.

22 SENATOR LaVALLE: Yes.

23 SENATOR STAVISKY: In fact, there
24 are multiple unions, it's not just one union.
25 None of them have a contract.

1 Do you believe that it's going to be
2 a little more difficult, perhaps, for a contract
3 where the budget has not set aside the amount to
4 satisfy the agreement?

5 SENATOR LaVALLE: Senator, as you
6 know, the deliberations regarding City University
7 have been somewhat different. I mean, we had
8 \$240 million that was in the Governor's budget,
9 as you know, and then we had other issues that we
10 discussed in our conference committee dealing
11 with \$485 million. So there are a number of
12 confluences that have been going on at the same
13 time. So it's been a little different than many
14 of the discussions in the budget.

15 But it started on a very good
16 footing, as I have said a couple of times, with
17 the \$240 million being in the Executive Budget.

18 SENATOR STAVISKY: Would the
19 Senator continue to yield?

20 SENATOR LaVALLE: Sure.

21 ACTING PRESIDENT GRIFFO: The
22 Senator yields.

23 SENATOR STAVISKY: On another
24 subject, both the SUNY 2020 and the CUNY
25 programs, they each provided for tuition

1 increases, the so-called rational tuition policy.
2 Can you tell us in the budget what happened to
3 that funding?

4 SENATOR LaVALLE: The Governor had
5 put in tuition increases, and both houses of the
6 Legislature did not accept the increases in the
7 rational tuition. Both houses rejected, for both
8 SUNY and CUNY, any increases in tuition.

9 At the same time we did, in the last
10 48 hours -- in the last 48 hours came with up
11 with some money, 12 million for CUNY and
12 18 million for SUNY, to offset any disturbance on
13 any of the campuses in terms of faculty, and kind
14 of smooth the pathway there.

15 SENATOR STAVISKY: Can you clarify
16 the situation at SUNY, the amount of money that
17 was involved and how the loss is going to be
18 covered, the loss in revenue is going to be
19 covered?

20 SENATOR LaVALLE: I think I
21 indicated we did the same thing we did with CUNY,
22 taking the performance money -- it was 18 million
23 for SUNY, 12 million for CUNY. We allowed for
24 SUNY, the University Centers, to increase
25 out-of-state tuition by up to 10 percent.

1 SENATOR STAVISKY: If the Senator
2 will continue to yield.

3 SENATOR LaVALLE: Yes, Senator.

4 SENATOR STAVISKY: What is the
5 estimated loss of revenue with the lack of a
6 tuition increase, the total?

7 SENATOR LaVALLE: The increase for
8 SUNY was worth about \$89 million, and for CUNY I
9 think it was \$52 million.

10 SENATOR STAVISKY: If the Senator
11 would continue to yield.

12 SENATOR LaVALLE: Yes, ma'am.

13 SENATOR STAVISKY: How is SUNY
14 going to make up the difference between the
15 12 million and the 80 million, the loss of
16 revenue and the lack of replacement of the lost
17 revenue?

18 SENATOR LaVALLE: I don't
19 understand the question. Because the money that
20 we restored was 18 million.

21 SENATOR STAVISKY: Let me rephrase
22 the question. There was a loss in revenue of
23 \$80 million, what the tuition brought in at SUNY.
24 And the replacement is, I think, 12 million.

25 SENATOR LaVALLE: I'm sorry, I do

1 understand the question.

2 One of the reasons that the
3 Legislature rejected the tuition increases was
4 because there was a \$300 per year for five years
5 increase. So that's \$1500 that the students
6 paid. The general belief was that in this year,
7 that because of the \$1500 that was coming in to
8 support the system, that for this year in
9 particular there would be -- that the campuses
10 could work their way through by not having a
11 tuition increase in both SUNY and CUNY.

12 SENATOR STAVISKY: Thank you. If
13 the Senator would continue to yield.

14 SENATOR LaVALLE: Yes.

15 SENATOR STAVISKY: I don't disagree
16 with that, I must say.

17 But on a totally different issue, is
18 there any additional monies that are coming into
19 SUNY or CUNY in other budgets?

20 SENATOR LaVALLE: Well, as I had
21 indicated in the case of SUNY, the colleges had
22 out-of-state tuition. And again in this budget
23 there will be, for the University Centers, it
24 would allow them another 10 percent, up to a
25 10 percent increase.

1 The other sources of revenue
2 traditionally in the past have been student fees.
3 So we have tuition, student fees for in-state
4 students, the tuition increase for out-of-state
5 tuition. And of course one of the important
6 sources of additional money is through research
7 grants that the campuses generate. I'm not sure
8 I know of any other sources.

9 SENATOR STAVISKY: That's not --
10 let me rephrase my question.

11 We have yet to pass the ELFA budget
12 and the Aid to Localities budget. Are there any
13 funds in either of those budgets for SUNY and
14 CUNY?

15 SENATOR LaVALLE: That's where the
16 18 and the 12 million will be, in the ELFA --
17 okay. So the Aid to Localities will have capital
18 monies which we added to the budget. So I don't
19 know what other sources of revenue are coming in.
20 We talked about the 18 and the 12, additional
21 capital monies that we added to the Governor's
22 budget, Executive Budget.

23 SENATOR STAVISKY: Thank you.

24 On the bill very briefly,
25 Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Stavisky on the bill briefly.

3 SENATOR STAVISKY: It's very
4 difficult to -- not having the Aid to Localities
5 budget and the ELFA budget in front of us, to
6 anticipate what additional monies will accrue to
7 SUNY and CUNY.

8 I think this is a terrible hit,
9 particularly on CUNY. And the fact that the
10 \$240 million has been withdrawn causes me to vote
11 in the negative on this bill.

12 Thank you, Mr. President.

13 Thank you, Senator LaValle.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Stavisky.

16 Senator Espaillat.

17 SENATOR ESPAILLAT: Yes, thank you,
18 Mr. President.

19 I am happy to see that this bill
20 proposes a tuition freeze and that in fact it
21 increases funding for important programs, in fact
22 that I participated in when I was in college,
23 such as the SEEK program, College Discovery,
24 ATTAIN, which is an important program to many of
25 us that provides technology labs, SUNY labs.

1 It's an important program, and it has \$2 million.
2 In addition to, of course, as I said earlier, the
3 tuition freeze and the fact that the over
4 \$400 million proposed to be cut from the senior
5 colleges also was included in the budget.

6 So although there are some minor
7 concerns, you know, this provides some relief for
8 students in the form of a tuition freeze, and
9 particularly for disadvantaged students in the
10 form of increases in some of these Opportunity
11 Programs.

12 In regards to housing, although
13 there is no direct funding again for the Tenant
14 Protection Unit through the Division of Housing
15 and Community Renewal, as it has been a
16 long-standing effort from this house's majority
17 to deny a specified and direct line of funding
18 for this unit -- in fact, there is ongoing
19 litigation to prohibit that -- a unit that
20 provides relief and help to tenants, it has
21 recouped thousands of rent-stabilized units that
22 have been illegally taken off the rolls, and is
23 continuing to do a good job.

24 Although we're still not getting a
25 direct line, I'm happy to see there is a

1 \$2 million increase for the division. And I hope
2 that in their wisdom they can find the funding to
3 continue to have the TPU, the Tenant Protection
4 Unit, working again this coming year.

5 For those reasons, Mr. President, I
6 will be voting in favor of this particular bill.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Espallat.

9 Senator Hamilton.

10 SENATOR HAMILTON: Yes,
11 Mr. President, I rise to address the bill.

12 ACTING PRESIDENT GRIFFO: Senator
13 Hamilton on the bill.

14 SENATOR HAMILTON: I tried to read
15 as much as possible of the bill that I got at
16 2 o'clock. It's actually 700 pages. It's a
17 lengthy document. As you're well aware, I was
18 not able to compete reading this document within
19 the time that was allocated to me, which is two
20 hours.

21 I would think that any lawyer in a
22 law firm or anybody else that actually tried to
23 read this would not sign off on it to their
24 client, nor would I sign off on it to my
25 constituents, because procedurally there's no due

1 process in me reading this and actually knowing
2 for myself whether or not this will benefit or
3 not benefit the constituents in my community.

4 I just want to say I'm not against
5 the bill, I'm not for the bill, I just haven't
6 read the bill. And I will not vote on a bill
7 that I have not read. It would be negligent of
8 me to do so. So therefore, due to the fact that
9 I've gotten this bill at 2 o'clock in the morning
10 and it's now 2:30 in the morning, with over 700
11 pages -- 4:30. What did I say, 2:30? I'm
12 delirious now, it's so late.

13 SENATOR SANDERS: From reading too
14 much.

15 ACTING PRESIDENT GRIFFO: Senator
16 Hamilton, it's 2:30 Mountain Time.

17 SENATOR HAMILTON: Mountain Time,
18 thank you. Mountain Time.

19 So due to the fact that I have not
20 had time to read it and the hour that it was
21 given to me, at 2 o'clock, and now it's 4:30, I
22 cannot with good conscience vote on this bill.
23 So I vote in the negative.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Hamilton.

1 Senator Breslin.

2 SENATOR BRESLIN: Thank you,
3 Mr. President. On the bill, please.

4 ACTING PRESIDENT GRIFFO: Senator
5 Breslin on the bill.

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

8 Very briefly, I'm up to talk about
9 Albany. And Albany has been faced with a fiscal
10 crisis in part caused by state buildings. Over
11 30 percent of the buildings in the City of Albany
12 are state buildings, and they tend to be
13 isolated, sometimes covered. And the buildings
14 don't generate the kinds of revenue to the city
15 itself, but obviously the services provided to
16 that 30 percent are significant.

17 In addition to that 30 percent,
18 there's another 30 percent of government
19 buildings, which bring it up to 60 percent of
20 exempt properties.

21 The Governor realized that and
22 understood that; members of the Assembly, in
23 particular John McDonald and Pat Fahy, understood
24 that. And we looked to resolve it by way of a
25 payment in lieu of taxes. And accordingly, in

1 this budget, \$12.5 million was provided in terms
2 of spin-up money, which as you know is already
3 allocated money, and it isn't money directly out
4 of our pot right now.

5 But the significance to Albany is
6 profound. It puts them in a position to recover,
7 to prosper, and to look for long-term ways to
8 overcome that 60 percent exempt properties. And
9 I know that the citizens of Albany, when they
10 wake up on this very beautiful Friday morning and
11 realize what has happened, will be very happy and
12 be off to a very good start.

13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Breslin.

16 Is there any other Senator that
17 wishes to be heard?

18 Senator Young.

19 SENATOR YOUNG: Yes, thank you,
20 Mr. President.

21 I just want to clarify, based on
22 some of the comments, I want to stress that the
23 TPU, the Tenant Protection Unit, is not included
24 in the State Budget. Thank you.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Young.

2 Is there any other Senator that
3 wishes to be heard?

4 Seeing none, hearing none, debate is
5 closed and the Secretary will ring the bell.

6 SENATOR DeFRANCISCO:

7 Mr. President. Mr. President. You can ring the
8 bell, but we can't vote. So if we'd just lay the
9 bill aside temporarily until we get a message.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco, we will do as you have instructed.
12 But what we were looking to do is potentially
13 consider this as a high bill, to allow you to
14 continue to move on. But we will ask and seek
15 counsel's advice on that.

16 SENATOR DeFRANCISCO: Say that
17 again? You want to consider it a what bill?

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: As we
20 would in any other -- as we would in any other
21 case, we can go -- proceed to begin the roll
22 without taking the actual roll and consider the
23 bill to be high, and then lay it aside. That
24 could be voted on. And that would allow you, if
25 you chose, to call the next meeting of the

1 Finance Committee.

2 SENATOR DeFRANCISCO: I don't see
3 the point of that, because it's not going to save
4 any time. Let's just lay it aside.

5 ACTING PRESIDENT GRIFFO: You're
6 the floor leader. We will do whatever you
7 request.

8 SENATOR DeFRANCISCO: Yes, we'll
9 just stand at ease.

10 It's my understanding that Senator
11 Gianaris has something to mention here.

12 ACTING PRESIDENT GRIFFO: Senator
13 Gianaris.

14 SENATOR GIANARIS: Thank you,
15 Mr. President. There will be an immediate
16 Democratic conference in the conference room
17 while we await the message.

18 ACTING PRESIDENT GRIFFO: There
19 will be an immediate meeting of the Democrat
20 Conference in the Democrat Conference Room.

21 The Senate will stand at ease.

22 (Whereupon, the Senate stood at ease
23 at 4:42 a.m.)

24 (Whereupon, the Senate reconvened at
25 5:51 a.m.)

1 ACTING PRESIDENT GRIFFO: The
2 Senate will come to order.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Yes,
5 Mr. President, there will be an immediate meeting
6 of the Finance Committee, where two bills will be
7 taken up: Judiciary and Legislative and the ELFA
8 bill.

9 ACTING PRESIDENT GRIFFO: There
10 will be an immediate meeting of the Finance
11 Committee in Room 332.

12 SENATOR DeFRANCISCO: And immediate
13 would be good --

14 ACTING PRESIDENT GRIFFO: Immediate
15 meeting of the Finance Committee.

16 SENATOR DeFRANCISCO: -- if
17 everybody follows that, so we can move things
18 along.

19 ACTING PRESIDENT GRIFFO: All
20 members of the Finance Committee, please report
21 to Room 332.

22 The Senate stands at ease.

23 (Whereupon, the Senate stood at ease
24 at 5:52 a.m.)

25 (Whereupon, the Senate reconvened at

1 6:03 a.m.)

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

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Yes, I
6 understand there's a report of the Finance
7 Committee at the desk.

8 ACTING PRESIDENT GRIFFO: There is
9 a Finance Committee report at the desk.

10 The Secretary will read.

11 THE SECRETARY: Senator Young, from
12 the Committee on Finance, reports the following
13 bills:

14 Senate Print 6401A, Senate Budget
15 Bill, an act making appropriations for the
16 support of government: LEGISLATURE AND JUDICIARY
17 BUDGET;

18 Senate 6406C, Senate Budget Bill, an
19 act to amend the Education Law.

20 Both bills reported direct to third
21 reading.

22 SENATOR DeFRANCISCO: It's my
23 understanding that there are messages of
24 necessity for both.

25 First of all, you know what I should

1 do, why don't I move to accept the Finance
2 Committee report.

3 (Laughter.)

4 ACTING PRESIDENT GRIFFO: Thank
5 you. Thank you.

6 There's a motion on the floor to
7 accept the Committee on Finance report as read.
8 All in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The
13 Finance Committee report is accepted and before
14 the house.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 520, Senate Budget Bill, Senate Print 6401A, an
18 act making appropriations for the support of
19 government: LEGISLATURE AND JUDICIARY BUDGET.

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: Is there a
23 message of necessity at the desk?

24 ACTING PRESIDENT GRIFFO: There is
25 a message from the Governor at the desk.

1 SENATOR DeFRANCISCO: Move to
2 accept.

3 ACTING PRESIDENT GRIFFO: All in
4 favor of accepting the message of necessity of
5 the Governor at the desk signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?
8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 message is accepted.

11 The Secretary will read the last
12 section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number.

22 SENATOR DeFRANCISCO: Could we now
23 go to 522. That bill also, I understand, has a
24 message of necessity at the desk.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 522, Senate Budget Bill, Senate Print 6406C, an
4 act to amend the Education Law.

5 ACTING PRESIDENT GRIFFO: There is
6 a message of necessity at the desk. There is a
7 motion to accept the message of necessity from
8 the Governor. All in favor signify by saying
9 aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 message is accepted.

15 Read the last section.

16 SENATOR GIANARIS: Lay it aside,
17 please.

18 ACTING PRESIDENT GRIFFO: The bill
19 is laid aside.

20 The Secretary will ring the bell.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 522, Senate Budget Bill, Senate Print 6406C, an
24 act to amend the Education Law.

25 ACTING PRESIDENT GRIFFO: Senator

1 Latimer.

2 SENATOR LATIMER: Thank you,
3 Mr. President. Good morning, Happy April Fools
4 Day.

5 I have a few questions if the
6 Senator will yield.

7 SENATOR YOUNG: Yes, Mr. President.

8 ACTING PRESIDENT GRIFFO: The
9 Senator yields.

10 SENATOR LATIMER: Thank you,
11 Senator.

12 Senator, can you give us, in the
13 education area, what the total amount of
14 Foundation Aid is in this budget before us?

15 SENATOR YOUNG: Through you,
16 Mr. President, the total amount of Foundation Aid
17 is \$1,176,135,000.

18 SENATOR LATIMER: May I ask, would
19 the Senator yield and just repeat that number
20 again so I have it accurately?

21 ACTING PRESIDENT GRIFFO: Senator,
22 can you repeat the number?

23 SENATOR YOUNG: Yes. The
24 Foundation Aid figure is --

25 (Pause.)

1 SENATOR LATIMER: Mr. President, if
2 I may clarify, the question is specifically
3 Foundation Aid, not the total amount. I just
4 want to be sure that I've clearly asked that it
5 is the Foundation Aid portion that I'm interested
6 in knowing.

7 SENATOR YOUNG: So just to clarify,
8 Mr. President, the actual total is
9 \$16,482,951,037.

10 SENATOR LATIMER: And if the
11 Senator would continue to yield, through the
12 President.

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 Senator yields.

16 SENATOR LATIMER: Senator, what
17 increase is that over the Foundation Aid that was
18 in the Executive's budget that was presented to
19 us back in January?

20 SENATOR YOUNG: Yes, Mr. President.
21 It's \$360 million over the Governor's proposal.

22 SENATOR LATIMER: Thank you,
23 Senator.

24 Mr. President, if the Senator would
25 continue to yield.

1 SENATOR YOUNG: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 Senator yields.

4 SENATOR LATIMER: Would you
5 identify what the total amount of money in this
6 budget is for the purposes of community schools?

7 SENATOR YOUNG: Through you,
8 Mr. President, there's \$100 million set aside
9 under the Foundation Aid and an additional
10 \$75 million in the community schools line.

11 SENATOR LATIMER: Thank you,
12 Senator.

13 If the Senator will continue to
14 yield, through the President.

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields.

18 SENATOR LATIMER: Thank you.

19 My understanding of the Executive
20 Budget that we saw was there was a standalone
21 allocation of \$100 million for community schools.
22 And if I understand the Senator's response
23 correctly, that there's \$75 million as a separate
24 set-aside, \$25 million less, and the remaining
25 \$100 million is actually coming out of that

1 \$360 million of additional Foundation Aid.

2 Is that a correct understanding of
3 what is in this three-way agreement?

4 SENATOR YOUNG: Through you,
5 Mr. President, we gave the same amount that the
6 Governor had in his proposal for community
7 schools, but we just did a set-aside in
8 Foundation Aid.

9 SENATOR LATIMER: If the Senator
10 will continue to yield. The same amount drawn
11 from a set-aside is not the same as a standalone
12 amount.

13 So I want to repeat again, my
14 understanding is that \$100 million that is set
15 aside out of an additional \$360 million is not
16 the same as a separate \$100 million direct
17 allocation. I want to make sure that is a clear
18 understanding of what's been agreed upon.

19 SENATOR YOUNG: Through you,
20 Mr. President, the original Executive proposal
21 was so widely drawn that it could be used for
22 operating aid. And what we were able to do is
23 set it aside so that it could be used for
24 community schools or operating aid.

25 SENATOR LATIMER: If the Senator

1 will continue to yield, Mr. President.

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 Senator yields.

5 SENATOR LATIMER: I'm sorry,
6 forgive me. Senator, what is the amount of money
7 in this budget that has been identified for
8 Special Acts schools? Any combination of 4201s
9 and 853s and so forth.

10 SENATOR YOUNG: Through you,
11 Mr. President. Actually, the budget adds
12 \$2.3 million for 4201 schools. There's no
13 increase in Special Acts schools. And there's
14 \$903,000 that was added for the New York State
15 Schools for the Deaf.

16 SENATOR LATIMER: Thank you,
17 Senator.

18 Would the Senator continue to yield,
19 through the chair? Through the President, I'm
20 sorry.

21 SENATOR YOUNG: Yes.

22 SENATOR LATIMER: Can we identify
23 what is in this budget that relates to the
24 proposal that was in the Assembly one-house to
25 delink the APPR approved plans from school aid?

1 The legislation that we passed requires APPR
2 approved plans to be in place by September of
3 this year or forfeiting school aid, which is a
4 significant hit and is part of what we're seeing
5 in our runs and in our additional aid.

6 What does this budget say about the
7 delinkage issue?

8 SENATOR YOUNG: Through you,
9 Mr. President, that is not included in this
10 portion of the State Budget.

11 SENATOR LATIMER: Will the Senator
12 yield, through the President?

13 SENATOR YOUNG: Yes.

14 SENATOR LATIMER: Thank you.

15 Do we anticipate, in the remaining
16 sections of the budget that we are to see, that
17 this issue will be addressed? Or is the fact
18 that it is not in this section of the budget the
19 final word on the matter for this budget?

20 SENATOR YOUNG: Through you,
21 Mr. President, we're not addressing it in the
22 budget at all.

23 SENATOR LATIMER: Thank you.

24 Would the Senator continue to yield?

25 SENATOR YOUNG: Yes.

1 SENATOR LATIMER: Would the Senator
2 outline what the provisions -- with as much
3 dollar specificity as you can -- of what this
4 budget does to increase charter school funding?

5 SENATOR YOUNG: Through you,
6 Mr. President. For charter schools there's an
7 increase of \$54.8 million in grants in aid.
8 There's \$430 per pupil as well as what's allowed
9 in current law, which is supplemental tuition of
10 \$500 per pupil.

11 SENATOR LATIMER: Thank you,
12 Senator.

13 Will the Senator continue to yield,
14 through the President?

15 SENATOR YOUNG: Yes.

16 SENATOR LATIMER: Thank you,
17 Senator.

18 So just to summarize sort of the
19 major areas, as I understand it, we have
20 increased Foundation Aid by \$360 million over the
21 Executive's budget but \$100 million of that is a
22 set-aside to deal with community schools. We
23 have added \$2.3 million for Special Acts schools,
24 a lesser amount for the Schools for the Deaf, and
25 not changing -- pardon me, for 4201s,

1 \$2.3 million, nothing on Special Acts schools,
2 and we have added, for charity schools,
3 \$54.8 million.

4 Is that a correct summary of how
5 this budget has expanded over the Executive's?

6 SENATOR YOUNG: It's close, but I
7 do want to clarify just one or two points.

8 First of all, you said that
9 \$100 million under Foundation Aid was strictly
10 for community schools. Actually, that aid, as I
11 stated before, is flexible. And that's at the
12 request of the education community, who wanted to
13 have fewer restrictions on the funding, so that
14 it can be used in the way that's most appropriate
15 for the needs at hand.

16 And the second part is GEA. And the
17 GEA was -- so through you, Mr. President, the
18 GEA, as we've talked about, has been eliminated,
19 at \$189 million over the Governor's proposal.

20 SENATOR LATIMER: And if the
21 Senator would continue to yield, through the
22 President.

23 SENATOR YOUNG: Yes.

24 SENATOR LATIMER: My understanding
25 of the GEA restoration, which I fully support, is

1 that the Governor proposed a \$189 million
2 restoration, and this budget adds \$244 million,
3 to make a full restoration in this fiscal
4 document. Is that a correct understanding?

5 SENATOR YOUNG: That's correct.

6 SENATOR LATIMER: Okay, very good.

7 Final question, and I appreciate the
8 Senator's forbearance, the proposed education tax
9 credit, does this budget finance that or is it
10 silent on that proposal?

11 SENATOR YOUNG: Through you,
12 Mr. President, it's not included in the budget.

13 SENATOR LATIMER: Thank you, Madam
14 Senator. Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Espaillat.

17 SENATOR ESPAILLAT: Thank you,
18 Mr. President.

19 This is an important budget as it
20 addresses many important issues, including one
21 that addresses income inequality in New York
22 State. President Franklin D. Roosevelt
23 instituted for the first time the minimum wage
24 right in the middle of the greatest -- the worst
25 depression that we've had in this nation. And he

1 did so not just to put extra dollars in people's
2 pockets, but to also stimulate the economy and to
3 give folks the ability to purchase, for the most
4 part, emergency items in grocery stores,
5 supermarkets, et cetera.

6 And so here we are, we're not facing
7 that kind of a depression in our nation -- in
8 fact, the job growth has been tremendous in the
9 last eight years and the economy is doing better.
10 But there is a serious income inequality. And
11 raising the minimum wage, it's an important way
12 to try to address that. And this budget allows
13 for New York City to eventually reach \$15 an hour
14 and for some other areas in the state to reach
15 \$12.50 with an index.

16 It further includes the minimum wage
17 for farmworkers. And you may know that
18 farmworkers are the only job category in this
19 state that does not receive all the benefits that
20 other workers receive, including overtime pay, a
21 day of rest, the right to organize and
22 collectively bargain, and workers' compensation.

23 But this time around, although
24 handsome benefits were given to the agricultural
25 industry, we were more sensitive than ever before

1 as a house, and we have included and have not
2 carved out those that bring food to our table,
3 and have allowed them also to have a piece of the
4 pie by getting the minimum wage.

5 So these are important provisions of
6 this budget. Paid family leave is another great
7 provision. And of course increased education
8 funding, particularly for community schools,
9 those schools that are shown to have great needs
10 and challenges academically. There's also
11 infrastructure spending that is very important.

12 So this is a good budget. It has
13 its holes and challenges, but for the most
14 part -- I've been here two decades -- this is one
15 of the best budgets that I've seen. And for that
16 reason, Mr. President, I will be voting in the
17 affirmative.

18 ACTING PRESIDENT GRIFFO: Senator
19 Stavisky.

20 SENATOR STAVISKY: Will the Senator
21 yield for one question?

22 ACTING PRESIDENT GRIFFO: Does the
23 Senator yield?

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 Senator yields.

2 SENATOR STAVISKY: During the
3 debate on the capital budget, you spoke about --
4 I asked about the capital money for CUNY and
5 SUNY, and I think you said it was in the ELFA
6 budget.

7 SENATOR YOUNG: Senator, Aid to
8 Localities is what I said.

9 SENATOR STAVISKY: Thank you very
10 much.

11 SENATOR YOUNG: Thank you.

12 ACTING PRESIDENT GRIFFO: Senator
13 Díaz.

14 SENATOR DÍAZ: Good morning,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: Buenos
17 dias.

18 SENATOR DÍAZ: On the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Díaz on the bill.

21 SENATOR DÍAZ: But before I say
22 anything, Mr. President, I would like to express
23 my appreciation to all the beautiful staff that
24 since yesterday morning has been around,
25 waiting -- married women, mothers, husbands. And

1 they've been around working, without sleeping.
2 So I would like to express my appreciation to all
3 of them.

4 On the other hand, Mr. President, in
5 the City of New York we have a problem, a problem
6 with shelters, homeless shelters. See, the
7 shelters, the landlords in the city, they charge
8 sometimes \$3,000 per apartment. It's a business.
9 It's a big-racket business in the City of
10 New York. But the landlords -- and then the
11 organizations that run the shelters depends on
12 the landlords for them to fix the problem.
13 Sometimes the elevators are broken, the walls are
14 falling apart. And then they blame the
15 organization for problems that are supposed to be
16 corrected by the landlords.

17 There was a rumor that the beloved
18 Governor of the State of New York, Andrew Cuomo,
19 decided to embarrass, to embarrass the mayor of
20 the City of New York, the Honorable Bill de
21 Blasio. The Governor Andrew Cuomo decided that
22 he's going to take over, a coup, like the one we
23 give here in 2009. The coup sought to embarrass
24 the mayor, he decided to take over and put some
25 organization to run the shelters when they found

1 something wrong.

2 But the city, the City of New York
3 will pay the money, will pay for everything. But
4 the Governor will get the power to send his
5 people to run the shelters that the City of
6 New York is paying for. I have no problem with
7 the Governor taking the whole shelters. I have
8 no problem with that. But the state should pay
9 for it, not the City of New York.

10 But nonetheless, nonetheless, they
11 told me, no, it's been rejected, nothing happens,
12 that will not happen.

13 So yesterday morning, Mr. President,
14 ladies and gentlemen, I was called to the second
15 floor. And I was so happy that this black guy
16 from Puerto Rico, with kinky hair and broken
17 English, was called to the second floor. I have
18 not been in the second floor since Pataki.
19 Pataki used to be my friend, and Governor Pataki,
20 I used to go to the second floor.

21 But I never -- after Pataki,
22 Mr. President and ladies and gentlemen, I never
23 been in the second floor because I refuse to be
24 part of the game. I refuse to be part of the
25 lies. I refuse to be part of the hypocrisy.

1 So I never went to the second floor
2 with Spitzer, with Paterson. And in the last
3 seven years, with this guy, with Governor Cuomo,
4 I have not been to the second floor. I refused.

5 But yesterday, I was invited, I said
6 let me go to the second floor. And I was
7 received by a guy by the name Josh. Josh took me
8 to a room to sit down with Mr. Alphonso David.
9 And the two of them told me, Mr. David told me,
10 Senator, don't worry. What you're worried about,
11 the takeover is not going, it's not happening.
12 We are not taking over. It's not going to be in
13 the budget.

14 Mr. President and ladies and
15 gentlemen, I looked to the eyes of Mr. David, a
16 black guy like me, and I asked him, "Mr. David,
17 are you assuring me that this is not going --
18 because they say that you're trying to stick this
19 in another way in another part of the budget."
20 "No, it wouldn't happen, we don't need to do
21 that. It won't happen."

22 "Are you sure? Mr. David, look at
23 my face, look at my face and tell me that that
24 would not happen." "It will not happen."

25 "Mr. David, you want to shake my

1 hand and tell me that that will not happen?" He
2 said, "I'm shaking your hand, looking in your
3 eye, and it will not happen."

4 I left the second floor, a black guy
5 in victory, happy because I was talking with
6 gentlemen, with men of honor, with men of good
7 reputation. So I left. Suddenly my conference
8 talks about and presented me with a budget where
9 the takeover is in it.

10 Then I say, I'm 73 years old. I'm
11 an old man. So, Mr. David, are you lying to an
12 old man? So, Mr. David, are you lying to a
13 Senator? So, Mr. David, are you lying to a
14 minister? Because, Mr. President and ladies and
15 gentlemen, this game of lying -- he -- he
16 could -- he -- they are used to it. They have
17 called Senator Rivera, they have called Senator
18 Peralta, Senator Espaillat, and they have
19 promised, year after year, they have promised
20 them: We're going to do the DREAM Act, we're
21 going to do the DREAM Act. And then they lied to
22 them.

23 But because I'm a minister and
24 because I'm an old man and a black guy, I said to
25 me, they are -- they're going to be right with

1 me.

2 They lied to me. They looked in my
3 face, Mr. Alphonso David looked in my face and
4 lied to me.

5 I asked of my son -- I always tell
6 my son -- my son is the Bronx borough
7 president -- I told my son, When you shake hands
8 with somebody, you better die because you don't
9 break that. You shake hands, you keep your word,
10 because that's all you have.

11 And this is all we have. You give
12 me your word -- I give you my word that I'm going
13 to support you, I'm going to do something for
14 you, I will die but I will keep my word.

15 And now, ladies and gentlemen, I'm
16 going to vote for this. And you know why I'm
17 voting for this? Because of the minimum wage.
18 And because of the family paid leave. But
19 because they stick it there, they stick it
20 there -- smart people. So they stuck it in
21 there. How I could vote no?

22 So then people want to say, Oh, you
23 vote no on the minimum wage. Oh, you're against
24 the family because you won't -- see, so I cannot,
25 I cannot vote no. I have to vote yes.

1 But they lied to me. The Governor's
2 office lied to me. Mr. David and Mr. Josh, they
3 lied to me. And I want all of you to know they
4 lied to me. And I'm going to write a "What You
5 Should Know," I'm going to put in "What You
6 Should Know" that they lied to me, they lied to
7 me, they lied to me. Lying is a sin, especially
8 when you look at people's eyes. You look at
9 people, you give me your hand.

10 Don't invite me to the second floor.
11 I don't need to be on the second floor. I don't
12 ask for much. I don't have to go to the second
13 floor. I never been to the second floor --
14 Pataki was good to me. The rest have been bad.
15 But that's okay.

16 Mr. David, whoever you are and
17 wherever you are, God hates ugly. You lied to
18 me, in my face. God bless you.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Peralta -- Senator Sanders first, I'm sorry.

22 SENATOR PERALTA: Thank you,
23 Mr. President. Thank you.

24 SENATOR SANDERS: I would have
25 yielded gladly.

1 (Laughter.)

2 SENATOR SANDERS: I would not lie,
3 Mr. President, if I paid homage to the staff of
4 both sides of this aisle. Both staffs have done
5 an amazing job in trying to get a lot of
6 information.

7 And this reminds me of one of those
8 military training exercises where you had to stay
9 awake for several days to see what you were made
10 of. And I know this, I know that the staff on
11 both sides have really done an admirable job.
12 And they've had to stay awake the longest,
13 putting this information together, so I wanted to
14 pay homage to that.

15 I also want to encourage us to find
16 another way. Perhaps if we could get this
17 information sooner to each other, we don't have
18 to pull incredible marathons as we are doing.
19 I'm sure that if we were more awake and aware, we
20 could find even better ways to serve the people
21 of this great state.

22 This bill itself -- on the bill, of
23 course, this great bill --

24 ACTING PRESIDENT GRIFFO: Senator
25 Sanders is on the bill.

1 SENATOR SANDERS: -- has a lot of
2 positive things in here and some challenging
3 things. We still haven't figured out what we
4 really want to do with mayoral control. That's
5 going to be the issue of the day. Family paid
6 leave, of course, we have to do something there.

7 I want to say something good about
8 minimum wage. On one hand, I would have
9 preferred to go straight to \$15 an hour, and
10 let's see what we can do to help the people of
11 this great state. However, I understand that
12 there may be mitigating circumstances in
13 different places. So I can understand those
14 things, but I think that we need to move and move
15 fast on it because people are hurting in terms of
16 their wages, and we need to deal with that.

17 Because of that, I'm going to --
18 it's not everything that I would like, but I am
19 going to vote for this bill.

20 Thank you, Mr. President. And that
21 you should know.

22 ACTING PRESIDENT GRIFFO: Senator
23 Peralta.

24 SENATOR PERALTA: Thank you,
25 Mr. President. I really want to thank you for

1 allowing Senator Sanders to go before me.

2 But would the sponsor yield for some
3 questions?

4 SENATOR YOUNG: That's me.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR YOUNG: Yes.

8 SENATOR PERALTA: Thank you.

9 Could the sponsor please indicate
10 where within the ELFA Article VII bill, this bill
11 that we're discussing, the DREAM Act is
12 contained?

13 SENATOR YOUNG: It's not in the
14 bill.

15 SENATOR PERALTA: I'm sure the
16 sponsor -- through you, Mr. President, would the
17 sponsor continue to yield?

18 SENATOR YOUNG: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR PERALTA: I'm sure the
22 sponsor is aware that the Governor allocated
23 \$27 million in the original Executive Budget
24 proposal for the purposes of enacting the
25 New York State DREAM Act.

1 SENATOR YOUNG: Through you,
2 Mr. President. As I pointed out, it's not in the
3 final agreement.

4 SENATOR PERALTA: Mr. President,
5 will the sponsor continue to yield?

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR PERALTA: So my question
10 was that I'm sure that the sponsor is aware of
11 that the executive included \$27 million in the
12 budget. Is she aware of that?

13 SENATOR YOUNG: Yes.

14 SENATOR PERALTA: Will the sponsor
15 continue to yield?

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR PERALTA: Can the sponsor
20 indicate why the DREAM Act has been removed from
21 this final budget agreement?

22 SENATOR YOUNG: Through you,
23 Mr. President, as I stated previously, and I'll
24 state it again, it was not agreed upon in the
25 final budget.

1 SENATOR PERALTA: If the sponsor
2 continues to yield.

3 SENATOR YOUNG: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR PERALTA: So if the sponsor
7 is aware that the Governor included \$27 million
8 in the budget, or the attempted budget agreement,
9 and the Assembly also included \$27 million, that
10 leaves, then, the Senate Republicans disagreeing
11 on the DREAM Act.

12 SENATOR YOUNG: Through you,
13 Mr. President, as I indicated previously, and
14 I've said several times now, it was not agreed
15 upon in the final budget.

16 SENATOR PERALTA: Now, will the
17 sponsor continue to yield?

18 SENATOR YOUNG: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR PERALTA: Now, there was a
22 proposal that the sponsor's conference pushed
23 forward to increase the top eligibility from
24 \$80,000 to \$100,000 per household in this final
25 budget. Did it make it in?

1 SENATOR YOUNG: Through you,
2 Mr. President, no, it did not.

3 SENATOR PERALTA: Will the sponsor
4 continue to yield?

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR PERALTA: Is the maximum
9 amount of TAP award modified upward as part of
10 this final budget agreement?

11 SENATOR YOUNG: Through you,
12 Mr. President, no, there's no change.

13 SENATOR PERALTA: Will the sponsor
14 continue to yield?

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR PERALTA: So the TAP award
19 stays the same, the income eligibility stays the
20 same -- from \$80,000 to \$100,000 -- and yet there
21 was two sides of the three or out of the four --
22 actually, three sides of the four -- that wanted
23 \$27 million for a DREAM Act to be part of the
24 final budget.

25 SENATOR YOUNG: So through you,

1 Mr. President, I just want to clarify what the
2 Senator is saying.

3 There is no increase in eligibility,
4 and there is no \$80,000 to \$100,000 included in
5 the budget. As you know, in our one-house we
6 advocated for increasing TAP, but unfortunately
7 that was not included in the final agreement.

8 SENATOR PERALTA: Would the sponsor
9 continue to yield?

10 SENATOR YOUNG: Yes.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR PERALTA: Would the sponsor
14 say that we are a country where we punish our
15 children for the actions of their parents?

16 SENATOR YOUNG: Through you,
17 Mr. President, we are considering the bill right
18 here in front of us. And I would like to talk
19 about budgetary items that are actually included
20 in the bill.

21 SENATOR PERALTA: Mr. President, I
22 think I'm getting to a point, and I just want to
23 ask the question.

24 SENATOR YOUNG: So through you,
25 Mr. President, the Senator is very, you know,

1 able to make his point. I'm going to address the
2 budgetary items that are included before us.

3 SENATOR PERALTA: Will the sponsor
4 continue to yield?

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR PERALTA: So if the
9 Governor agreed to \$27 million, if the Assembly
10 agreed to \$27 million, if IDC agreed to
11 \$27 million, why does the sponsor feel that the
12 DREAM Act is not necessary?

13 SENATOR YOUNG: Through you,
14 Mr. President, I've stated several times now that
15 it was not agreed upon in the final budget.

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

18 SENATOR YOUNG: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR PERALTA: The sponsor is
22 aware that the Tuition Assistance Program is an
23 entitlement program; correct?

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO:

1 SENATOR PERALTA: Meaning that
2 every -- will the sponsor continue to yield?

3 SENATOR YOUNG: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR PERALTA: Meaning that
7 everyone, including the undocumented, would have
8 to meet current residency and income eligibility
9 requirements.

10 SENATOR YOUNG: Yes.

11 SENATOR PERALTA: Will the sponsor
12 continue to yield?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR PERALTA: So if everyone
17 has to meet these requirements, whether it's
18 residency and income eligibility, which means
19 that everyone would have to file a tax return
20 using a Social Security number or an ITN number,
21 why wouldn't the DREAM Act be included?

22 SENATOR YOUNG: Through you,
23 Mr. President, they also -- recipients also have
24 to meet the federal requirements of citizenship
25 in order to qualify.

1 SENATOR PERALTA: Will the sponsor
2 continue to yield?

3 SENATOR YOUNG: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR PERALTA: So is the sponsor
7 aware that New York State has in-state tuition
8 that includes undocumented children?

9 SENATOR YOUNG: Yes.

10 SENATOR PERALTA: Is the sponsor
11 aware -- will the sponsor continue to yield?

12 ACTING PRESIDENT GRIFFO: Senator
13 Díaz, why do you rise?

14 SENATOR DÍAZ: Mr. President, I
15 hear my colleague Senator Peralta questioning why
16 it is that the DREAM Act is not there. And he
17 says that the Independent Democratic Conference
18 and the -- the same way I want to tell my
19 colleagues that the same way, Mr. President, that
20 the Governor put the takeover in the budget, he
21 could have put also the DREAM Act.

22 So I want -- I want my colleague to
23 stop blaming that side for the DREAM Act.
24 Because the same way, the same way that the
25 Governor put the takeover in the budget, he could

1 have put also the DREAM Act.

2 So please let's stop this game, and
3 let's stop the blaming game, because the Governor
4 is the only one that could have done this, and
5 he's the only one that has to be blamed.

6 ACTING PRESIDENT GRIFFO: Senator
7 Peralta, you have the floor.

8 SENATOR PERALTA: Thank you.

9 ACTING PRESIDENT GRIFFO: Are you
10 on the bill or --

11 SENATOR PERALTA: Well, after that,
12 on the bill, Mr. President.

13 (Laughter.)

14 ACTING PRESIDENT GRIFFO: All
15 right. Senator Peralta on the bill.

16 SENATOR PERALTA: Wow. I can't
17 stress enough that there are some things in this
18 budget that I can describe that are very
19 positive. In fact, this could be termed as the
20 Year of the Worker, and in many respects it's
21 true. I am very happy that New York will have a
22 place or maintain its place as a progressive
23 leader, as a state that takes gigantic steps
24 forward on the issues of minimum wage and by
25 establishing a real paid family leave program.

1 New York City will reach a \$15
2 minimum wage by 2018, Long Island and Westchester
3 by 2022. And upstate New York will also see a
4 gradual raise to a \$15 minimum wage after
5 reaching a wage of \$12.50 by 2021. This spells
6 real relief for millions of low-wage-earning
7 New Yorkers.

8 In terms of paid family leave, I'm
9 proud to see that this Legislature is finally
10 passing a program that myself and advocates have
11 fought so tirelessly to make a reality for years.
12 Much like the minimum wage proposal, a true
13 12-week period of paid leave, a two-thirds of an
14 employee's earnings, means a real chance for all
15 New Yorkers to attend to the health concerns
16 facing their families.

17 As proud as I am of some of these
18 initiatives, I would be remiss if I did not point
19 out that an extremely important piece is missing
20 from this overall ELFA piece. Another year,
21 another budget, and again we're failing to act on
22 passing the DREAM Act. As much as we're making
23 progress on the labor front, the majority has
24 decided to again engage in its intolerant
25 behavior, year after year, preventing us from

1 making the DREAM Act a reality.

2 I've been over the facts before, and
3 I'll go over them again. The Tuition Assistance
4 Program is an entitlement program, meaning that
5 everyone, including the undocumented, will have
6 to meet the current residency and eligibility
7 requirements. Meaning that everyone would have
8 to file a tax return, either using a Social
9 Security number or an ITN number to qualify. For
10 those who don't know, an ITN is used by the
11 undocumented to file taxes. That's what's needed
12 to be eligible.

13 So as long as a household income is
14 under \$80,000 a year and they met all other
15 requirements of the standard, then and only then
16 would they qualify to receive TAP.

17 It's also a fact that college
18 graduates would contribute over \$16,000 more in
19 taxes than if they didn't receive a degree, which
20 means that the state's investment would pay for
21 itself, and then some, since the maximum
22 investment of any one individual would only be
23 about \$20,000 for every four years of higher
24 education.

25 It's also a fact that the majority

1 is wrong when it says that funding TAP for
2 undocumented New Yorkers would take money away
3 from those who are currently eligible. This just
4 isn't true. The eligibility criteria are the
5 eligibility criteria, period.

6 What's more, the Governor originally
7 proposed an allocation of \$27 million to fund the
8 DREAM Act as part of this year's Executive
9 Budget. And if you have all sides minus one side
10 agreeing, I know that there's no complete
11 agreement, but there's one side that's not
12 agreeing.

13 The majority has found more than
14 \$27 million to put towards a series of
15 appropriations, some of which are questionable.
16 But that's okay, just as long as the \$27 million
17 doesn't mean TAP and it's for those New Yorkers.

18 Ladies and gentlemen, New York State
19 and the Dreamers have really lost out this
20 morning. At about 6:45 in the morning, we're
21 debating this bill and this is in front of us
22 and, again another year has passed, and the
23 Dreamers will continue to dream. But it's okay,
24 because one day that dream will become a reality
25 whether the current majority likes it or not.

1 What we have done here again this
2 morning is to say that the American dream is not
3 for you, even though some of these children are
4 the best of the best. Some of these children
5 have come here by no fault of their own. Their
6 parents brought them here. They didn't decide to
7 come here. They went to school. They excelled
8 in school. You have top institutions recruiting
9 them. But yet they cannot go to school because
10 they cannot afford it. And yet we're telling
11 them again the answer is no. That's okay,
12 because we're not in the majority. I understand
13 that.

14 But we cannot continue to do this to
15 these people, to these kids who worked hard,
16 played by the rules, filed their taxes through an
17 ITN number, and all they want to do is live the
18 American dream by having a quality higher
19 education. And yet again, we've turned them
20 down.

21 I'm very disappointed, although
22 there's so many positive things in this budget,
23 as my colleague Senator Díaz has pointed out. I
24 am not voting against increasing the minimum
25 wage. I'm not voting against paid family leave.

1 But I do want it on record that these kids, these
2 Dreamers, want a future, want to make a
3 difference. And the only thing standing in their
4 way is that they can't afford to go to college.
5 They can't afford it. And the only thing
6 stopping them this morning, at 6:45 in the
7 morning, is one side not wanting to agree.

8 Mr. President, I'll be voting in the
9 affirmative on this, and I just want it duly
10 noted.

11 ACTING PRESIDENT GRIFFO: Senator
12 Rivera.

13 SENATOR RIVERA: Thank you,
14 Mr. President.

15 It is about 6:50 a.m. Good morning
16 to everyone. I'll be very brief. There are many
17 things in this budget, in this particular bill
18 we're debating right now, or that we're speaking
19 on right now, that are very positive and
20 certainly will have a great positive impact
21 across the State of New York and to my
22 constituency. But I must take a second -- excuse
23 me -- even with my losing voice, I must take a
24 second, even with my losing voice, to point out
25 that this is not the way that democracy should

1 work.

2 We represent, on this side of the
3 aisle, almost half the state as far as
4 population. We did not get to see any of the
5 details of this until about two hours ago. And
6 when we looked at it -- and certainly we would
7 have done some things differently, but ultimately
8 we decided -- well, we would each make our
9 decision individually, but I certainly decided
10 that it is a positive thing for my constituency
11 and I'll be voting in the affirmative.

12 But this is not the way that we
13 should do business here. It is almost 7:00 a.m.
14 Many of us have been here sick. Many of our
15 staff, as I said -- and I certainly applaud
16 them -- many of them have not slept for days.
17 This is not the way to do business here. We
18 should not see something just a couple of hours
19 before that is going to impact the state in such
20 a very serious manner.

21 So I will just reiterate that I
22 would ask my colleagues and certainly other folks
23 that are responsible for putting all this
24 together -- I was saying to see some people if
25 you don't give me a menu and don't allow me to

1 order, then don't put a baloney sandwich in front
2 of me and call it steak.

3 This was a steak sandwich -- maybe
4 not a filet mignon -- so I'll be voting in the
5 affirmative. But it should not work like this.

6 I'll be voting in the affirmative,
7 Mr. President. Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Panepinto.

10 SENATOR PANEPINTO: I'm rising to
11 speak on the bill.

12 ACTING PRESIDENT GRIFFO: Senator
13 Panepinto on the bill.

14 SENATOR PANEPINTO: I'm also
15 fighting a cold. I attended my first Fight for
16 15 rally in May of 2014. It was in front of the
17 McDonald's on Niagara Street, on the west side of
18 Buffalo. And, you know, I saw a bunch of people
19 that I hadn't seen in a while. And it was a new
20 movement at that time a couple of years ago.
21 And, you know, activists from around the country
22 have put the Fight for 15 on the agenda. And in
23 that rally I connected with people who I hadn't
24 seen and we talked about what this meant.

25 And when I ran for office, I ran on

1 raising the minimum wage, on increasing education
2 spending, on paid family leave. And I'm the
3 prime sponsor of the minimum wage in the Senate.
4 And last year I stood out here in the hallway
5 with Senator Comrie and Senator Hamilton and we
6 talked about, you know, cosponsoring that
7 legislation and passing it.

8 So, you know, I'm proud to stand
9 here today to vote on this bill at 7 o'clock in
10 the morning that New York State is going to be
11 the first state in the country which is going to
12 raise its wage in New York City to \$15 an hour.
13 And it's really about battling the income
14 inequality which is the greatest scourge that
15 faces our society. You know, if you don't raise
16 people up and give them an education and give
17 them a fair wage, you can't expect them to do
18 better.

19 So I'm proud that, you know, we're
20 doing this. I wish we'd been able to read the
21 legislation, spend a little more time with it.
22 But it's a historic day. It's a historic day
23 where this body and this state will lead the way
24 in this country in the Fight for 15. And I can
25 look back to that rally that I attended less than

1 two years ago, and we as a state are taking a
2 step forward.

3 So I'm proud to vote in the
4 affirmative for this bill. Thank you.

5 ACTING PRESIDENT GRIFFO: Senator
6 Hamilton.

7 SENATOR HAMILTON: Yes,
8 Mr. President. May the sponsor please yield to a
9 question?

10 ACTING PRESIDENT GRIFFO: Senator
11 Young, do you yield?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: The
14 Senator yields.

15 SENATOR HAMILTON: Senator Young, I
16 just want to say you've been gracious this
17 evening. I know it's been a long night. And I
18 thank you for answering so many questions. I
19 don't know, I think you've been on the floor for
20 maybe 10 hours now, and hopefully it will be over
21 soon and we can all go home. Thank you very
22 much.

23 To the bill, Mr. President.

24 SENATOR YOUNG: Oh, can I sit down?

25 SENATOR HAMILTON: Yeah, you can

1 sit down.

2 (Laughter.)

3 SENATOR HAMILTON: That's my
4 question.

5 ACTING PRESIDENT GRIFFO: Senator
6 Hamilton on the bill.

7 SENATOR HAMILTON: On the bill.

8 I just want to say thank you to the
9 staff of the Senate Dems. Louie and Shontell,
10 within the short period of time of four hours,
11 they had to digest this voluminous stack of
12 papers that was given to them for our conference.

13 I know Senator Sanders said that
14 hopefully one day we will get this information
15 ahead of time, not on the day that we have to
16 vote on a \$158 billion budget. I don't know what
17 type of democracy we have in this state when we
18 have to vote on a \$158 billion budget given this
19 stack of information and legislation, which is
20 not all of it, and vote on it with a clear
21 conscience.

22 So Senator Sanders said he hopes
23 that one day it will work out that way -- but
24 this was done on purpose. It was done on purpose
25 to make sure that bills that might be adversely

1 affecting the majority of the people in this
2 state will happen, that we won't have the time to
3 scrutinize and actually look at and make sure
4 that justice prevails for everyone in the State
5 of New York and not just for some.

6 So in this bill, the staff has
7 brought to my attention several items that I
8 think need to be addressed. And it's the
9 increase to education; I'm happy that's happening
10 now. I wish that we would have had the DREAM
11 Act. Because the last I checked, everybody in
12 this room comes from immigrants. No one's family
13 was originally here in this country.

14 So for all of a sudden to say that a
15 certain group of people now cannot be educated,
16 when this country was based on taking immigrants
17 to this country, is a shift that I don't
18 understand. But we'll be dealing with it.

19 In my district we have one of the
20 lowest reading scores in the State of New York.
21 Hopefully we'll spend more time on educating our
22 young youth and not sending them to prison. But
23 right now New York State is the fifth state in
24 the country as far as the highest incarceration
25 rate.

1 I sat here for two years, and I hear
2 all the time, rather than having resources to
3 keep our kids out of jail, we keep increasing
4 penalties, increasing penalties, increasing
5 penalties on children that are poor and not given
6 an opportunity to raise themselves up and to live
7 the American dream in the State of New York.

8 The Paid Family Leave Act, it's a
9 great thing. Because many of the people who will
10 benefit are young mothers who are working,
11 raising their children on their own, single
12 mothers. And no mother should have to choose
13 between taking her child to the hospital or going
14 to work. It's hard enough trying to raise a
15 family on your own as a single parent. So I'm in
16 favor of the Paid Family Leave Act.

17 The minimum wage, as Senator
18 Panepinto said, the Three Musketeers -- myself,
19 Leroy Comrie and Marc Panepinto -- stood by
20 ourselves in the forefront fighting for minimum
21 wage. Just think about it. At \$9 an hour, if
22 you work 40 hours a week, you only bring home
23 \$360. That's only \$1440 per month. Right now in
24 Brooklyn, New York, a one-bedroom apartment is
25 \$1500 a month. So what we're seeing is an

1 explosion of homelessness within the borough,
2 within the state. We had the 421-a, we had the
3 most construction going on ever, but still the
4 homeless rate rises.

5 So now with the minimum wage at \$15
6 an hour, a person can work 40 hours a week and
7 bring home \$2040 a month, where people could try
8 to live a decent lifestyle, where parents don't
9 have to worry about where the next meal is coming
10 from, and people can have truly affordable
11 housing.

12 We still haven't addressed the issue
13 of affordable housing in this state for many of
14 our residents in the state. I know Senator Klein
15 is trying to work on the Mitchell-Lama program to
16 have more affordable housing for residents
17 throughout the state. But right now we still
18 haven't defined what's affordable in the State of
19 New York. What's affordable to some is not
20 affordable to many.

21 As I said last year, this state was
22 incorporated in 1788 but it took 60 years to 1848
23 where the great women of the State of New York
24 got together in Seneca Falls and said women
25 should have the right to vote. And they kept

1 fighting until 1920, until women got the right to
2 vote.

3 Here we have a conference where we
4 have a woman at the helm of our conference, and
5 we still, after 229 years in the State
6 Legislature, have not had a woman in charge of
7 the Assembly or in the Senate. And so even
8 though we're at the door to having our first
9 woman at the table with the three people, she's
10 still being denied her true place at the table.

11 So hopefully one day the 8 million
12 people that we represent will have a voice and we
13 will not have to vote on a budget of \$158 billion
14 on information that was given to us four hours
15 before the vote. It's unconscionable. This is
16 not the democratic way. No one should have to go
17 through this voluminous amount of material and
18 have to vote on it. That's why I have not voted
19 on any of the bills today, because I didn't have
20 the time to go through it thoroughly.

21 But I would not vote on this bill,
22 but I feel that to the women who are suffering,
23 who are working every day, living in shelters, I
24 owe it to them. I owe it to them to say that
25 you're worth something, you work hard every day,

1 and your children should live the American dream.

2 So on this, Mr. President, I vote
3 for the young women to have meaningful jobs, I
4 vote for the Family Leave Act, to make sure that
5 woman don't have to choose between the hospital
6 and going to work and their child being sick.

7 And I just want to say one more time
8 thank you to our staff, who have taken time away
9 from their families for days at a time to be here
10 to make sure that we do the best that we can do
11 with the information that was given to us on
12 purpose within a short amount of time.

13 And I want to thank also our leader
14 of the Democratic Conference, Andrea
15 Stewart-Cousins, for standing up for us, for
16 fighting for us, even though she's been kept out
17 of the room even though we represent 8 million
18 people.

19 So, Mr. President, even though I
20 didn't read the whole bill, based on these items
21 that I've discussed, I will vote yes.

22 ACTING PRESIDENT GRIFFO: Senator
23 Comrie.

24 SENATOR COMRIE: Thank you,
25 Mr. President. On the bill.

1 I just wanted to take an opportunity
2 to thank all of the staff from both sides for
3 everything that they've done to get to this point
4 in the morning, where it's after 7 o'clock in the
5 morning. This is not my first time being up all
6 night to try to get something done, but I can
7 tell you it's been one of my most frustrating
8 situations trying to make sure that things were
9 done democratically.

10 I think that the process, as has
11 been said by my colleagues, requires a lot of
12 improvement and lot more transparency to ensure
13 that we don't have to get to this point. There
14 is a lot of opportunities for public discourse,
15 there's a lot of opportunity for hearings and
16 full discussion on these matters so that we're
17 not having to pore through hundreds of pages in a
18 couple of hours.

19 There are many things that are
20 positive about this budget, and I will be voting
21 yes. But I just have to bring up some issues
22 that I've spoken about before that I think is a
23 major problem. Before I do that, I do want to
24 congratulate Senator Young for spending hours
25 trying to answer the questions. I want to also

1 acknowledge Senator Martins for making sure that
2 the VLTs for Nassau County were moved to Resorts.
3 I think that's a major positive aspect that will
4 ensure that there's no second casino opened up in
5 the Elmont area, which is adjacent my district
6 and impacts my district directly.

7 While there are some parts of this
8 budget that are very good, there are some parts
9 that haven't been settled that truly trouble me.
10 The issues of mental health in the community and
11 the ability of the state to address it, I think
12 there's a major opportunity that was missed. We
13 have more people in the community that are going
14 out and harming people in the streets. We have
15 people that are put in inadequate facilities and
16 now private homes that are impacting communities,
17 especially such as mine, that has a high rate of
18 vacant homes where undisciplined providers are
19 bringing in mental health people because they're
20 closing the major agencies and providers in this
21 state that have been caring for long-term mental
22 health people, people that need help and people
23 that need assistance.

24 And it's becoming a real crisis in
25 the city and throughout the state, where we have

1 people that are mentally ill wandering the
2 streets because they're not being taken care of
3 adequately. Closing Bernard Fineson in my
4 district and closing other long-term mental
5 health facilities are causing this issue, and we
6 need to as a state address it and start to turn
7 that tide so that we're not putting the mentally
8 ill in places where they're not being adequately
9 taken care of.

10 I want to speak to also -- my
11 colleagues spoke to the DREAM Act. You know, my
12 parents, and as other members said, we are all
13 immigrants to this country. No one that is here
14 I know, so far that I've met, has been a person
15 that was not an immigrant to this country. And
16 we understand the need to make sure that their
17 children get a better opportunity for education.
18 Not passing the DREAM Act again is something that
19 we should be able to do as a state, and it's an
20 embarrassment that that hasn't happened.

21 While this budget has been better
22 than most, as our members have said, it's still a
23 problem in many areas. The issues that -- the
24 \$240 million that was taken out of the CUNY
25 budget, the monies that we're taking out of the

1 education budget, the monies -- that we still
2 haven't addressed an increase in the Summer Youth
3 Employment Program, where we have more kids
4 wandering the street and looking for an
5 opportunity, I think is a major failure in state
6 government, especially when we're looking to lock
7 up people for every mistake they have, with
8 higher penalties -- as opposed to creating a
9 pathway to jobs and a pathway to self-esteem by
10 at least doubling the Summer Youth Employment
11 Program.

12 I think that's a major loss and
13 something that we really have to work hard to get
14 more people to understand around this state, that
15 when you give a child a positive start, you can
16 make sure that that child can have a positive
17 life and not be out in the street doing more
18 opiates and over drugs because they're bored and
19 they don't have something positive to do. Not
20 increasing the Summer Youth Employment statewide
21 is only going to create more young people out
22 here doing things that they should not be doing
23 because they're not in a program that will help
24 them and give them an opportunity to move up in
25 the world.

1 That being said, the process that
2 has gotten us here today I think needs to be
3 improved. As a former City Councilmember, we had
4 hearings on a difficult issue no matter what the
5 issue was, and we had eight- and nine-hour
6 hearings to make sure that all sides were heard.
7 And we also made sure that there was an
8 opportunity for all sides to participate.

9 And the fact that that does not
10 happen here is a constant frustration to me,
11 because I know that people here are at a better
12 level of discussion and ability, and not to make
13 sure that there's transparency just frustrates me
14 in a body that I know could be democratic and has
15 been collegial, but yet still we have these
16 issues where there's not proper discussion.

17 And we come here today where we're
18 trying to vote on a 158-plus-billion-dollar
19 budget, but with minimal discussion to be had on
20 it. I think that we can do better. I think we
21 all need to work on figuring out a way to make
22 that happen. I know that it requires long
23 meetings and a lot of talking and a lot of
24 listening, but the body needs to steer
25 discussions towards substantive solutions on

1 having those long hard discussions to make these
2 things happen.

3 So I'm here today to say that I want
4 to congratulate all of those who put positive
5 things in the budget. I think that there's a lot
6 of things that we can be working towards to do
7 better, and I'm going to be voting aye on this
8 budget, Mr. President.

9 Thank you very much.

10 ACTING PRESIDENT GRIFFO: Is there
11 any other Senator wishing to be heard?

12 Senator DeFrancisco to close.

13 SENATOR DeFRANCISCO: I wasn't
14 planning on speaking, but I think it's important
15 to make a point.

16 Many speakers thus far have
17 mentioned many of the deficiencies in the bill --
18 things that aren't in there that they would like
19 to have in there, and things that are in there
20 that they don't like, but on balance it's
21 something they should vote for. I just want to
22 make it very clear that the minority members of
23 this house are in that position, and I want you
24 to know that the majority members of this house
25 are in the exact position.

1 For example, one of the things that
2 many of us want, and many people who have come to
3 Albany want, was a tax credit for private or
4 parochial schools in order to provide that
5 additional education option and to make it
6 affordable, especially since that's much cheaper
7 than trying to make more public schools to take
8 care of those kids. So many of us are very, very
9 disappointed about that.

10 Many of us hate -- not dislike,
11 hate -- other things that are in the budget that
12 we believe very strongly are going to hurt the
13 economy.

14 But we're all in the same dilemma.
15 We're all in the same space here, that there's a
16 bill that has so many things in it and may be
17 omitting many, many things, that we've all got to
18 weigh whether the good outweighs the bad.
19 Because we don't have the choice of voting on
20 each individual item the way the bill was
21 presented to all of us.

22 So I guess the main point I want to
23 make is that that concern by the minority is not
24 an exclusive minority concern. It definitely is
25 a concern of the majority as well.

1 So I guess the point is that
2 everybody has to look at this bill and weigh the
3 good with the bad and decide what is the best
4 thing to do, based upon the bill as it exists,
5 and fight the fight another day for those things
6 that maybe we can't control in view of the fact
7 that it's part of one big bill.

8 So that's what I wanted to present
9 to everyone. And everyone's got to vote based
10 upon the good versus the bad and some very ugly.

11 ACTING PRESIDENT GRIFFO: Seeing
12 and hearing no other Senator that wishes to be
13 heard, debate is closed.

14 The Secretary will ring the bell.

15 SENATOR FLANAGAN: Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Flanagan.

18 SENATOR FLANAGAN: The Senate's
19 going to stand at ease. There will be an
20 immediate Republican conference.

21 ACTING PRESIDENT GRIFFO: The
22 Senate will stand at ease.

23 There's an immediate meeting of the
24 Republican Conference. The Senate stands at
25 ease.

1 (Whereupon, the Senate stood at ease
2 at 7:12 a.m.)

3 (Whereupon, the Senate reconvened at
4 8:39 a.m.)

5 ACTING PRESIDENT GRIFFO: The
6 Senate will come to order.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Would you
9 please lay the bill aside that we finished debate
10 on.

11 ACTING PRESIDENT GRIFFO: The bill
12 that debate was closed on will be laid aside.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, we're
15 just checking to make sure that the last bill we
16 have to deal with in Finance is in the room, and
17 the papers are there, because that's what -- I'm
18 going to ask for a meeting of the Finance
19 Committee as soon as we know that they're set.

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: Yes, it's my
23 understanding, and correct me if I'm wrong, that
24 the leaders in this chamber would be agreeable to
25 starting the Finance Committee meeting using a

1 PDF file as opposed to the papers, and have a
2 Finance Committee meeting without the stacks of
3 documents. Because we have them electronically,
4 and everyone's had a chance to review them.

5 ACTING PRESIDENT GRIFFO: I believe
6 those accommodations can be made.

7 SENATE LEADERS: Agreed.

8 SENATOR DeFRANCISCO: Is that
9 correct? That's correct. They said that's
10 correct.

11 That being the case, I request an
12 immediate meeting of the Finance Committee in
13 Room 332.

14 ACTING PRESIDENT GRIFFO: There is
15 an immediate meeting of the Finance Committee in
16 Room 332.

17 SENATOR DeFRANCISCO: Thank you.

18 ACTING PRESIDENT GRIFFO: An
19 immediate meeting of the Finance Committee in
20 Room 332. All members please report to Room 332.

21 The Senate will stand temporarily at
22 ease.

23 (Whereupon, the Senate stood at ease
24 at 8:42 a.m.)

25 (Whereupon, the Senate reconvened at

1 8:56 a.m.)

2 ACTING PRESIDENT GRIFFO: The
3 Senate will return to order.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Previously we
6 debated Calendar Number 519, and we now -- is it
7 true that we have a message of necessity at the
8 desk?

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

11 We need to sub first, and then we
12 can accept the message.

13 SENATOR DeFRANCISCO: Well, then
14 why don't you do it?

15 (Laughter.)

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read.

18 THE SECRETARY: Senator Young moves
19 to discharge, from the Committee on Finance,
20 Assembly Bill Number 9000D and substitute it for
21 the identical Senate Bill 6400D, Third Reading
22 Calendar 519.

23 Calendar Number 519, Assembly Budget
24 Bill, Assembly Print 9000D, an act making
25 appropriations for the support of government:

1 STATE OPERATIONS BUDGET.

2 ACTING PRESIDENT GRIFFO: The
3 substitution is so ordered.

4 There is a message of necessity
5 before the desk. All in favor of accepting the
6 message of necessity signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The
11 message is accepted.

12 And with unanimous consent, the bill
13 is before the house for a vote, without
14 objection.

15 The Secretary will read.

16 SENATOR DeFRANCISCO: Unanimous
17 consent that it's on a noncontroversial calendar,
18 so that everybody will be recorded.

19 ACTING PRESIDENT GRIFFO: Correct.

20 Read the title again.

21 THE SECRETARY: Calendar Number
22 519, Assembly Budget Bill, Assembly Print 9000D,
23 an act making appropriations for the support of
24 government: STATE OPERATIONS BUDGET.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Do we have a
12 report from the Finance Committee?

13 ACTING PRESIDENT GRIFFO: There is
14 a Committee of Finance report before the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator Young, from
17 the Committee on Finance, reports the following
18 bills:

19 Senate Print 6403D, Senate Budget
20 Bill, an act making appropriations;

21 And Senate 7159, Senate Budget Bill,
22 an act to amend the Public Health Law.

23 All bills reported direct to third
24 reading.

25 ACTING PRESIDENT GRIFFO: I'll

1 entertain a motion to accept.

2 SENATOR DeFRANCISCO: Yes, I will
3 move to accept.

4 ACTING PRESIDENT GRIFFO: All in
5 favor of accepting the Committee on Finance
6 report signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The
11 report is accepted and before the house.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Would you
14 call the first bill on controversial.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 521, Senate Budget Bill, Senate Print 6403D, an
19 act making appropriations: AID TO LOCALITIES
20 BUDGET.

21 SENATOR DeFRANCISCO: Is there a
22 message of necessity at the desk?

23 ACTING PRESIDENT GRIFFO: There is
24 a message of necessity at the desk.

25 SENATOR DeFRANCISCO: I would move

1 to accept the message of necessity.

2 ACTING PRESIDENT GRIFFO: A motion
3 has been made. All in favor of accepting the
4 message of necessity of the Governor please
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 message is accepted, and the bill is before the
11 house.

12 Read the last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 SENATOR DeFRANCISCO: I now request
22 that you read the other bill that was just
23 reported out of Finance.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco, we have to pause momentarily because

1 the Journal Clerk is preparing the jacket.

2 (Pause.)

3 SENATOR DeFRANCISCO: Anybody have
4 any good jokes?

5 (Laughter.)

6 SENATOR DeFRANCISCO:
7 Mr. President, can I be recognized?

8 ACTING PRESIDENT GRIFFO: Senator
9 DeFrancisco, you may.

10 SENATOR DeFRANCISCO: The oldest
11 member of the Senate is here, he's 88 years old.
12 He looks fresher than anybody.

13 (Standing ovation for Senator
14 Larkin.)

15 ACTING PRESIDENT GRIFFO: Very
16 young at heart.

17 Jackets are required in the chamber,
18 as you know, Senator DeFrancisco, so we're close.

19 (Pause.)

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco -- may I have some order (gaveling).

22 Senator DeFrancisco, we do have the
23 jacket here on Calendar Number 523, Bill 7159,
24 for all of you. It's Calendar Number 523, Senate
25 7159.

1 SENATOR DeFRANCISCO: And this is
2 the chapter amendment that was just reported out
3 of Finance; correct?

4 ACTING PRESIDENT GRIFFO: Correct.
5 It is before the house.

6 SENATOR DeFRANCISCO: And do you
7 have a message of necessity?

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read first.

10 SENATOR DeFRANCISCO: Okay.

11 THE SECRETARY: Calendar Number
12 523, Senate Budget Bill, Senate Print 7159, an
13 act to amend the Public Health Law.

14 SENATOR DeFRANCISCO: Do you have a
15 message of necessity?

16 ACTING PRESIDENT GRIFFO: There is
17 a message of necessity at the desk.

18 SENATOR DeFRANCISCO: Move to
19 accept.

20 ACTING PRESIDENT GRIFFO: All in
21 favor of accepting the Governor's message of
22 necessity indicate by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed?

25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 message is accepted. The bill is before the
3 house.

4 The Secretary will read the last
5 section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the same date as Part K
8 of a chapter of the Laws of 2016.

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 SENATOR DeFRANCISCO: I believe we
16 have one last bill that we debated, which is the
17 ELFA --

18 ACTING PRESIDENT GRIFFO: Calendar
19 522.

20 SENATOR DeFRANCISCO: Calendar 522.

21 One moment. One moment, please.

22 (Pause.)

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco.

25 SENATOR DeFRANCISCO: Please call

1 the roll.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 522, Senate Budget Bill, Senate Print 6406C, an
6 act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Senator
8 DeFrancisco.

9 SENATOR DeFRANCISCO: Yes, just for
10 the record, we have an agreement among the
11 leaders that we're going to leave the roll call
12 open, because I think there's a couple of people
13 that are not presently here -- rather than
14 waiting for them -- but will be here today, very
15 soon. Okay.

16 ACTING PRESIDENT GRIFFO: We also
17 have a couple of explanations of votes.

18 SENATOR DeFRANCISCO: We're going
19 to revisit that. We will wait for them unless
20 there's another announcement.

21 ACTING PRESIDENT GRIFFO: We do
22 have a number of members who want to explain
23 votes. If we could just call it and begin the
24 explanation and take some time, if that would be
25 acceptable to everyone.

1 SENATOR DeFRANCISCO: That would be
2 an excellent idea. Not only acceptable, but an
3 excellent idea.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Addabbo to explain his vote.

13 SENATOR ADDABBO: Thank you,
14 Mr. President. It would be my pleasure to kill
15 some time.

16 (Laughter.)

17 SENATOR ADDABBO: Thank you,
18 Mr. President.

19 I want to thank my leader, Senator
20 Stewart-Cousins, Majority Leader Senator
21 Flanagan, Independent Democratic Conference
22 Leader Jeff Klein, all the staff, and the
23 Governor, for their efforts on paid family leave.

24 Whenever I advocated for paid family
25 leave or spoke about it, I always spoke about it

1 in terms of not if, but when for our state.
2 There was such momentum for this issue, both
3 nationally and in our state, that you could not
4 help but think about it's not a question of if,
5 but a question of when. And frankly, I would
6 wish the "when" was closer than 2018 -- but
7 nevertheless, we are taking a great step in the
8 right direction.

9 I also want to thank the advocates
10 statewide. Because of them, there was that
11 momentum in our state. And because of them, soon
12 employees will be able to take a maximum of
13 12 weeks to watch over a child or to watch an ill
14 one, a loved one, or to take preparations for
15 military leave, all without financial burdens,
16 financial hardships, or to lose their job. So
17 truly, paid family leave has us balance the home
18 front and the work front.

19 Businesses too will benefit from
20 paid family leave. They will retain a very loyal
21 and productive employee and have no financial
22 burden on the businesses.

23 So with the enactment of paid family
24 leave, all our workers throughout the state, all
25 our businesses will get to experience the

1 benefits of paid family leave, a benefit that has
2 been experienced by businesses and workers in
3 other states -- in California and Rhode Island
4 and New Jersey. So today New York joins those
5 states and takes a greater step toward paid
6 family leave.

7 Mr. President, I'll be voting in the
8 affirmative. Thank you very much.

9 ACTING PRESIDENT GRIFFO: Senator
10 Addabbo to be recorded in the affirmative.

11 Senator Díaz to explain his vote.

12 SENATOR DÍAZ: Thank you,
13 Mr. President.

14 This morning at 6 a.m. I spoke about
15 this bill and also I congratulated all the staff
16 that has spent the whole night here, doing their
17 job -- husbands, wives, mothers. So I
18 congratulate all of them.

19 And this morning, at 6 a.m. this
20 morning, I told you, Mr. President, about an
21 incident that I was called to the second floor.
22 And I told you that I had not been in the second
23 floor since Governor Pataki. Governor Pataki
24 used to invite me to the second floor. But since
25 Pataki left, I have never been in the second

1 floor -- not with Spitzer, not with Paterson, and
2 not in these seven years with Governor Andrew
3 Cuomo.

4 But yesterday I was invited to the
5 second floor. And I went to the second floor
6 because they were trying to explain me about a
7 takeover of the city -- the city homeless
8 shelters. And I met there a guy by the name
9 Josh, and then he took me to Mr. -- what was his
10 name? Who? Alphonso David.

11 So I met with them, and Mr. Alphonso
12 David, Mr. Alphonso David promised me and told me
13 that the takeover of the New York City homeless
14 shelters would not be included. Because someone
15 told me that they were trying to stick it in in
16 another bill so nobody noticed. So he's going,
17 no, it will not happen, it will not be there,
18 Mr. President.

19 So I asked him to look at my face
20 and to tell me straight to my face that the bill
21 would not be included. He looked at my face, he
22 shook my hand, and he told me it would not be
23 included.

24 Surprise, surprise. The bill is
25 included -- the thing is included in this bill,

1 the takeover. And they put it in a way that --
2 they include it with a bill that includes the
3 minimum wage and the family leave. And of course
4 I cannot vote no against the minimum wage. I
5 cannot vote no against the family leave. But --
6 I'm voting yes, Mr. President, but ladies and
7 gentlemen, I want all of you to know that I was
8 called to the second floor and Mr. -- what was
9 it?

10 SENATOR PERALTA: Alphonso David.

11 (Laughter.)

12 SENATOR DIAZ: -- Alphonso David,
13 he lied to me. He lied to me straight to my
14 face. See, sometimes they -- every year they
15 come, Gustavo Rivera, Peralta, they call Moya,
16 Assemblyman Moya, and -- and --

17 SENATOR ESPAILLAT: Espaillat.

18 SENATOR DIAZ: -- Espaillat,
19 because they have been fighting for the -- they
20 have been fighting for many years, they have been
21 fighting for the -- for the DREAM Act. So every
22 year they have been promised that the DREAM Act
23 will be included, and they lied to them. And
24 they -- I never thought they were going to lie to
25 me. I'm an old man, 73 years old, a minister, a

1 pastor. So I said, No, they -- they -- I don't
2 believe that.

3 But, Mr. Chairman and ladies and
4 gentlemen, the second floor lied to me straight
5 to my face. And God hates ugly. That's not
6 good, Mr. David. You shouldn't do that. When
7 you shake somebody's hand, you have to comply
8 with what you said. Otherwise, never shake
9 people's hands.

10 So I'm voting yes, with regret --
11 not for the minimum wage, but because the
12 takeover of the New York City homeless shelters
13 is there, and now the City of New York will be
14 paying, putting the money, and the Governor could
15 take over and send his people to run the shelter
16 while the city is the one to pay.

17 This is because of the fight that
18 the Governor and the city's Mayor are having, and
19 this is to embarrass, to embarrass City Mayor
20 Bill de Blasio.

21 And this I have to say because the
22 ones in the middle, the ones suffering, are the
23 needy, the poor, the needy, and the homeless.

24 Oh, you want me to be quiet? And
25 you told me that we could kill time.

1 ACTING PRESIDENT GRIFFO: We gave
2 you a lot of time, Senator Díaz. So if you can
3 conclude, thank you.

4 SENATOR DÍAZ: Thank you,
5 Mr. President. Mr. President, thank you very
6 much. Your father is a nice guy. He love me.
7 Tell him that I love him.

8 ACTING PRESIDENT GRIFFO: Thank
9 you.

10 SENATOR DÍAZ: And remember, the
11 second floor lied to me. Thank you very much.

12 ACTING PRESIDENT GRIFFO: Senator
13 Díaz to be recorded in the affirmative.

14 Senator Savino to explain her vote.

15 SENATOR SAVINO: Thank you,
16 Mr. President.

17 I will try and do this in the two
18 minutes that is allotted for explaining our vote.

19 It has been said many times tonight
20 that this is an historic budget that has a lot of
21 really good things for a lot of really good
22 people. And it's not often that we get to make
23 profound change in the lives of New Yorkers, and
24 we actually are doing that tonight.

25 I do want to say one thing about a

1 particular issue that I have been advocating for
2 since I first got elected. Senator Addabbo
3 briefly touched on it. And those of you who have
4 served with me for the past 11 years know that on
5 an issue, when I think it's important, I can be
6 somewhat relentless. Say it ain't so, as Senator
7 Parker said.

8 But even I sometimes fall short. I
9 have been advocating for paid family leave in one
10 way, shape or form since I first got elected. I
11 have carried a bill in one way, shape or form for
12 almost every year I have been here. But even I,
13 as persuasive as I can be, have never been able
14 to move the bill.

15 And that bill is a reality tonight
16 because someone else took the bill from me and
17 decided to make it his own. And that person is
18 Senator Jeff Klein. He took it, and he said "I'm
19 going to make it happen." And we are here
20 tonight passing paid family leave because he took
21 the issue from me, he was able to convince the
22 Governor it was the right thing to do, he was
23 able to make you all understand it was the right
24 thing to do, and tonight we are passing paid
25 family leave. And we are going to have the best

1 paid family leave in the country, and that is
2 because of the advocacy of Senator Jeff Klein.

3 Thank you.

4 ACTING PRESIDENT GRIFFO: Senator
5 Savino to be recorded in the affirmative.

6 Senator Golden to explain his vote.

7 SENATOR GOLDEN: Thank you,
8 Mr. President. I too will be brief.

9 This is a good bill for education,
10 economic development, and obviously we did the
11 minimum wage. There are different timelines
12 across the State of New York. On the timeline in
13 the City of New York, it's two and a half years.
14 And then of course we have the -- going into the
15 fourth year, we have -- with businesses with 10
16 or under, we'll have an extension, and there will
17 be an economic study for that group.

18 But there's no economic study for
19 that group that's in the two-and-a-half-year
20 period. So we as a legislative body have to keep
21 an eye on the City of New York, we have to see
22 the economic impact on the employment factor as
23 well as the businesses themselves as we move
24 forward, to make sure that we as a legislative
25 body did the right thing for those businesses and

1 for the people in the City of New York.

2 I vote aye, Mr. President.

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

5 Senator Stewart-Cousins.

6 SENATOR STEWART-COUSINS: Thank
7 you, Mr. President. To explain my vote.

8 First, obviously, I want to thank
9 the staff who's worked so hard to, you know, get
10 us to this point. As well as my conference, who,
11 you know, under great duress, have stayed the
12 course.

13 I'm not supposed to make a speech
14 because I'm explaining my vote, but I do want to
15 thank the legislative leaders. Thank you,
16 Senator Flanagan, for the cooperation that we've
17 had during this, and Senator Klein -- and
18 congratulations to you on this momentous
19 occasion.

20 I want to give a shout out to the
21 Assembly Speaker as well, who was extremely
22 helpful in this process.

23 And a special congratulations to
24 you, Senator Addabbo, who also was just so
25 relentless in terms of making sure that paid

1 family leave was a part of our everyday thought
2 pattern. And when we advocate, we advocated for
3 paid family leave, for minimum wage -- I won't
4 tell the story because we all know it, certainly
5 in this conference, of how since we began this
6 paid family leave and certainly the minimum wage
7 march, we knew that we could lift millions out of
8 poverty if we just stayed focused.

9 There's not a lot of things that are
10 worth working 12 hours straight from, you know,
11 early in the morning and then doing these bills
12 from 8:00 in the evening till 8:00 in the
13 morning. But what happened today, with paid
14 family leave, with raising the minimum wage, I
15 would say is worth it.

16 This is a historic budget. We've
17 talked about the ups, we've talked about the
18 downs. But the reality is that when we create
19 this kind of history for so many people whose
20 lives will be significantly changed, it is a good
21 day even if it's a very, very long day.

22 So again, congratulations. I vote
23 aye.

24 ACTING PRESIDENT GRIFFO: Senator
25 Stewart-Cousins to be recorded in the

1 affirmative.

2 Senator Klein.

3 SENATOR KLEIN: Thank you,
4 Mr. President.

5 I also want to thank my colleagues
6 in the Democratic Conference, the Republican
7 Conference, of course the Independent Democratic
8 Conference. We've advocated for paid family
9 leave for a long time. And I think today all of
10 us in the State Senate can be very, very proud
11 that we finally got it accomplished.

12 I think we sent a very important
13 message, because no one should have to choose
14 between what their heart tells them to do and
15 what their bank account allows them to do.
16 Bonding with a newborn is a sacred time. Taking
17 care of an elderly loved one or a sick child is
18 our duty as a family member. And unfortunately,
19 the workers in New York State did not have that
20 opportunity until today. And this is something
21 that is extremely important.

22 And I think it goes without saying
23 that we were able to craft a bill that I think
24 shows that will not be a burden on business, a
25 small amount of money is coming out of the

1 employee's paycheck, going into a fund. We also
2 have a measure to make sure that we actually make
3 sure the fund is fiscally solvent so we're not
4 putting any burden or promising people something
5 we can't afford.

6 So I think, all in all, while other
7 states were able to accomplish six weeks of paid
8 family leave, we start at eight weeks, we go to
9 10 weeks, and then we move on to 12 weeks.

10 So we can be very, very proud that
11 New York State, the Empire State, finally
12 accomplished I believe the best paid family leave
13 program in the nation.

14 I also want to say my thank yous.
15 And I think, you know, we hear a lot about, you
16 know, politics now and we hear a lot about what's
17 going on throughout the nation and New York
18 State. And we always ask ourselves questions, I
19 think it's both sides of the aisle -- Republicans
20 will ask the questions as well as Democrats: Why
21 are people so angry? Why are they upset? Well,
22 I think the reason why they're upset is because
23 they hear the same thing from both of us: We're
24 going to lower your taxes, we're going to raise
25 your wages, we're going to make life better for

1 you.

2 Well, you want to know something? I
3 think we sent a very important message. Because
4 I think New York working families have empty
5 pockets and they're sick and tired of hearing
6 empty promises. And I think what we showed today
7 was we can take a balanced approach to governing.
8 We can have the largest middle-class tax cut in
9 our state's history. We can do paid family
10 leave. We can take a very positive, balanced
11 regional approach to raising the minimum wage.

12 And I think that's what governing is
13 all about. And I think all of us can go back to
14 our districts in our own way and explain what
15 we've accomplished.

16 But I really want to say a very
17 special thank you also to Senator Cousins. But
18 most of all I want to say a very special thank
19 you to the Majority Leader, John Flanagan.

20 I've had the opportunity to spend a
21 lot of time with John over the last month. A lot
22 of negotiation, a lot of talk. But you know
23 something? He never forgot what his role is.
24 Not only as spokesman for the members of the
25 Republican Conference, but also spokesperson for

1 each and every one of us. And I think the
2 balancing act that he did, and his tenacity in
3 making sure that we have a budget that is really
4 right for all New Yorkers, is something we all
5 should be proud of. And I want to thank John
6 because I value him as a colleague, but most of
7 all a friend.

8 I also want to say thank you to the
9 staff. This is a grueling process. I don't know
10 why they do it each and every year. It seems to
11 get worse and worse, running around on very
12 little sleep. Some people have been up 48 hours;
13 I know my staff is straight. And I want to thank
14 them.

15 I want to thank my chief of staff,
16 John Emrick; my policy director, Dana Carotenuto;
17 my counsel, Shelley Andrews; my director of
18 finance, Francesc Marti; my deputy director of
19 finance, Sarah Bangs; and my finance counsel,
20 Greg Pratt.

21 I also want to say a very special
22 thank you to the members who I think always keep
23 their eye on the ball as well, the members of the
24 IDC: Senators Savino, Avella, Carlucci and
25 Valesky. Each one of them can be very proud

1 because they all were able to get a very
2 important portion of this budget, which is not
3 only right for their constituents but right for
4 the State of New York.

5 I also want to say a very special
6 thank you to the staff, the Republican Majority
7 staff. I've also had the opportunity to spend a
8 lot of time with a very smart, tenacious young
9 woman named Beth Garvey. And I think the success
10 of this budget in making sure it all came
11 together, especially on paid family leave, with
12 Dana and Beth, there was no way we weren't going
13 to get it done.

14 I thank you, Beth, and I thank you
15 each and every one of you. And I hope you enjoy
16 the brief time off we'll have without each other.

17 Thank you. I vote yes.

18 ACTING PRESIDENT GRIFFO: Senator
19 Klein to be recorded in the affirmative.

20 Senator Flanagan.

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

23 And I'm not sure -- I was listening
24 to Diane talk about what a good evening, good
25 morning -- I feel like Speaker Heastie; I'm not

1 even sure what day of the week it is.

2 (Laughter.)

3 SENATOR FLANAGAN: I just know
4 that, you know, we're at some point in that
5 24-hour cycle.

6 And I have a number of things to say
7 that I would like to do quickly, concisely, so
8 everyone can get on the road and get home safe.

9 To our President, to our presiding
10 Senator up there, Senator Griffo, awesome, always
11 doing a great job, and the entire staff up at the
12 desk.

13 Down here on the floor, Lisa is
14 excellent. She is a model of diplomacy,
15 extraordinarily capable attorney, does excellent
16 work with and on behalf of our conference.

17 To our new chair of the Finance
18 Committee who spent more time on her feet than I
19 think anyone can -- well, DeFran used to spend a
20 lot of time on his feet. But Senator Young did a
21 fantastic job in terms of the budget. And kudos
22 go out to Mike Paoli, the entire Senate Finance
23 staff.

24 And I'm just looking at this thing,
25 kind of -- Shawn MacKinnon -- everyone in this

1 room, this is one of my favorite things in the
2 budget, absolute favorites, next year we never
3 have to talk about GEA again. It's gone. It's
4 gone.

5 (Applause.)

6 SENATOR FLANAGAN: I'm sure we'll
7 find plenty of other things to talk about. But
8 we did some really good work.

9 So Senator Young. John DeFrancisco
10 has been an excellent floor leader, helpful in so
11 many different ways, both internally, externally.

12 And, you know, we go back and forth
13 with our colleagues. To Senator Stewart-Cousins,
14 she and I have developed a very nice working
15 relationship, a good one. And yet I felt badly
16 that we didn't have the proper time to do some of
17 the things we needed to and give everybody a
18 little bit of a break. So thank you very much
19 for your patience.

20 Certainly Senator Gianaris does
21 excellent work on behalf of the Senate Democratic
22 Conference. And the good news is that pretty
23 much all the time, he and DeFran get along. We
24 were all a little worried about that, but it
25 seems to be working out pretty well.

1 (Laughter.)

2 SENATOR FLANAGAN: And to all the
3 members of the IDC, Jeff was absolutely right
4 about a number of things. When I think about
5 paid family leave, he's actually the person that
6 I think about the most in terms of his advocacy
7 long before it was in vogue.

8 And yes, we have developed a close
9 working relationship, which is helpful and
10 beneficial to the people, I think, of the State
11 of New York.

12 So in terms of what we have
13 accomplished, we set out with certain goals, many
14 of which have been met. And yet I know we have
15 more work to be done.

16 And before -- I don't want to make a
17 grievous error. I want to thank our entire
18 staff. Some of them are propped up against the
19 walls just so they can stay awake. But our
20 entire staff in every component, and certainly
21 our counsel's office.

22 And this is my first real budget as
23 the leader, and I know it worked out well because
24 Beth Garvey has been unbelievable. So talented,
25 so smart, so knowledgeable. Knows when to push

1 forward, pull back. And that inures, I think, to
2 the benefit of everybody here and people across
3 the State of New York.

4 (Applause.)

5 SENATOR FLANAGAN: I don't think
6 she's slept in four days.

7 But in terms of what we did
8 accomplish, you know, we stayed within the
9 spending cap. That's very important, akin to the
10 property tax cap. That saves taxpayers, while
11 we're still making strong investments. Record
12 increase in aid to education, elimination of the
13 GEA, almost record growth in Foundation Aid,
14 equitability and fair distribution across the
15 entire State of New York.

16 Things like \$300 million in the
17 Environmental Protection Fund -- more clean
18 water, clean air projects, hundreds of millions
19 of dollars that heretofore were not part of the
20 mix. All good environmental stuff, all
21 quality-of-life stuff that are important to
22 people throughout the entire state.

23 Senator LaValle. An ardent
24 proponent of college affordability, as are all of
25 our colleagues, both sides of the aisle. But he

1 has been an unrelenting champion for higher ed.
2 That's why you see, you know, a billion dollars
3 in the TAP program and things like that.

4 Taxes. And I'm going to go to paid
5 family leave. That's a big win, it's real, it's
6 palpable, and that's going to make a difference
7 in people's lives.

8 Transportation parity. Senator
9 Robach, we got transportation parity done because
10 it was very important to the members of our
11 conference. I think that's an excellent,
12 excellent economic development tool, and it is
13 going to be very, very beneficial to the driving
14 public, it's going to be good for creating jobs
15 as well. And frankly, it is long overdue.

16 And we got a tax cut. We talked
17 about taxes. As part of the package that we put
18 together today, there is a billion-dollar
19 middle-class tax cut, which I think is
20 extraordinarily important.

21 So I'm going to leave with this
22 focus. I think we took care of working men and
23 women across the state. I think we focused on
24 real working people and tried to find ways to
25 help them. Now we have other work that we need

1 to do. All of us are going to take a brief
2 respite, and we're going to come back and there's
3 going to be a lot of other legislative
4 priorities. So I know there are things that we
5 have to pay attention to.

6 But I really want to express my
7 gratitude to everyone. It is still a privilege
8 to serve as an elected official in the New York
9 State Senate. We should never forget that. We
10 should be proud of the work that we do, stand up
11 for what's important, and take credit for a lot
12 of the good things that we do. And we're able to
13 do that because we work with very, very good
14 people.

15 So please, everybody, travel safely,
16 have an excellent weekend, and thank you all for
17 your terrific efforts.

18 (Applause.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Flanagan to be recorded in the affirmative.

21 Announce the results.

22 SENATOR FLANAGAN: I vote in the
23 affirmative.

24 THE SECRETARY: Ayes, 61. Nays, 1.
25 Senator Felder recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Senator DeFrancisco.

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

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

8 SENATOR DeFRANCISCO: There being
9 no further business, I move we adjourn until
10 Monday, April 4th, at 3:00 p.m., intervening days
11 being legislative days.

12 ACTING PRESIDENT GRIFFO: The
13 Senate will stand adjourned until Monday,
14 April 4th, at 3:00 p.m., intervening days being
15 legislative days.

16 The Senate stands adjourned.

17 (Whereupon, at 9:38 a.m., the Senate
18 adjourned.)

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