

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 March 15, 2017

11 12:02 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 all present to please rise
5 and join with me as we recite the Pledge of
6 Allegiance 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 all members to bow
11 their heads in a moment of silent prayer and
12 reflection.

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

15 SENATOR GIANARIS: Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Gianaris.

18 SENATOR GIANARIS: Pursuant to
19 Rule X(2)(f), I would like to call a quorum call
20 at this time.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will call the roll.

23 THE SECRETARY: Senator Addabbo.

24 (No response.)

25 THE SECRETARY: Senator Akshar.

1 SENATOR AKSHAR: Present.
2 THE SECRETARY: Senator Alcantara.
3 SENATOR ALCANTARA: (Indicating
4 present.)
5 THE SECRETARY: Senator Amedore.
6 SENATOR AMEDORE: Here.
7 THE SECRETARY: Senator Avella.
8 SENATOR AVELLA: Here.
9 THE SECRETARY: Senator Bailey.
10 (No response.)
11 THE SECRETARY: Senator Bonacic.
12 SENATOR BONACIC: Here.
13 THE SECRETARY: Senator Boyle.
14 SENATOR BOYLE: Here.
15 THE SECRETARY: Senator Breslin.
16 (No response.)
17 THE SECRETARY: Senator Brooks.
18 (No response.)
19 THE SECRETARY: Senator Carlucci.
20 SENATOR CARLUCCI: Present.
21 THE SECRETARY: Senator Comrie.
22 (No response.)
23 THE SECRETARY: Senator Croci.
24 SENATOR CROCI: Here.
25 THE SECRETARY: Senator

1 DeFrancisco.
2 SENATOR DeFRANCISCO: Here.
3 THE SECRETARY: Senator Díaz.
4 (No response.)
5 THE SECRETARY: Senator Dilan.
6 (No response.)
7 THE SECRETARY: Senator Felder.
8 SENATOR FELDER: (Indicating
9 present.)
10 THE SECRETARY: Senator Flanagan.
11 SENATOR FLANAGAN: Here.
12 THE SECRETARY: Senator Funke.
13 SENATOR FUNKE: Here.
14 THE SECRETARY: Senator Gallivan.
15 SENATOR GALLIVAN: Present.
16 THE SECRETARY: Senator Gianaris.
17 SENATOR GIANARIS: Here.
18 THE SECRETARY: Senator Golden.
19 SENATOR GOLDEN: Here.
20 THE SECRETARY: Senator Griffo.
21 ACTING PRESIDENT GRIFFO: Here.
22 THE SECRETARY: Senator Hamilton.
23 SENATOR HAMILTON: Present.
24 THE SECRETARY: Senator Hannon.
25 SENATOR HANNON: Here.

1 THE SECRETARY: Senator Helming.
2 SENATOR HELMING: Here.
3 THE SECRETARY: Senator Hoylman.
4 (No response.)
5 THE SECRETARY: Senator Jacobs.
6 SENATOR JACOBS: Here.
7 THE SECRETARY: Senator Kaminsky.
8 (No response.)
9 THE SECRETARY: Senator Kennedy.
10 (No response.)
11 THE SECRETARY: Senator Klein.
12 SENATOR KLEIN: Here.
13 THE SECRETARY: Senator Krueger.
14 (No response.)
15 THE SECRETARY: Senator Lanza.
16 SENATOR LANZA: Here.
17 THE SECRETARY: Senator Larkin.
18 SENATOR LARKIN: Here.
19 THE SECRETARY: Senator Latimer.
20 (No response.)
21 THE SECRETARY: Senator LaValle.
22 SENATOR LaVALLE: Here.
23 THE SECRETARY: Senator Little.
24 SENATOR LITTLE: Here.
25 THE SECRETARY: Senator Marcellino.

1 SENATOR MARCELLINO: Here.
2 THE SECRETARY: Senator Marchione.
3 SENATOR MARCHIONE: Here.
4 THE SECRETARY: Senator Montgomery.
5 (No response.)
6 THE SECRETARY: Senator Murphy.
7 SENATOR MURPHY: Here.
8 THE SECRETARY: Senator O'Mara.
9 SENATOR O'MARA: Here.
10 THE SECRETARY: Senator Ortt.
11 SENATOR ORTT: Here.
12 THE SECRETARY: Senator Parker.
13 (No response.)
14 THE SECRETARY: Senator Peralta.
15 SENATOR PERALTA: Present.
16 THE SECRETARY: Senator Persaud.
17 (No response.)
18 THE SECRETARY: Senator Phillips.
19 SENATOR PHILLIPS: Here.
20 ACTING PRESIDENT GRIFFO: There is
21 a quorum present.
22 Reading of the Journal.
23 THE SECRETARY: In Senate, Monday,
24 March 13th, the Senate met pursuant to
25 adjournment. The Journal of Sunday, March 12th,

1 was read and approved. On motion, Senate
2 adjourned.

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

5 SENATOR GIANARIS: Point of order,
6 Mr. President.

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

9 SENATOR GIANARIS: Before the
10 Journal is approved, I would like to clarify its
11 accuracy and I would like to have the minutes
12 from Monday's legislative session read to the
13 body, please.

14 ACTING PRESIDENT GRIFFO: Senator
15 DeFrancisco.

16 SENATOR DeFRANCISCO:
17 Mr. President, can you clarify whether Senator
18 Gianaris is asking -- is making a motion to read
19 the minutes? And if so, pursuant to what
20 authority?

21 ACTING PRESIDENT GRIFFO: Senator
22 Gianaris, will you clarify your point?

23 SENATOR GIANARIS: Yes, thank you,
24 Mr. President. It's my understanding that the
25 reading of the Journal, its acceptance, is itself

1 a motion. And I am asking a question, before we
2 decide whether to accept or reject the reading of
3 Journal, to make sure that the Journal is in fact
4 accurate. Since we had a session day that was
5 canceled yesterday, I want to make sure that the
6 minutes from Monday's session are accurately
7 reflected in the Journal that we're about to
8 adopt.

9 SENATOR DeFRANCISCO:

10 Mr. President, it's my understanding, according
11 to Mason's, that the -- even pursuant to motion,
12 the minutes of the prior meeting need not be read
13 if there's a majority of those present who
14 determine that they will not read the minutes.

15 And certainly Senator Gianaris can
16 read the minutes at his leisure and -- but we
17 would like to continue on with the balance of the
18 business, the important business of the session.
19 And we could always come back to reading the
20 minutes at a later time during the session for
21 his convenience.

22 SENATOR GIANARIS: I'm sorry, I
23 missed the last part of what Senator DeFrancisco
24 said.

25 SENATOR DeFRANCISCO: We can always

1 come back to the end of the session and provide
2 Senator Gianaris a copy of the minutes that he
3 can read at his leisure before we adjourn.

4 ACTING PRESIDENT GRIFFO: Senator
5 Gianaris.

6 SENATOR GIANARIS: So is it my
7 understanding that Senator DeFrancisco is
8 suggesting we waive the adoption of the Journal
9 at this time until I have time to review the
10 minutes at the end of session?

11 ACTING PRESIDENT GRIFFO: I don't
12 believe that's the motion before -- I think
13 he's --

14 SENATOR DeFRANCISCO: No, that's
15 not the motion.

16 The -- the -- what I'm offering is
17 to provide a copy of the minutes to
18 Senator Gianaris after we conduct the business of
19 today. But we're not going to -- I'm -- I --
20 we're not -- we should take a vote on whether or
21 not that motion is in order and those present
22 will determine whether or not they agree with the
23 motion to read the minutes of the last meeting.

24 SENATOR GIANARIS: Mr. President,
25 just --

1 ACTING PRESIDENT GRIFFO: Senator
2 Gianaris.

3 SENATOR GIANARIS: -- just to be
4 clear, Senator DeFrancisco is suggesting I opine
5 on whether the Journal is accurate because we
6 have to vote on its adoption before he wants me
7 to review the minutes. Which seems maybe not
8 unusual, given the way things are going on this
9 floor today, that would be a suggestion. But
10 normally we'd like to see something before we
11 approve or deny it.

12 And again, just to clarify from a
13 procedural perspective, it's my understanding I'm
14 not making a motion. The motion is to accept the
15 reading of the Journal. I am objecting to
16 accepting it without the minutes being read.

17 SENATOR DeFRANCISCO: I want to
18 refer -- I would like to refer Senator Gianaris
19 to Mason's Manual of Legislative Procedure,
20 Section 112, "Reading Papers." Section 2,
21 members do not have the right to have acts,
22 journals, accounts or papers on the table read
23 independently of the will of the body.

24 And that's why my suggestion was to
25 take a vote whether or not his motion -- which he

1 says is a motion to read the minutes -- is in
2 order or not, and then we can determine where we
3 go from there.

4 SENATOR GIANARIS: Mr. President --

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator DeFrancisco.

7 Senator Gianaris, I'll hear you and
8 then we'll make an interpretation here.

9 SENATOR GIANARIS: Thank you,
10 Mr. President.

11 I would also like to refer to
12 Mason's. I'm glad Senator DeFrancisco agrees
13 it's an authority in this matter.

14 Section 699 points out -- and we may
15 end up in the same place. But Section 699,
16 subdivision 1, says: "Journals are usually
17 corrected informally, the presiding officer
18 directing the correction when suggested.

19 However, if objection be made, a formal vote is
20 necessary for the approval of the corrections or
21 amendments. In approving the journals, the usual
22 procedure is for the presiding officer to inquire
23 if there are any corrections. If any are
24 suggested, they are made, providing there is no
25 objection. If there are no corrections or when

1 there are no further corrections, the presiding
2 officer may say 'There being no corrections or
3 further corrections, the journal stands
4 approved.' No particular form of approving the
5 Journal is required."

6 So I am making an objection, and I
7 think Senator DeFrancisco is suggesting this
8 would be the outcome anyway, but I am calling for
9 a formal vote on that --

10 ACTING PRESIDENT GRIFFO: But,
11 Senator Gianaris, you -- in order -- if I
12 understand you correctly, in order to accomplish
13 what you are suggesting through your objection,
14 you would be offering a correction. Are you
15 offering a correction to the Journal?

16 SENATOR GIANARIS: I am offering an
17 objection to the adoption of the Journal. I
18 believe there are corrections that are necessary,
19 but without having the opportunity to review the
20 minutes --

21 ACTING PRESIDENT GRIFFO: Based on
22 what you just read, it indicates that under that
23 premise, that you would be offering a correction.

24 So let me take Senator DeFrancisco,
25 then we'll get back to you.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Again,
3 there's a motion on the floor. And I suggest
4 that that motion is out of order based upon the
5 Mason's section that I read. And I would require
6 a ruling be made on that motion.

7 (Pause.)

8 SENATOR DeFRANCISCO: Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: I'd like you
12 to call the roll for a vote on whether the motion
13 is in order or not.

14 ACTING PRESIDENT GRIFFO: The
15 question is on the motion made by
16 Senator Gianaris on whether or not that motion is
17 out of order. All those in favor of ruling the
18 motion out of order signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO: Opposed?

21 (Response of "Nay.")

22 ACTING PRESIDENT GRIFFO: The
23 motion is out of order.

24 SENATOR GIANARIS: Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Gianaris, why do you rise?

2 SENATOR GIANARIS: Rule X,
3 Section 3, subdivision (d) -- of our own rules,
4 not Mason's -- points out that motions may be
5 debated for up to one half-hour. And I would
6 like to avail myself of that opportunity, please.

7 ACTING PRESIDENT GRIFFO: The
8 motion has been declared out of order,
9 Senator Gianaris. Therefore, accordingly, you
10 cannot debate something that's been deemed out of
11 order.

12 SENATOR GIANARIS: I would appeal
13 the decision of the chair.

14 ACTING PRESIDENT GRIFFO: Okay.
15 The chair's decision has been appealed. All
16 those in favor of overruling the ruling of the
17 chair signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 ruling of the chair is affirmed.

23 SENATOR GIANARIS: I'd like the
24 opportunity to be heard on the appeal.

25 ACTING PRESIDENT GRIFFO: Senator

1 Gianaris, you may be heard on the appeal.

2 SENATOR GIANARIS: Thank you very
3 much.

4 My colleagues, I don't know why
5 we're at this point today, but yet we are. We
6 are sitting here moving forward with almost half
7 the chamber empty because the Majority is
8 insisting on the very undemocratic process of
9 moving forward with only some voices being heard
10 and pushing forward regardless, as if there is no
11 opposition in this Senate. I'm sure that's how a
12 lot of people would like it, but that's not how
13 it is. And that's not how a democratic process
14 works. Maybe that's the way it works since
15 January in Washington, but here in New York we
16 are not accepting Donald Trump's approach to
17 keeping people quiet.

18 (Reaction from members.)

19 SENATOR GIANARIS: We are not
20 accepting Donald Trump's approach to silencing
21 opposition in this house.

22 SENATOR DeFRANCISCO:

23 Mr. President --

24 ACTING PRESIDENT GRIFFO: Senator
25 Gi -- Senator DeFrancisco --

1 SENATOR GIANARIS: I have -- I
2 have --

3 ACTING PRESIDENT GRIFFO: I'm going
4 to ask for order in the house. I'm going to ask
5 for order in the house.

6 SENATOR DeFRANCISCO: A point of
7 order, please, Mr. President.

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

10 SENATOR DeFRANCISCO: Yes, this --
11 this -- this discussion by Senator Gianaris is
12 not germane to the motion that he claims he is
13 talking about. And I would ask you to make a
14 determination that what he says has to be germane
15 to the motion or the discussion should stop.

16 ACTING PRESIDENT GRIFFO: Senator
17 Gianaris, I would caution you to please stay
18 within the motion that you raised, which you are
19 now veering in a different direction. So please
20 stay --

21 SENATOR GIANARIS: The overall
22 point is a fair one, Mr. President, but I
23 disagree with the underlying assessment. I am
24 objecting to the reading of the Journal. That is
25 what we're here discussing. I'm asking to have

1 the opportunity to know what is in the Journal.
2 And now I'm being told I do not have that
3 opportunity until after this adoption is made.
4 So I believe that my comments were on point and
5 in order.

6 I will continue on discussing
7 specifically the Journal if that's -- if that's
8 what you would like.

9 I'm sitting here being asked to
10 approve a record of what has happened in this
11 body that I have not had the opportunity to
12 review. We have had an intervening day that was
13 canceled, and I don't know how that affects what
14 ended up being printed in the Journal or will be
15 reflected in the public record of this body.

16 I don't think it's out of order to
17 suggest that I have the opportunity to know what
18 I'm voting on before I vote on it, that I have
19 the opportunity to know what it is I'm being
20 asked to approve or disapprove or suggest
21 corrections to without knowing what it is that
22 we're even talking about.

23 The rules on this are clear.
24 Senator DeFrancisco himself pointed out that when
25 our rules are silent, there are other authorities

1 we refer to. And I think they provide guidance
2 for the fact that we're entitled to have
3 information before we approve things in this
4 body. And that's what I was referring to
5 earlier, and that's what I'm referring to now.
6 It may be a theme you hear a lot today. But in
7 this specific instance, it's relating to the
8 approval of the Journal.

9 And so I don't see why it would be a
10 problem for this body to give our conference the
11 opportunity to review the substance of what we
12 are determining in this body -- and again, I'm
13 referring to the approval of the Journal when I
14 say that -- unless for some reason we are
15 deciding that not all Senators are created equal,
16 that some get to decide that we're going to move
17 ahead regardless of whether an entire legislative
18 conference agrees or disagrees or even has the
19 opportunity to be present.

20 And just to be clear, Mr. President,
21 we asked for time to review things that were
22 before us, and we were denied by the majority.
23 We were told -- it's the reason I was originally
24 sitting here by myself. Because we asked for
25 time.

1 And we are often late in this body.
2 Rare are the days that we're discussing something
3 as important as one-house budget resolutions.
4 And all we asked for was a respectful amount of
5 time to review what is going to come before us
6 and we could decide what to do as a conference,
7 and we were told no: Get out, because we're
8 starting without you.

9 Is that what we want to do in this
10 body now? Is this where we're going? And so
11 yes, this relates to the adoption of the Journal,
12 because I would like to read it, as would the
13 members of my conference. But yes, we are
14 talking about silencing an entire body in this
15 Senate. When one group says to the other, We're
16 going to get going whether you're ready or not.

17 There are times when the majority
18 has been late, and we wait. There are times when
19 we're late and the other side waits. That's how
20 we've always functioned in this body. We've done
21 it respectfully. I think Senator DeFrancisco and
22 I, by all accounts, have had a good working
23 relationship with -- in terms of the floor
24 activity, and we've avoided things like this
25 because of that.

1 But when all we simply do is say
2 "Please give us some time" -- we were handed
3 dozens and dozens of pages of documents only this
4 morning, only this morning. And we were told,
5 "No, you'd better get out there." As if somehow
6 we're second-class Senators and our districts
7 don't deserve to have the representation of
8 people who know what they're reading before they
9 vote on it.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco, why do you rise?

12 Senator Gianaris, again, you're
13 straying from the objection that you raised
14 relative to the Journal.

15 SENATOR DeFRANCISCO: This is
16 supposed to be a motion on the minutes.

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco, why do you rise?

19 SENATOR DeFRANCISCO: Yes, it's not
20 germane what he's talking about now.

21 ACTING PRESIDENT GRIFFO: Senator
22 Gianaris.

23 SENATOR GIANARIS: I respectfully
24 disagree, Mr. President. Because again, I'm
25 asking for, I'm speaking about the opportunity to

1 review material before we decide whether to
2 accept it or not.

3 The Journal, by definition, is
4 calling for us to approve a document that I have
5 asked to review and am not being given the
6 opportunity to review. So I think everything I
7 said is specifically relevant to the adoption of
8 the Journal.

9 And like I said, it will probably be
10 relevant throughout this day and night as we
11 continue to talk about all the things we're going
12 to be taking up today. But at this moment, it is
13 specifically relevant to the adoption of the
14 Journal.

15 And I think that we should be given
16 the opportunity to review it, to look for
17 corrections, to give every Senator the respect
18 that they deserve, to be able to develop an
19 opinion of their own and not just be told what to
20 do. This is what the rules provide.

21 We could sit here all day having
22 these kinds of conversations. I'd prefer not to.
23 I'd prefer to have a respectful amount of time to
24 review what we're doing today and then come out
25 here and do it. But that is not the path that

1 has been selected by the majority, and we have no
2 choice but to make our point in any way that we
3 have available to us, and that's what we're doing
4 today.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator Gianaris.

8 The ruling of the chair has been
9 affirmed, and the Journal stands approved as
10 read.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Yes,
13 Mr. President, there's a resolution at the desk
14 by Senator Flanagan. Oh, excuse me.

15 ACTING PRESIDENT GRIFFO: I need to
16 continue to the order of business, Senator
17 DeFrancisco.

18 SENATOR DeFRANCISCO: Yes, why
19 don't you do that. Thank you.

20 ACTING PRESIDENT GRIFFO:
21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports of state
2 officers.

3 Motions and resolutions.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Now, there's
6 a resolution at the desk by Senator Flanagan.
7 Could we please take that up.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 resolution by Senator Flanagan, honoring
12 St. Patrick and all persons of Irish descent upon
13 the occasion of the 2017 celebration of
14 St. Patrick's Day on Friday, March 17, 2017.

15 SENATOR DeFRANCISCO: Excuse me.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco, why do you rise?

18 SENATOR DeFRANCISCO: There's been
19 a miscommunication. We all love St. Patrick, but
20 I was referring to the budget resolution that
21 we'd like to take up.

22 (Laughter.)

23 ACTING PRESIDENT GRIFFO: Beware
24 the Ides of March.

25 (Laughter.)

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Senate Resolution
4 Number 1050, by Senator Flanagan, in response to
5 the 2017-2018 Executive Budget submission
6 (Legislative Bills 2000B, 2003B, 2004B, 2005B,
7 2006B, 2007A, 2008B and 2009B) to be adopted as
8 legislation expressing the position of the
9 New York State Senate relating to the 2017-2018
10 New York State Budget.

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

13 SENATOR GIANARIS: Lay it aside,
14 please.

15 ACTING PRESIDENT GRIFFO: Lay it
16 aside.

17 The prior resolution was also laid
18 aside.

19 SENATOR DeFRANCISCO: Can we now
20 take up the resolution that you just read.
21 There's nothing to lay aside. There's no
22 calendar. We're just taking up resolutions as we
23 order them.

24 ACTING PRESIDENT GRIFFO: The
25 resolution is before the house.

1 The Secretary will ring the bells.

2 SENATOR GIANARIS: Mr. President.

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

5 SENATOR GIANARIS: Pursuant to
6 Rule VI, subdivision 8(a)(6) of the Senate rules,
7 I move to commit this resolution to a standing
8 committee. The Finance Committee, specifically.

9 SENATOR DeFRANCISCO:
10 Mr. President.

11 ACTING PRESIDENT GRIFFO: Hang on a
12 second. Senator DeFrancisco, this is a --
13 Senator Gianaris, this is a privileged
14 resolution.

15 Senator DeFrancisco, you may be
16 heard.

17 SENATOR DeFRANCISCO: This is a
18 privileged resolution.

19 (Laughter.)

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator DeFrancisco.

22 Senator Gianaris, therefore the
23 recommendation is out of order.

24 SENATOR GIANARIS: Mr. President,
25 I'm citing specifically Rule VI(8)(a)(6) of the

1 Senate rules.

2 ACTING PRESIDENT GRIFFO: One
3 second, Senator Gianaris.

4 Senator Gianaris, this would comply
5 with Rule -- under Rule VII(9)(e) for adopting
6 and accepting resolutions, privileged
7 resolutions.

8 SENATOR GIANARIS: But,
9 Mr. President, that rule is silent as to whether
10 privileged resolutions should first go through
11 committee and whether or not they are subject to
12 Rule VI(8)(a)(6). There's nothing in the rule
13 you cited that says that the other rules do not
14 apply to it. And there is a rule for motions for
15 resolutions to be committed to standing
16 committees, and that's what I am making.

17 ACTING PRESIDENT GRIFFO: Upon our
18 review, Senator Gianaris, we do not find that in
19 order, in accordance with Rule Number IX, and
20 also in reference to paragraph (e).

21 SENATOR GIANARIS: Mr. President,
22 I'd like to appeal that decision and ask for the
23 opportunity to be heard.

24 ACTING PRESIDENT GRIFFO: There is
25 an appeal of the decision. You may be heard.

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

3 Resolutions, as a matter of course,
4 typically go through the Finance Committee in
5 this body. And they are often resolutions that
6 don't as specifically relate to the State Budget
7 as this resolution does.

8 Given the hurried nature and the
9 very poor process that's being implemented here
10 today, I think more than ever this is an
11 opportunity for deliberation that would be
12 afforded by a committee of relevant jurisdiction.
13 We are about to decide and debate and consider a
14 resolution that states this body's position as to
15 the State Budget, an over \$160 billion document.
16 And yet the notice we've been afforded is
17 minimal. It's minimal as a general rule; it's
18 especially minimal today.

19 These are hundreds of pages of
20 budget bills that we're being asked to question
21 and opine upon and make decisions about and
22 discuss. And we're being told, time and time
23 again here today, that that's not necessary,
24 transparency is not something we care about.

25 ACTING PRESIDENT GRIFFO: Senator

1 Gianaris, once again, the resolution before the
2 house, as you've clearly stated, is on various
3 aspects of a proposal. You are now talking about
4 procedure. So I would ask you to stick to the
5 policy aspect in order to be germane on your
6 appeal.

7 SENATOR GIANARIS: I appreciate
8 your clarification, Mr. President. But you're
9 asking me to separate things that are
10 inseparable. I'm discussing the fact that I'd
11 like this resolution to go to committee so we can
12 consider it. So obviously whether or not we have
13 had time to consider it properly is directly
14 relevant to the point I'm making.

15 Allow me to continue. If we're
16 talking about -- well, we're not talking about
17 transparency or else we'd be having a different
18 conversation. But if we want to think about what
19 would be transparent and fair and democratic --
20 with a small D -- and deliberative and all the
21 things we'd like to pride ourselves on as being
22 members of the Legislature, we are falling far
23 short.

24 And I know it upset my colleagues
25 earlier, but when I say we're now taking a page

1 out of Donald Trump's playbook, it's because this
2 is what we're hearing -- I know he's got a lot of
3 fans in this body. I know it. But nonetheless,
4 I'm entitled to have a differing opinion. And
5 that's what I am expressing.

6 We are not being given the
7 opportunity to express ourselves as Senators. We
8 are not being given the opportunity to review
9 material before us. We are not being given the
10 opportunity to express our own point of view on
11 these matters, and calling for a vote. That is
12 something that a select few in this body have.
13 It is grossly unfair. It is disrespectful to the
14 millions of people that we represent. And it is
15 harmful -- since Mr. President wanted me to talk
16 about the policy aspects of this, it is harmful
17 on a policy basis to millions and millions of
18 New York citizens that our voices seem to be
19 worth less in the eyes of the majority.

20 That's not fair. And everyone here
21 knows it's not fair. And they hope that people
22 don't pay attention. They hope that what goes on
23 in this room, like very few people are watching
24 the public access channel, and so what difference
25 does it make. But people are noticing now.

1 People are rising up. People are taking to the
2 streets in parts of our state and our city of
3 New York because they are upset about the fact
4 that this body does not function properly.

5 And let's be clear; this is not
6 about whether I get to stand up and give a
7 speech, because obviously I can do that right
8 now. But this is about what are the consequences
9 for the people we represent, what is going to be
10 in this budget document.

11 ACTING PRESIDENT GRIFFO: Senator
12 Gianaris, once again, you just indicated that you
13 were not going to give a speech. And I would ask
14 you again to be germane to the subject of your
15 motion in your appeal, please.

16 SENATOR GIANARIS: Thank you,
17 Mr. President. To be fair, I didn't say I wasn't
18 going to give a speech. I said there are some
19 people who would like me to not give a speech, I
20 believe.

21 But my point being, on a substantive
22 basis, this has real consequences for the people
23 that we represent. We're going to be talking
24 about the tax rates in this state, we're going to
25 be talking about education aid, we're going to be

1 talking about college affordability. We're going
2 to be talking about whether young people in our
3 state should be treated like adults in the
4 criminal justice system. There are many
5 important subjects we're going to be dealing with
6 today. And yet the majority says, Let's rush it.
7 Let's get it done. Here's one resolution last
8 night, here's another one this morning. Let's
9 just hurry up and vote on it. And by the way, if
10 you want some time to read it before you come out
11 here, we're not giving you that. Get out here,
12 get out here now, or we're starting without you.

13 Mr. President, please refer this
14 resolution to the Finance Committee where it can
15 be properly deliberated on, and give every
16 New Yorker the opportunity to have their
17 representatives speak on their behalf.

18 Thank you.

19 ACTING PRESIDENT GRIFFO: All those
20 in favor of overruling the ruling of the chair
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed?

24 (Response of "Nay.")

25 ACTING PRESIDENT GRIFFO: The

1 ruling of the chair is affirmed.

2 SENATOR GIANARIS: Show of hands,
3 Mr. President.

4 ACTING PRESIDENT GRIFFO: A show of
5 hands has been requested and so instructed.

6 Order in the house, please.

7 The Secretary will read the results.

8 THE SECRETARY: Ayes, 20.

9 ACTING PRESIDENT GRIFFO: The
10 ruling of the chair is affirmed, and the
11 resolution is before the house.

12 I would ask for questions on the
13 resolution now.

14 SENATOR GIANARIS: Mr. President.

15 ACTING PRESIDENT GRIFFO: You have
16 a question on the resolution, Senator Gianaris?

17 SENATOR GIANARIS: In accordance
18 with Mason's, Section 14, I move to suspend the
19 rules of the Senate -- Rule VII, subdivision 9,
20 and Rule XII, subdivision 1, which interfere with
21 the immediate consideration of a resolution
22 adopting our recommendations for the
23 Legislature's budget proposal.

24 ACTING PRESIDENT GRIFFO: Senator
25 Gianaris, the body has ruled. And under Rule 112

1 of Mason's, the will of the body has been
2 expressed. I'm going to rule that your motion is
3 dilatory.

4 SENATOR GIANARIS: I couldn't hear
5 you, Mr. President, I'm sorry.

6 ACTING PRESIDENT GRIFFO: I said --
7 excuse me. In accordance with Rule 112 of Mason,
8 the will of the body has been expressed.
9 Accordingly, what I am saying to you,
10 Senator Gianaris, at this point I'm going to rule
11 your additional motion a dilatory motion and
12 therefore out of order.

13 SENATOR GIANARIS: If I could
14 briefly respond, Mr. President.

15 ACTING PRESIDENT GRIFFO: You will
16 not be heard as an appeal on this, Senator --

17 SENATOR GIANARIS: I understand.

18 ACTING PRESIDENT GRIFFO: -- I will
19 allow you just a quick sentence.

20 SENATOR GIANARIS: Thank you.

21 My point is simply I understand your
22 concern about dilatory efforts, but this
23 particular motion is so that we may propose our
24 own budget resolution. This is directly related
25 to what we're doing here today. This is not

1 about adopting the rules or anything like that --
2 I mean, adopting the Journal.

3 This is specifically to give the
4 members of the Democratic Conference the
5 opportunity to be heard on what we think should
6 be in the budget and have a vote called on that
7 question. So I don't see how that's dilatory to
8 the question of what -- where the body stands.

9 ACTING PRESIDENT GRIFFO: We have
10 made rulings here, Senator Gianaris.

11 Senator DeFrancisco, I'll get to you
12 in a minute.

13 The motions have been ruled on, the
14 rulings of the chair have been appealed and
15 affirmed. We now have the resolution before the
16 house. I am asking now -- I indicated that as a
17 result of Mason's 112 and the expression of will
18 of the body previously expressed, that we now
19 move on and that I do not consider the -- based
20 on the information I have provided you, the
21 additional motions that are being made now, I
22 deem dilatory.

23 SENATOR GIANARIS: So just to
24 clarify, Mr. President, you deem it dilatory that
25 the Democratic Conference should be heard on --

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco, why do you rise?

3 SENATOR DeFRANCISCO: Yes, there's
4 another basis.

5 Our rules of the Senate overrule
6 anything in Mason's. And a three-fifths vote is
7 necessary to suspend the rules. And I would --
8 we can either vote or we can just acknowledge
9 that particular provision and get on with
10 debating the resolution.

11 ACTING PRESIDENT GRIFFO: Okay,
12 we'll take a vote to accommodate you on the
13 request of the suspension of the rules. All
14 those --

15 SENATOR GIANARIS: Mr. President,
16 I'd like to be heard on that motion.

17 ACTING PRESIDENT GRIFFO: You have
18 been heard already, Senator Gianaris.

19 SENATOR GIANARIS: No, not on
20 this --

21 ACTING PRESIDENT GRIFFO: You're
22 speaking on it.

23 SENATOR GIANARIS: Not on this
24 motion. No, I haven't. In fact, you've denied
25 me the opportunity to be heard on this motion.

1 ACTING PRESIDENT GRIFFO: Is the
2 motion you're making now pursuant to our rules or
3 Mason's? Because you were speaking.

4 SENATOR GIANARIS: As Senator
5 DeFrancisco just indicated --

6 ACTING PRESIDENT GRIFFO: You had
7 indicated an interest in suspending the rules.

8 SENATOR GIANARIS: I had made a
9 motion to suspend the rules. I believe Senator
10 DeFrancisco pointed out that such a motion
11 requires a three-fifths vote, and you started
12 calling the vote. And I said since it's now
13 appears acknowledged that there's a motion on the
14 floor, I'd like to be heard on the motion.

15 ACTING PRESIDENT GRIFFO: Again,
16 Senator Gianaris, I believe you have had the
17 opportunity to be heard. I have indicated that I
18 believe now that we're seeing dilatory efforts
19 here on this motion.

20 I am willing to take a vote on what
21 you have requested. So if that is your interest,
22 I will do that. If not, we are moving on.

23 SENATOR GIANARIS: I would, but I'd
24 also like to be heard before we take a vote.

25 ACTING PRESIDENT GRIFFO: You have

1 been heard, Senator Gianaris.

2 SENATOR GIANARIS: Not on this
3 question, I have not.

4 ACTING PRESIDENT GRIFFO: It is on
5 a similar question. It is the same point that
6 you're making. So I'm going to ask for a vote of
7 the body to consider your request for suspension
8 of the rules.

9 All those in favor of suspending the
10 rules signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed?

13 (Response of "Nay.")

14 SENATOR GIANARIS: Show of hands,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: A show of
17 hands has been requested and ordered.

18 SENATOR GIANARIS: And can I
19 explain my vote, please, on this vote,
20 Mr. President.

21 ACTING PRESIDENT GRIFFO: There is
22 not an explanation of votes on a resolution. Or
23 a motion.

24 SENATOR GIANARIS: I promise I will
25 be less than two minutes, Mr. President, on this

1 matter.

2 I just merely want to say that in
3 the absence of the opportunity to have our
4 conference's budget resolution heard, debated,
5 and voted upon --

6 ACTING PRESIDENT GRIFFO: Senator
7 Gianaris.

8 SENATOR GIANARIS: -- I think it's
9 fair that this vote be deemed a vote on the
10 merits of the Senate Democrats' budget proposal.

11 ACTING PRESIDENT GRIFFO: That is
12 not true. It is not --

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

15 ACTING PRESIDENT GRIFFO: -- that
16 is a procedural vote. Senator Gianaris --

17 SENATOR GIANARIS: Those who don't
18 know --

19 ACTING PRESIDENT GRIFFO: Senator
20 Gianaris, you're out of order. Senator Gianaris,
21 you're out of order.

22 The question has been called,
23 Senator Gianaris. The Secretary will read the
24 results. The Secretary will read the results.

25 THE SECRETARY: Ayes, 20.

1 (Inaudible cross-talk.)

2 ACTING PRESIDENT GRIFFO: The rules
3 have not been suspended. We will continue now.
4 The resolution is before the house.

5 (Continued inaudible cross-talk.)

6 ACTING PRESIDENT GRIFFO: Senator
7 Gianaris, I ask you to exercise some decorum --
8 exercise decorum and respect within the chamber.
9 You have been heard. You are out of order,
10 Senator Gianaris. Please take your seat.
11 Senator Gianaris, you're out of order. Please
12 take your seat, Senator Gianaris. Take your
13 seat.

14 Senator DeFrancisco, you may be
15 heard.

16 SENATOR DeFRANCISCO: Yes, could
17 you please go on to the resolution.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Senate resolution
21 by Senator Flanagan, in response to the 2017-2018
22 Executive Budget submission (Legislative Bills
23 2000B, 2003B, 2004B, 2005B, 2006B, 2007A, 2008B,
24 2009B) to be adopted as legislation expressing
25 the position of the New York State Senate

1 relating to the 2017-2018 New York State budget.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger.

4 SENATOR KRUEGER: Thank you,
5 Mr. President.

6 I would like to ask the sponsor a
7 question or two.

8 ACTING PRESIDENT GRIFFO: One
9 second.

10 Senator DeFrancisco, why do you
11 rise?

12 Senator Flanagan.

13 Senator Krueger, if I may, Senator
14 Flanagan would like to be heard on the resolution
15 before we begin the questions.

16 SENATOR KRUEGER: Fine.

17 ACTING PRESIDENT GRIFFO: Without
18 objection, Senator Flanagan.

19 SENATOR FLANAGAN: I have to tell
20 you, I'm still crestfallen over the fact that
21 St. Patrick's resolution got pulled.

22 (Laughter.)

23 SENATOR FLANAGAN: Mr. President, I
24 appreciate the opportunity to be heard.

25 And I want to start by thanking all

1 of my colleagues -- all of my colleagues -- for
2 their deliberations and their input into a very
3 public, lengthy, exhaustive process. Senator
4 Young can attest better than anybody, with
5 perhaps the exception of Senator Krueger, about
6 the open nature of all the hearings that took
7 place over the course of several different weeks,
8 which included I think well over a hundred hours
9 of testimony. Verbal, written submissions. I
10 know a number of our members and a number of our
11 Democratic colleagues attended these public
12 hearings and that we have adopted an internal
13 process that I think is worthy of the public's
14 taking notice.

15 We deliberated internally on a
16 variety of different things with our colleagues
17 in the IDC -- and I want to thank Senator Klein
18 for his members' input -- when we went through
19 every aspect of the budget. And whether it was
20 Fred Akshar talking about opioid and heroin
21 addiction or George Amedore talking about the
22 workforce development and things like workers'
23 compensation, or Sue Serino talking about aging,
24 or Patty Ritchie talk about agriculture -- all of
25 that was part of the process.

1 And there are a number of things
2 that the Governor put out that we agree with.
3 But equally as important, there are a number of
4 things that the Governor put in his budget that
5 we don't like. And we're going to make our
6 distinction and our differences known. And we
7 have some, some things that we've worked out with
8 the Assembly. But this is where we are.

9 And this is why we have this
10 process, and this is why we're going to have
11 general conference committees for the public to
12 hear and see and be involved in and to
13 participate in. And that, I think, is very
14 important to acknowledge. And we are in a tight
15 time frame. It's only really two weeks before
16 the end of the budget process, and yet we've been
17 going at this for a good six weeks. And clearly
18 this has absorbed a lot of the time that we have
19 been spending here in Albany -- and, frankly,
20 rightfully so.

21 So there are things in the
22 Governor's budget that I want to give him credit
23 for but not agree with.

24 The Governor is talking about
25 college affordability. Well, Jeff Klein has been

1 talking about college affordability. Ken LaValle
2 has been talking about college affordability for
3 30 years, at least. Terrence Murphy has talked
4 about student debt. So we have a lot of our
5 members who say, yeah, that's a good thing. And
6 he's put money on the table. But we take a
7 different approach. We're trying to benefit more
8 of our constituents.

9 So I want to compliment the Governor
10 but not agree with him. College affordability --
11 and, frankly, affordability all across the State
12 of New York, whether you're a small business or a
13 not-for-profit, whomever you may be, the ability
14 to live here and have a good life is a challenge.
15 So our overarching theme is affordability.

16 In line with that, our overarching
17 theme is we want to create jobs. The Governor
18 put in hundreds of millions of dollars in new
19 taxes and fees. We don't like that. We don't
20 like that. And I think the average person in the
21 public doesn't like it either.

22 So our mantra is going to be, how do
23 we reduce the burdens? How do we make sure it is
24 more affordable? How do we try and cut taxes for
25 everybody, everybody across the State of

1 New York? Which should not be a novel concept,
2 but unfortunately in Albany it sometimes can be
3 that way.

4 We do other things that the public
5 supports very dearly. The property tax cap, we
6 make it permanent. It saved billions and
7 billions of dollars for taxpayers all across the
8 State of New York. Senator Lanza has advocated
9 legislation that I support. My colleagues, I
10 think there should be a property tax cap in the
11 City of New York so it can be more affordable for
12 New York City residents.

13 Clean water. This is an issue of a
14 lifetime, of a decade, of this century. We have
15 aging infrastructure. We have a whole litany of
16 things. Whether it's Hoosick Falls or any other
17 community across the State of New York, we are
18 making a gigantic -- and I repeat,
19 gigantic investment in clean water and clean air.
20 Whether it's the Environmental Protection Fund
21 that Tom O'Mara supports, Kemp Hannon and Ken
22 LaValle's bond act -- it's \$8 billion, between
23 what the Governor advocated and what we're
24 advocating as well.

25 And here is a linchpin, and I want

1 to tie this into how we look at good portions of
2 this budget. We believe that there should be a
3 memorandum of understanding. We believe that
4 there should be input from legislators on both
5 sides of the aisle, in both houses. It shouldn't
6 be through the dictate of one agency or one
7 person.

8 So the more we get out to the public
9 and the more we let them know, the better off
10 we're going to be in the long run. And that's an
11 issue that works for everybody. Everybody. And
12 that is something that people are talking about
13 at great length.

14 Focusing on small business, we have
15 a number of tax cuts -- in addition to throwing
16 out the Governor's taxes and fee proposals, we
17 have a number of tax cuts in our plan that are
18 aimed at small businesses. But it's not just the
19 one thing that's out there. I mentioned Senator
20 Amedore, Senator Akshar, a number of our
21 members -- Senator DeFrancisco, Senator Young --
22 have talked about workers' compensation. It's a
23 crushing burden. And you know what we all want?
24 We want to make sure that workers are protected.
25 But we want to make sure that workers are

1 protected, and one of the ways we're going to be
2 able to do that is to make sure they have a job
3 and we have a regulatory environment -- where is
4 Senator Jacobs, the chairman of the ARRC
5 Commission -- if we just made all kinds of
6 changes in the regulatory environment in this
7 state, that would go a long way.

8 So when we are talking about small
9 business and real small business -- Marty Golden
10 talks about small business in the City of
11 New York all the time -- dealing with issues like
12 the minimum wage, paid family leave. So in terms
13 of our prioritization, there are a lot of things
14 that are out there.

15 And I briefly mentioned Senator
16 Ritchie. You know, part of the dance that goes
17 on every year is that the Governor comes out with
18 his budget, and he wipes out a lot of legislative
19 adds. And we put them back in. And we're going
20 to do it again this year. And I find it nuts
21 that most of the things that are advocated,
22 particularly in the area of agriculture, it's
23 really a small investment for a fantastic return.

24 So I know it's part of the dance,
25 but I'd much rather see that in the Governor's

1 Executive Budget proposal to start with, so we
2 can deal with other issues that are out there.

3 Education. How could I have
4 possibly forgotten education? We are advocating
5 \$1.2 billion in new funding for education. And
6 there are those who will be out there -- and they
7 are out there already -- saying it's not enough,
8 it's not enough. In the last six years, we have
9 increased aid to education by over 30 percent.
10 Our proposal is advocating another 5 percent,
11 which would be the largest growth area in the
12 entire budget, with the exception of health and
13 Medicaid. That's the largest component of our
14 budget.

15 I say this to all our colleagues,
16 I'm not apologizing for anything. I'm taking
17 credit for who we are, what we do, how we're
18 doing it. And it puts other areas of the budget
19 in a tough spot. When we fund education at
20 5 percent, Rob Ortt comes and says, "I need money
21 for direct care workers," and he's absolutely
22 right. So we do put \$45 million in the budget
23 for direct care workers. And that is a function
24 of us -- us -- listening to our constituents.

25 So I feel like we're at a good

1 point. I feel like we have a good blueprint for
2 what we want to do and what our priorities are.
3 Welcome the opportunity to work with our
4 colleagues on both sides of the aisle, in both
5 houses, and with the Executive. I believe we
6 know how to govern. I believe that we will have
7 a budget on time and we will do the people's
8 business here in the State of New York.

9 Mr. President, thank you.

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

12 Senator Stewart-Cousins.

13 SENATOR STEWART-COUSINS: Thank
14 you, Mr. President.

15 Before we begin the discussion on
16 this Senate resolution, I really have to express
17 how deeply, deeply saddened I am that we have not
18 been afforded the opportunity to put forward,
19 from this Democratic body, our resolution of how
20 we would be able to move New York forward. To
21 think that we would not be extended the
22 privileges of our house during this crucial time
23 is really something, quite frankly, I never
24 thought I'd have to stand in this chamber and
25 discuss.

1 We obviously represent millions, and
2 clearly something happened this morning that
3 never happened before. And yet we are unable to
4 discuss what the Democrats feel they should have.
5 We were surprised, frankly, that there was a
6 two-coalition budget, that they have Democrats
7 who are in a coalition to move things forward in
8 a progressive way but yet, surprisingly, there's
9 a second -- there's a second resolution on top of
10 the first resolution. Well, there's a third
11 resolution as well.

12 But unfortunately, we have not been
13 able to be heard. We're forced instead to have
14 to play political games. And we will end up at
15 the end of this day with inadequate budget
16 resolutions, with limited input from a majority
17 of the Democrats who clearly want to see
18 something better done.

19 You know, both of these resolutions
20 at this point -- and I know Senator Flanagan is
21 happy with the amount of school aid. We want
22 more. It's not adequately, as far as we're
23 concerned, funding our schools. It's not helping
24 with the infrastructure of our schools. Neither
25 of the budget resolutions can be called

1 progressive. And it makes the coalition's
2 refusal to even allow a vote even more upsetting
3 on our Senate Democratic resolution.

4 The State Budget, as you know, has
5 become more than a fiscal document. It's the
6 main tool for our state government to advance
7 policies. And the alternatives that are being
8 offered today by the Senate Republicans and IDC
9 simply don't tackle the issues facing our state.

10 The stakes for New Yorkers have
11 never been higher, and that's why the Senate
12 Democrats proposed a budget to address the needs
13 of our constituents. Unlike other proposals, our
14 plan offers a clear and progressive vision on how
15 we'll stand up for our kids and, finally, really
16 raise the age of criminal responsibility.

17 Unlike the other proposals, our plan
18 clearly sets out how we will provide additional
19 funding for our public schools and its students.
20 Our plan provides for a progressive and fair tax
21 code to help fund our state for the year ahead.
22 We find a way to accept -- a way to make college
23 in public schools free and add resources for
24 those in private colleges as well as supporting
25 our Dreamers.

1 Our plan offers the most
2 comprehensive proposal for how we can reform
3 state government and re-earn the public's trust.
4 Our plan offers the most comprehensive vision to
5 address the ability not only for college
6 affordability but for those who can maybe afford
7 college but not afford housing, not afford food.

8 Our plan invests in affordable
9 housing options so all New Yorkers can live in
10 safety and dignity. Our plan recognizes that
11 New York needs to do more to protect our
12 environment and not sweep the RGGI funds. We
13 have to protect our water supply, especially in
14 the face of Donald Trump and his allies
15 deregulating our environmental protections and
16 denying climate change.

17 Our plan advances New Yorkers'
18 rights to a speedy trial, to help end the
19 unconstitutional and lengthy incarceration of our
20 citizens while they wait for justice.

21 These are all progressive and
22 commonsense plans. And yet the Majority
23 Coalition, in their two resolutions, didn't allow
24 us to speak up and allow for our colleagues to
25 vote on these proposals. We have the ability to

1 pass a sound fiscal document and stand up for our
2 constituents' rights, and I urge all of my
3 colleagues to appreciate that fact.

4 Both alternative budget resolutions
5 fall short in the areas that we've already
6 discussed. And obviously, despite the efforts to
7 silence us, we're not going to give up the fight.
8 The Senate Democrats will not give up the fight
9 because the issues facing our communities are too
10 important, and we cannot be silenced.

11 So over the coming weeks, clearly
12 we'll have an opportunity -- I hope, as Senator
13 Flanagan says -- to really give input, to really
14 push an agenda forward that's progressive, to
15 have our voices heard, to not be silenced, to not
16 be muffled, and to be able to stand up for our
17 communities, all of the communities in New York
18 State.

19 I certainly look forward to working
20 with all of you. And again, I'm deeply
21 disappointed that we've had to begin like this.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Stewart-Cousins.

25 Senator Krueger.

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

3 Who, might I ask, is the sponsor to
4 ask questions of?

5 ACTING PRESIDENT GRIFFO: Senator
6 Young will take questions.

7 SENATOR KRUEGER: Thank you very
8 much.

9 ACTING PRESIDENT GRIFFO: Senator
10 Young, do you yield to Senator Krueger for
11 questions?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger.

15 SENATOR KRUEGER: Through you,
16 Mr. President, we are debating a resolution, but
17 the budget bills have also been printed. They
18 don't match. When I ask my questions, should I
19 be referring to the budget bills or the language
20 in the resolution?

21 SENATOR YOUNG: Through you,
22 Mr. President, Senator Krueger should be
23 referring to the resolution that is before the
24 house.

25 SENATOR KRUEGER: Through you,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger.

4 SENATOR KRUEGER: Can the sponsor
5 help me understand the amount of money added to
6 the Governor's budget through this resolution and
7 the amount of money in revenue subtracted from
8 the Governor's proposed budget in this
9 resolution?

10 SENATOR YOUNG: Through you,
11 Mr. President. First of all, I'd like to point
12 out that our plan is fiscally responsible and it
13 will promote economic growth by rejecting tax
14 increases, controlling spending, and making
15 sound, targeted investments.

16 The state Operations Fund spending,
17 which excludes capital, increases by 1.6 percent,
18 from \$96.2 billion to \$97.7 billion, an increase
19 of \$1.5 billion, which is approximately \$370
20 million less than the spending increase of \$1.9
21 billion, or 1.9 percent, that was proposed by the
22 Governor.

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 KRUEGER: Well, we
5 certainly all do want to be fiscally responsible.
6 But when I add up the reduction in revenues from
7 the resolution, I get at least \$6 billion reduced
8 revenue. So how are we going to balance the
9 budget as proposed in the Senate Republican
10 resolution?

11 SENATOR YOUNG: Well, thank you for
12 that question, Senator Krueger. And through you,
13 Mr. President. After the fiscal years 2009-2010
14 and 2010-2011, where you may recall there was
15 \$14 billion in tax increases that were enacted
16 when you were in power -- and state spending
17 ballooned by \$13 billion when you were in
18 power -- in 2011 we enacted a balanced budget
19 that contained no tax increases, even though the
20 estimated budget gap reported in the 2011-2012
21 Executive Budget financial plan was \$10 billion.
22 And you may recall the \$10 billion deficit that
23 was created after you were in power.

24 By the way, the budget gaps reported
25 in that same financial plan for the outyears were

1 estimated to grow to \$15 billion in 2012-'13, \$18
2 billion in 2013-'14, and \$21.5 billion in
3 2014-'15. And despite all that, we enacted a
4 balanced budget in all of those years without any
5 tax increases. And let me stress that. We were
6 able to solve those financial problems that were
7 created when you were in power without any tax
8 increases during those years.

9 SENATOR KRUEGER: Mr. President, my
10 question was specifically how the Senate
11 Republican resolution will address the
12 approximately \$6 billion in less revenue than the
13 Governor proposes in his budget.

14 I always like reliving history and
15 rewriting it. When the Democrats took over, it
16 is true we were in a world economic downturn. It
17 is true we had at least a \$10 billion hole in the
18 budget. It is true we inherited a \$20 billion
19 deficit from the Senate Republicans' years in
20 power under Governor George Pataki. And we all
21 had to deal with it, which included raising
22 taxes.

23 I'm asking about this year going
24 forward. The sponsor has explained the expense
25 side. She has not explained how we're going to

1 pay for it when we're reducing revenues by
2 approximately \$6 billion from what the Governor
3 has proposed.

4 SENATOR YOUNG: Through you,
5 Mr. President. Senator Krueger's figure of
6 \$6 billion is not accurate.

7 SENATOR KRUEGER: Through you,
8 Mr. President, what is the correct number?

9 (Pause.)

10 SENATOR KRUEGER: Through you,
11 Mr. President, does the resolution call for
12 ending the high-earner supplement on taxes,
13 reducing revenue by \$4.5 billion with that one
14 change alone?

15 SENATOR YOUNG: Through you,
16 Mr. President, it just took me a second to find
17 the figure. Actually, the rejected Executive
18 revenue actions total \$981 million.

19 SENATOR KRUEGER: I'm so sorry, I
20 couldn't hear the sponsor. Could you repeat
21 that?

22 SENATOR YOUNG: Certainly.

23 So through you, Mr. President, the
24 rejected Executive revenue actions that Senator
25 Krueger is talking about do not total \$6 billion.

1 Actually, they are \$981 million.

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

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: Thank you.

9 Moving to education, is it correct
10 that the Senate Republican resolution would
11 change the formula for educational aid, entirely
12 eliminating student poverty and student with
13 disability factors in distributing
14 Foundation Aid, as well as undercutting language
15 learners, and would result in households in the
16 Big Four cities and then households in the City
17 of New York to see a major reduction in the
18 revenue they would receive from the educational
19 funding formulas in the budget over an extended
20 number of years? So that we would see losses in
21 funding to Buffalo, Rochester, Syracuse, Yonkers
22 and, in most of the formulas, New York City, such
23 that particularly poor areas in Queens, Brooklyn,
24 northern Manhattan would take a disproportionate
25 cut to the funding they had available for public

1 education. Is that correct, Mr. President?

2 SENATOR YOUNG: Through you,
3 Mr. President, what Senator Krueger is saying is
4 indeed not correct. And actually, in the
5 Foundation Aid formula, we take into account
6 poverty, English language learners, special
7 education, and other factors.

8 As far as the schools that she
9 mentioned, every school is guaranteed at least a
10 2.2 percent minimum increase in Foundation Aid.
11 And the schools that she mentioned actually will
12 see significant increases in Foundation Aid.

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

16 SENATOR YOUNG: Yes.

17 SENATOR KRUEGER: Thank you.

18 I have to disagree with the analysis
19 on the numbers. But again, we're not working off
20 the budget bills today, just the resolution,
21 which doesn't have the numbers or the details and
22 in fact, in any number of places, doesn't even
23 match the budget bills.

24 Would the resolution not address the
25 issue of mayoral control as proposed by the

1 Governor in his budget, which was a three-year
2 extension of mayoral control for the City of
3 New York?

4 SENATOR YOUNG: Through you,
5 Mr. President. First of all, I'd like to take
6 issue with what Senator Krueger is saying, that
7 she doesn't have the details, because the details
8 are included in the Article VII bill that was
9 introduced on Monday. So there was ample time
10 for her and her colleagues to be able to examine
11 that bill.

12 But what was your question, Senator
13 Krueger?

14 SENATOR KRUEGER: Through you,
15 Mr. President, we'd already answered the question
16 for me. We're not working off the budget bills.
17 I'm told we're working off the resolution, and
18 that doesn't match the budget bills, perhaps
19 adding to the confusion.

20 But I was asking specifically about
21 the position in the resolution about extending
22 mayoral control for at least three more years.
23 How does the Senate resolution deal with the
24 question of mayoral control? Because this house
25 has continued to put the City of New York at

1 risk. Literally as the clock ticks towards the
2 end of session every year, we don't know whether
3 our existing educational structure in statute
4 will simply die without being replaced or whether
5 the children of New York City and their families
6 and the teachers will know what structure they're
7 going into in the September of 2017 or '18 or
8 '19.

9 So do we address mayoral control in
10 this resolution?

11 SENATOR YOUNG: So thank you.
12 Through you, Mr. President. The resolution that
13 we're putting forward today does not have a plan
14 for mayoral control.

15 However, I'd like to point out that
16 that issue can be addressed outside the budget,
17 and we have till June to address it. And part of
18 the reason it isn't in there -- or the main
19 reason it's not in there is the fact that Mayor
20 de Blasio is supposed to issue a report on his
21 schools, which he -- after March. And he has
22 failed to do so. So we are waiting for the
23 report, and we look forward to seeing it.

24 And after that is submitted, that
25 will allow us to have the information we need to

1 make decisions.

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

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: Thank you.

9 So many topics, so many issues.
10 Let's move to housing. In the Senate Republican
11 resolution, we see fairly dramatic changes to the
12 Governor's affordable housing, slash, 421-a
13 proposal.

14 Am I correct when I calculate that
15 the addition of condominium co-ops to this plan,
16 and the ability to opt in for buildings 300 units
17 or more anywhere in the City of New York, would
18 add \$1.8 billion to the cost of the program in
19 the City of New York, with basically no increased
20 affordable units from those two proposals?

21 SENATOR YOUNG: So through you,
22 Mr. President. Actually, the figure that Senator
23 Krueger is putting forward is not the one that we
24 believe is correct.

25 SENATOR KRUEGER: Through you,

1 Mr. President, what is the number on just those
2 two items that the Senate Republicans believe is
3 correct?

4 SENATOR YOUNG: Through you,
5 Mr. President, we're actually working on those
6 estimates right now. But the fact is is that
7 this is a program that is wanted by the City of
8 New York, and so we are complying.

9 SENATOR KRUEGER: Through you,
10 Mr. President, I actually have notes here saying
11 that the City of New York is quite surprised at
12 the changes they see today, and they project an
13 increased cost just from those two changes of
14 \$1.8 billion above and beyond what they believe
15 the City of New York was supporting in an earlier
16 version of the bill, which wasn't even the
17 version the Governor had submitted to the budget.
18 So this expands and skyrockets beyond that.

19 And again, that's just two items.
20 I'll ask an additional item that was added today.

21 Under the language that was
22 submitted by the Executive, the replacement
23 ratio, if you lost a unit of affordable housing
24 while developing new 421-a, slash, affordable
25 housing program housing, you'd have to replace

1 that on a one-to-one ratio.

2 Under the Republicans' proposal, if
3 you reduce by four units, you only have to
4 replace one. So we would actually be losing
5 units at a rate of losing three additional units
6 for every replacement unit of affordable housing.

7 How can that possibly be good for
8 expansion of affordable housing in New York City?

9 SENATOR YOUNG: So the 421-a
10 program has been instrumental in developing
11 affordable housing in New York City. And as a
12 matter of fact, it's the only economic
13 development tool and affordable housing tool that
14 has been consistent in being able to work.

15 So if Senator Krueger has questions
16 or issues with the plan before her, I'm very
17 happy to take her input and consider it.

18 SENATOR KRUEGER: Thank you, I
19 appreciate that.

20 I have enormous problems with this
21 proposal as it morphed into today's resolution,
22 as I think everybody does who actually does
23 affordable housing and understands the impact of
24 lost revenue from property taxes from a model
25 that doesn't create affordable housing.

1 The old 421-a that sunset had a
2 calculation that for every \$11 spent, we got \$1
3 of affordable housing. That was a pretty bad
4 program. This is that bad program on steroids.

5 But the Senate Republican resolution
6 also freezes New York City's property taxes at
7 the 2 percent level, which we've debated on this
8 floor before. Can the Senator, sponsor, tell me
9 how much additional lost revenue in property
10 taxes the city would face if that section of the
11 resolution became law?

12 SENATOR YOUNG: Through you,
13 Mr. President. I've heard from my colleagues
14 from New York City in our conference about the
15 suffocating nature of the property tax burden in
16 New York City. And there are a lot of
17 impediments to developing affordable housing.
18 It's land rates, it's construction costs and so
19 on.

20 But the tax level that is put on
21 buildings has stifled economic growth in the
22 city. I think that if there were more
23 opportunities to be able to develop housing,
24 market rate housing that was reasonable, we could
25 actually solve a lot of the city's problems. But

1 right now the property tax burden is far too
2 high, and it has severe financial and economic
3 consequences and it actually depresses the
4 development of affordable housing.

5 SENATOR KRUEGER: Through you,
6 Mr. President, the sponsor and I could agree or
7 disagree endlessly about what is causing
8 overheating of real estate markets in New York
9 City versus decreasing economic development
10 activities. I just asked her for a number. How
11 much would the City of New York lose in existing
12 property tax revenue if this section of their
13 resolution became a law that froze New York
14 City's property taxes at the 2 percent rate per
15 year?

16 SENATOR YOUNG: Through you,
17 Mr. President, it would depend on what the city
18 actually proposes on property taxes. So we can't
19 answer that without information from the city.

20 SENATOR KRUEGER: Through you,
21 Mr. President. For the record, when we have
22 discussed and debated that bill as a freestanding
23 bill on the floor, the City of New York has
24 objected strenuously to that proposal because it
25 would reduce their property taxes by such an

1 enormous amount.

2 And the reality is this entire
3 resolution, when you look at the various
4 proposals to New York City's property tax, the
5 only tax they actually control would be to reduce
6 their ability to have revenue for the things they
7 prioritize in their budget by billions and
8 billions and billions of dollars. And I'm not
9 even listing all the changes in this resolution
10 that would impact the City of New York's property
11 tax revenue.

12 And again, apparently we would leave
13 them in free fall about whether their school
14 system could continue to operate on an annual
15 basis.

16 I want to jump to gaming and
17 wagering. So my understanding is that this
18 budget resolution has a number of sections that
19 reduce state funding to schools because we are
20 changing the formula of what various people in
21 the gaming industry owe us from their profits.
22 We are changing it for the VLTs, we are changing
23 it for selected sites and casinos, racinos. I
24 get confused nowadays who's what, since we have
25 both.

1 Can I get a total amount that the
2 State of New York will lose intended for
3 education aid because of the proposed changes in
4 racing and wagering?

5 SENATOR YOUNG: So through you,
6 Mr. President. To answer Senator Krueger's
7 question, there may be a slight impact on online
8 poker to the tune of about \$111 million.
9 However, I'd like to point out that there are
10 certain tweaks that we're making to OTB and
11 racinos that should have an immediate positive
12 impact to offset that \$111 million.

13 And quite frankly, in the outyears,
14 as this continues to grow, it will actually
15 significantly increase revenues to education.

16 SENATOR KRUEGER: Through you,
17 Mr. President. I want to thank the sponsor for
18 her answer. It wasn't actually the question I
19 asked, but it gets there.

20 So I was -- we don't see increased
21 revenue to schools by reducing the money owed
22 through VLTs and through casinos, racinos. And
23 those sections are very much in this resolution.
24 We actually lose funding for schools through
25 those changes.

1 But she is correct, she brought up
2 another example. This bill also legalizes online
3 poker, which in theory will raise some revenue at
4 least through the licensing of 11 online poker
5 entities. It will probably translate into
6 reduced revenues in other kinds of gaming,
7 because really there's only so many hours a day
8 that you can blow becoming addicted to gambling.
9 And if you're going to do it from the convenience
10 of your own home and computer, you're probably
11 not schlepping out to a casino or a racino or a
12 VLT site.

13 I will add I think it's very
14 disturbing we would expand online poker within
15 the budget, because it is such a controversial
16 issue within even the gaming world, and that it
17 should be a freestanding bill discussed in its
18 own right.

19 I will add, the scientific research
20 shows that the addiction to gambling directly
21 correlates to the kind of gambling you do, with
22 online gambling having a much higher addiction
23 rate because it actually produces dopamine in the
24 brain and gets you to need to do it more and more
25 and more quickly. So I think that is worthy of

1 another discussion.

2 It also is just another one of the
3 hundreds of reasons I will have to vote no on
4 this resolution. I wish we were voting on the
5 Senate Democrats' proposals and resolution.
6 We've submitted it in letter form to the Senate
7 Republicans and the IDC and the Governor and the
8 Assembly and the people of New York. I hope they
9 will take a look at it, because I think that we
10 have a far superior set of proposals to impact
11 the people of New York State.

12 And my time apparently is up, so I'm
13 going to have to skip the next 42 questions.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Hoylman.

17 SENATOR HOYLMAN: Thank you,
18 Mr. President. Would the sponsor --

19 ACTING PRESIDENT GRIFFO: Senator
20 Hoylman -- could I have some order in the house,
21 please.

22 SENATOR HOYLMAN: Would the sponsor
23 yield for a few questions?

24 ACTING PRESIDENT GRIFFO: Senator
25 Young, do you yield to questions from Senator

1 Hoylman?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR HOYLMAN: Thank you.

6 Thank you. Through you,
7 Mr. President. I wanted to ask specifically
8 about the Republican Senate proposal to eliminate
9 the so-called millionaire's tax. Would the
10 sponsor tell me, under the Republican -- under
11 the Senate majority's proposal, what the top tax
12 rate would be?

13 SENATOR YOUNG: Thank you. Through
14 you, Mr. President. The top rate would be
15 6.85 percent.

16 SENATOR HOYLMAN: Through you,
17 Mr. President, would the sponsor continue to
18 yield?

19 SENATOR YOUNG: Yes.

20 SENATOR HOYLMAN: Thank you.

21 Would the sponsor tell me, what
22 would the top tax rate be under the Governor's
23 proposal? Well, I can tell her. We all that
24 know that. It's 8.82.

25 My question specifically is, does

1 the sponsor think it's fair that someone who is
2 making, say, \$320,000 is paying the same tax rate
3 as someone who's making \$30 million?

4 SENATOR YOUNG: Yes, Mr. President,
5 I'm going through the chair and I hope that you
6 would make sure that our colleagues go through
7 the chair also.

8 ACTING PRESIDENT GRIFFO: All
9 members are instructed to please go through the
10 president.

11 SENATOR HOYLMAN: I asked the
12 question through you, Mr. President. Am I
13 confused?

14 ACTING PRESIDENT GRIFFO: Senator
15 Young.

16 SENATOR YOUNG: So what is the
17 question again, then?

18 SENATOR HOYLMAN: Oh. I was asking
19 through you, so maybe you didn't hear it.

20 Through you, Mr. President. As I
21 said before, is it fair that a New Yorker who's
22 making \$321,000 is paying the same tax rate as a
23 New Yorker who makes, I don't know -- let's say
24 Philippe Dauman. Last year he made
25 \$54.1 million. Under the Senate proposal, he'll

1 be paying a tax rate of 6.85.

2 How about Howard Lorber? A good
3 friend of Donald Trump's. He last year made
4 \$37 million. Under the Senate Republican
5 proposal, his tax rate is 6.85.

6 Pull up another one --

7 ACTING PRESIDENT GRIFFO: Senator
8 Hoylman, do you have a question?

9 SENATOR HOYLMAN: The question is,
10 how is it fair, Mr. President, that someone who
11 makes \$321,000 is paying the same tax rate as
12 Philippe Dauman, who made \$54 million?

13 SENATOR YOUNG: So through you,
14 Mr. President, if you just do basic math, the
15 person who's making \$321,000 a year is not paying
16 the same amount in taxes as somebody who is
17 making \$57 million a year. The total amounts are
18 far different. So the people making more -- the
19 more you make, the more you pay.

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

23 ACTING PRESIDENT GRIFFO: Senator
24 Young, do you yield?

25 SENATOR YOUNG: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 Senator yields.

3 SENATOR HOYLMAN: Would the sponsor
4 agree, though, that the individual who makes
5 \$321,000 and pays a tax rate of 6.85 is paying
6 more taxes as a share, as a share of their
7 income, than someone like Howard Lorber, who's
8 paying at the same tax rate, 6.85, and who made
9 \$37 million last year?

10 SENATOR YOUNG: Thank you. Through
11 you, Mr. President, no. They're not paying more
12 of their income. They're paying -- they actually
13 are paying a percentage.

14 SENATOR HOYLMAN: Through you,
15 Mr. President, will the sponsor continue to
16 yield?

17 SENATOR YOUNG: Yes.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR HOYLMAN: Well, I
21 respectfully disagree. And I have done the math.
22 The individual at the -- who is making -- an
23 individual who is only making \$321,000 a year is
24 paying more -- a greater share of their income
25 than the individual who's making \$30 million a

1 year, if they're paying the same tax rate.

2 And I will say this too. Why is it
3 fair -- another question. Would the sponsor
4 continue to yield?

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR HOYLMAN: Why -- how is it
8 fair that someone who makes only \$42,000 a year
9 under the Senate plan would be paying -- would be
10 at a tax rate of 6.45 percent -- \$42,000 a year,
11 6.45 percent -- yet Philippe Dauman would be
12 paying at a tax rate that's only 4/10ths higher
13 than that? How is that fair?

14 (Pause.)

15 SENATOR HOYLMAN: And while we're
16 waiting --

17 ACTING PRESIDENT GRIFFO: Senator
18 Hoylman, you have a -- Senator Young yielded.
19 You have asked a question. Allow her to answer
20 the question.

21 SENATOR HOYLMAN: Yes. Thank you.

22 ACTING PRESIDENT GRIFFO: You can
23 choose to speak on the resolution if you want.

24 SENATOR HOYLMAN: Oh, I'd never do
25 that.

1 ACTING PRESIDENT GRIFFO: Okay.

2 Senator Young?

3 SENATOR YOUNG: So through you,
4 Mr. President. Actually, the exemptions and
5 deductions are a greater percentage of taxable
6 income for the person making \$321,000 a year than
7 they are for somebody making \$30 million a year.

8 SENATOR HOYLMAN: Through you,
9 Mr. President, would the sponsor continue to
10 yield?

11 SENATOR YOUNG: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR HOYLMAN: Could the sponsor
15 describe the policy rationale, the tax policy
16 rationale for eliminating the millionaire's tax?
17 Particularly when, according to our Governor,
18 it's going to result in a \$4 billion budget hole
19 in the longer term, and in just this year alone
20 it's going to be a \$683 million budget hole?
21 What is the rationale for ending taxes on people
22 who have the ability to pay -- very wealthy
23 people, people who live in my Senate district who
24 makes tens and tens of millions of dollars a
25 year?

1 SENATOR YOUNG: Thank you. Through
2 you, Mr. President. Actually, this particular
3 tax is set to expire this year. And when the
4 other side was in power, they actually made that
5 rule so that it would expire this year. So
6 that's number one.

7 Number two, you have to look at
8 economic factors. And what this tax does is it
9 depresses growth. We have had so many people who
10 own companies move to other states because they
11 are more competitive than New York. Because we
12 have such a heavy tax burden, it is far more
13 lucrative for somebody to move their businesses
14 and their jobs out of this state. And as a
15 result, we have seen middle-class New Yorkers and
16 lower-income New Yorkers lose their jobs.

17 So what this intent is today is to
18 stimulate the economy so that we have good-paying
19 jobs for the people of New York, so that our
20 young people can stay after they graduate.
21 Unfortunately, right now our greatest export out
22 of New York are our jobs and our young people.
23 And what our conference is aiming to do is to
24 turn that situation around, because we need to
25 create more opportunities so that every

1 New Yorker has the opportunity to succeed. And
2 the way that we are going to do that is to grow
3 the economy and grow more jobs.

4 SENATOR HOYLMAN: Mr. President,
5 would the sponsor continue to yield?

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR YOUNG: Yes.

9 SENATOR HOYLMAN: Thank you.

10 So the sponsor has suggested a
11 trickle-down theory of economic growth where we
12 cut taxes for the very rich in New York and hope
13 that it results in economic growth for the very
14 poor.

15 Is the sponsor aware of the
16 disparity of income in New York that currently
17 exists?

18 SENATOR YOUNG: So through you,
19 Mr. President, I'd like to correct something that
20 my colleague just said. This tax isn't just
21 hitting people who are, quote, unquote, wealthy.
22 This tax actually harms small businesses all
23 across the state. So you're hurting the little
24 guy when you keep this tax at the same level as
25 to where it's at right now.

1 And the small businesses are crucial
2 to our economy, because we want our small
3 businesses to get even bigger to be able to
4 provide more jobs.

5 SENATOR HOYLMAN: Through you,
6 Mr. President. Would the sponsor continue to
7 yield?

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR HOYLMAN: Well, I don't
12 think that this tax is a -- is justified as small
13 business tax relief. I think it's going to be
14 helping the very rich --

15 SENATOR YOUNG: Through you,
16 Mr. President, does my colleague have a question
17 or a statement?

18 SENATOR HOYLMAN: I was getting to
19 my question.

20 ACTING PRESIDENT GRIFFO: If you
21 can direct, Senator Hoylman.

22 SENATOR HOYLMAN: Yes. I think
23 that an individual who is -- Jim Dolan, James
24 Dolan, from Cablevision, who makes \$24 million a
25 year -- I don't think Madison Square Garden or

1 Cablevision qualifies as a small business. And
2 he is going to be enriched handsomely,
3 handsomely, under the Senate Republican proposal.

4 Does -- is the sponsor concerned
5 about economic and income disparity in New York?

6 SENATOR YOUNG: Actually, we are
7 very concerned about economic disparity in
8 New York. And one of the greatest factors that
9 hurts people in New York right now is the heavy
10 tax burden. And so when you look at our Senate
11 budget resolution that's before the house, we
12 actually provide tax relief of \$4.3 billion just
13 in the STAR program alone, because the property
14 taxes are driving people out of the state.

15 I hear impassioned pleas from people
16 in my district and from all over the state every
17 single day about the property taxes. We are
18 taking action through our conference to address
19 that problem, and to address that problem in a
20 very significant way.

21 Mr. President, I would also like to
22 point out that last year it was our conference
23 that led the charge in putting in place the
24 lowest personal income tax rate for middle-class
25 families in 70 years, in 70 years. And that

1 actually is going into effect this year.

2 And when you look at, in addition to
3 the STAR program, all of the different tax cuts
4 that are included in this resolution for the
5 middle class, it totals nearly \$2 billion. Let
6 me repeat, \$2 billion. So you put \$2 billion on
7 top of \$4.3 billion dollars for the STAR program,
8 that's real relief.

9 And that will help New Yorkers deal
10 with the economic disparities, because they're
11 suffering right now under the heavy tax burden.
12 And that's how we want to address it.

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

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: Senator
18 Young yields.

19 SENATOR HOYLMAN: I would suggest
20 that you should just adjust the tax brackets
21 upwards to protect small businesses, rather than
22 giving multimillionaires and billionaires, many
23 of whom live in my district, a break.

24 I would also like to ask, though,
25 shifting gears, about the -- because we have very

1 little time -- on the proposal by the Senate
2 majority to eliminate the \$1 million capital
3 project appropriation for the construction of a
4 memorial to commemorate the June 12, 2016,
5 terrorist attack targeting the LGBT community in
6 Orlando, Florida.

7 Could the sponsor explain why the
8 Senate majority eliminated this memorial,
9 primarily to LGBT victims -- which, according to
10 the Governor, would honor all victims of hate,
11 intolerance and violence in New York's fight for
12 equal rights?

13 SENATOR YOUNG: Thank you. Through
14 you, Mr. President. Actually, that item is under
15 discussion and it will be discussed during budget
16 negotiations.

17 ACTING PRESIDENT GRIFFO: Senator
18 Hoylman.

19 SENATOR HOYLMAN: Through you,
20 Mr. President, would the sponsor continue to
21 yield?

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR HOYLMAN: Well, I'm

1 disappointed in that response, I have to say. I
2 don't think the LGBT community is a bargaining
3 chip to be discussed later, and would like if the
4 sponsor could name any other example by this
5 chamber to attempt to deny funding to a memorial
6 to victims of violence. Why wasn't it included
7 in the budget?

8 SENATOR YOUNG: So through you,
9 Mr. President, as I said, this topic is an
10 important topic, and it will be discussed during
11 budget negotiations. Which after we pass this
12 one-house resolution, the Assembly does theirs,
13 then hopefully we will go to conference
14 committees and discuss these issues in a very
15 transparent way.

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

19 SENATOR YOUNG: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR HOYLMAN: I -- I -- it was
23 specifically removed from the Governor's budget
24 proposal. So to suggest that it is under
25 consideration I think gives me little comfort.

1 The amount is 6/10,000ths of
2 1 percent of the \$152 billion budget. I have to
3 say, Mr. President, that that was a conscious
4 attempt --

5 ACTING PRESIDENT GRIFFO: Senator
6 Hoylman, again, do you have a question you could
7 ask --

8 SENATOR HOYLMAN: Yes, I do, sir.

9 ACTING PRESIDENT GRIFFO: Could you
10 pose the question?

11 SENATOR HOYLMAN: Does the
12 sponsor --

13 ACTING PRESIDENT GRIFFO: Again, in
14 the essence of time.

15 SENATOR HOYLMAN: Does the
16 sponsor -- I believe it was a conscious attempt
17 to remove a tribute to the LGBT community. Does
18 the sponsor believe that the public should not
19 have the opportunity to provide such a tribute to
20 the victims of Orlando?

21 SENATOR YOUNG: Thank you. Through
22 you, Mr. President. As I said, we will be
23 discussing this item moving forward. And it will
24 be open and transparent, and I'm sure we'll come
25 to a conclusion on it.

1 SENATOR HOYLMAN: Would the sponsor
2 continue to yield, Mr. President?

3 SENATOR YOUNG: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR HOYLMAN: Shifting gears, I
7 wish to ask the sponsor about water quality.
8 Does -- in the fact that the Executive Budget
9 contained two proposals to address drinking water
10 contamination; those were removed by the Senate
11 majority. Does the -- does New York State -- I
12 wish the sponsor to answer -- have a legal
13 requirement that private drinking wells be tested
14 for either regulated or unregulated contaminants?

15 SENATOR YOUNG: Thank you. Through
16 you, Mr. President. Actually, we did not remove
17 it, but we in fact created our own program that
18 will provide for testing of wells. So thank you
19 for pointing that out.

20 SENATOR HOYLMAN: Through you,
21 Mr. President, one more question. That was not a
22 satisfactory response.

23 ACTING PRESIDENT GRIFFO: Senator
24 Young, do you yield?

25 SENATOR YOUNG: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 Senator yields. You may pose the question,
3 Senator Hoylman.

4 SENATOR HOYLMAN: The -- is the
5 sponsor aware of how many New Yorkers rely on
6 private wells, which are currently not required
7 to test for drilling water contaminants?

8 SENATOR YOUNG: Senator, could you
9 speak a little slower? I had trouble
10 understanding what you said.

11 SENATOR HOYLMAN: Is the sponsor
12 aware of how many private wells, which are not
13 currently required to be tested for drinking
14 water contaminants?

15 SENATOR YOUNG: Thank you. Through
16 you, Mr. President. That information is not
17 available. It's not known how many wells are not
18 tested.

19 SENATOR HOYLMAN: Six-point-five
20 million.

21 On the bill, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Hoylman would like to speak on --

24 SENATOR YOUNG: Excuse me,
25 Mr. President --

1 ACTING PRESIDENT GRIFFO: One
2 second.

3 Senator Young.

4 SENATOR YOUNG: Mr. President, I'd
5 like to ask Senator Hoylman where he gets that
6 figure from. Because I have --

7 SENATOR HOYLMAN: I'm sorry, I
8 didn't hear --

9 SENATOR YOUNG: I have the expert
10 on health issues in New York State right next to
11 me, and it's not -- that information is not
12 available.

13 So I'd like to ask where it comes
14 from.

15 ACTING PRESIDENT GRIFFO: Senator
16 Hoylman, do you yield to that question?

17 SENATOR HOYLMAN: I do indeed.
18 From the Governor's office.

19 (Laughter.)

20 SENATOR HOYLMAN: On the bill,
21 Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Hoylman, you may be heard on the resolution.

24 SENATOR HOYLMAN: I'll be brief.
25 We are in the express portion of our -- or the

1 lightning-round portion of our budgetary portion.

2 I think that there are a lot of
3 unanswered questions in this budget. I do want
4 to point out that the thing that distresses me
5 most is that we are not ensuring that New Yorkers
6 pay their fair share. These who make tens of
7 millions of dollars should pay the same
8 percentage -- they should be paying the same
9 percentage as other states which have
10 millionaire's taxes.

11 And I urge that my colleagues vote
12 against this budget proposal. We have a crisis
13 of economic disparity in our state. The top
14 5 percent of households in New York have average
15 incomes 20 times as large as the bottom
16 20 percent of households. Trickle-down economics
17 is not going to bring resurgence to our economy.
18 We have to figure out ways to provide for our
19 schools, our infrastructure, our housing, and our
20 seniors. Letting millionaires and billionaires
21 off the hook is not going to do it.

22 I'll be voting in the negative.

23 Thank you, Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Squadron.

1 SENATOR SQUADRON: Thank you,
2 Mr. President. If the sponsor would yield.

3 ACTING PRESIDENT GRIFFO: Senator
4 Young, do you yield?

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR SQUADRON: Thank you very
9 much. And it's good to see you again. We've
10 been through many parts of this conversation many
11 years in the past. I unfortunately don't know
12 how much of it will have changed. But, you know,
13 our viewers at home I think are depending on us,
14 so I appreciate the opportunity.

15 I was wondering if the resolution
16 before us includes, in whole or in part, the
17 Governor's Executive Budget proposal that's
18 encapsulated in S2010, Part B, the ethics reform
19 and anti-corruption proposals of the Governor's.

20 SENATOR YOUNG: Thank you. So
21 through you, Mr. President, actually if Senator
22 Squadron looks at the Article VII language, we
23 left the Governor's bill as is. But we do have
24 language in the resolution that talks about
25 having discussions and possible changes to the

1 Governor's proposal.

2 SENATOR SQUADRON: If the sponsor
3 will continue to yield.

4 SENATOR YOUNG: Yes.

5 SENATOR SQUADRON: Can you just
6 take me through what to make of the fact that the
7 Article VII bill is unmodified but the resolution
8 talks about a modification? Is it the Senate
9 majority's position that the Governor's
10 anti-corruption bill should be accepted,
11 rejected, or modified?

12 SENATOR YOUNG: So through you,
13 Mr. President, as I just said, I'll repeat myself
14 again. In the Article VII we actually accepted
15 the Governor's -- or in the Article VII we did
16 not change the Governor's proposal, but we do say
17 in our resolution that we would consider
18 modifications to it.

19 I'd like to point out that the
20 Senate and the Assembly already have acted to
21 amend the Constitution to strip a corrupt public
22 official convicted of a felony of his or her
23 pension. And this measure, as we know, will be
24 on the ballot this coming fall. I think that's a
25 major step forward. And there are also several

1 things that we have passed.

2 The Governor has a proposal, we are
3 taking a close look at it, and what we're saying
4 is we're not changing it in the Article VII.
5 However, we would consider some modifications
6 during negotiations on the Governor's proposal.

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

9 SENATOR YOUNG: Yes.

10 SENATOR SQUADRON: So again,
11 because I think it's quite confusing, is it the
12 Senate majority's position to accept the
13 Governor's proposal to close the LLC loophole or
14 to reject it?

15 SENATOR YOUNG: So actually, as I
16 said, we would consider modifications.

17 We also are talking about meaningful
18 procurement reform, and we believe that there
19 should be a discussion on those issues. We
20 believe that there should be transparency and
21 accountability with the Empire State
22 Development's Regional Economic Development
23 Councils.

24 And we also remain opposed to
25 taxpayer-funded campaigns, which have been, I may

1 point out, the source of significant corruption
2 in New York City.

3 SENATOR SQUADRON: If the sponsor
4 could continue to yield.

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR SQUADRON: Since the LLC
9 loophole and abuse of it has been connected to a
10 great deal of corruption in New York State
11 government, including the former leader of this
12 house and the former leader of the Assembly, and
13 mentioned in many other corruption
14 investigations -- I don't see any mention of it
15 here in the Senate budget resolution before us,
16 so I just want to understand. Does silence mean
17 approval of the Governor's proposal to close the
18 LLC loophole? It would be great news if it does.

19 SENATOR YOUNG: As I previously
20 stated -- and this will be about the fourth time,
21 but this happens when Senator Squadron asks
22 questions, unfortunately -- we address it in the
23 Article VII in that we do not make any changes to
24 the Governor's proposal, but we are saying that
25 we would consider modifications during the

1 negotiations.

2 SENATOR SQUADRON: If the sponsor
3 would continue to yield.

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR SQUADRON: Since the budget
8 process in Albany is generally understood to be
9 each house having a budget position and the
10 Executive proposing a budget position, we know
11 that the Governor has proposed his reform bill to
12 close the LLC loophole, we know that the Assembly
13 in their resolution approves that proposal. So
14 the question here is whether the Senate does too.
15 If it does, we have three-way agreement, and
16 that's how things pass.

17 Here, with two weeks to go before
18 the budget is concluded, can we get confirmation
19 that the Senate majority is not going to block
20 closing the LLC loophole and in fact will, as the
21 Article VII bill states, support it?

22 SENATOR YOUNG: Through you,
23 Mr. President, I've answered this question four
24 different times. I'll answer it for the fifth
25 time, but then I will not yield for any more

1 questions if it's the same question.

2 Under the Article VII bill that we
3 introduced, we did not make any modifications to
4 the Governor's proposal. However, in our
5 resolution that we're considering right now, we
6 say that we are open to making modifications to
7 the Governor's proposal. And that's the last
8 time I will answer that question.

9 Thank you.

10 SENATOR SQUADRON: On the bill,
11 Mr. President -- on the resolution.

12 ACTING PRESIDENT GRIFFO: Senator
13 Squadron on the resolution.

14 SENATOR SQUADRON: Forgive me, I
15 have now made that error three years in a row,
16 referring to this as a bill, not a resolution.

17 Also the same with prior years, we
18 are talking about closing a loophole that allows
19 essentially anonymous unlimited donations to
20 undermine the credibility and integrity of our
21 government, which we have seen again and again.
22 And as in prior years, we have a Governor and an
23 Assembly that support closing that loophole, and
24 a Senate majority that does not. That's an
25 enormous issue.

1 And, you know, I know that Senator
2 Young feels a little bit that we're in a
3 Groundhog Day situation here. I do too. The
4 problem is when you don't get clear answers and,
5 more importantly, when you don't get changes that
6 give New Yorkers a reason to have greater faith
7 in their government, you need to keep going
8 around and around.

9 I don't believe that we should be
10 giving up on this issue simply because it has
11 been blocked many times before, just as I don't
12 think that it's acceptable for New Yorkers to get
13 an answer that's no answer at all on a core issue
14 of the integrity of their state government, which
15 their tax dollars fund, which they depend on for
16 basic civil rights and liberties, and which is so
17 important in so many aspects of their lives.

18 Now, of course, Mr. President, some
19 things have stayed the same since prior years.
20 One for certain is that if the LLC loophole is
21 not closed in the final budget, we will know it's
22 because the Senate majority blocked it, despite
23 the obfuscation of the prior interaction.

24 But something that has changed is
25 some of what the Governor has said in the year

1 since. This is not just me bringing this up
2 every year, it's the Governor of the State of
3 New York, editorial pages across the state, and
4 voters who have good reason to be frustrated by a
5 government that too often feels dysfunctional and
6 controlled by interests much more powerful than
7 they are.

8 The Governor said, this past year:
9 "That fear of real problems, combined with
10 mistrust about the government, is the toxic
11 combination that this nation now faces.

12 "Sadly, New York is no exception.
13 Our state has suffered a few long years of
14 seemingly endless scandals at all levels: County
15 governments, city governments, legislative
16 leaders in the Senate and Assembly, in the
17 judiciary, the NYPD, and even in the Executive.

18 "Serious misconduct has been alleged
19 and in some cases it has been proven.

20 "These scandals have affected the
21 state from Niagara Falls to Montauk Point.
22 Democrats, Republicans, Conservatives, Liberals,
23 Independents -- no party or group is immune.

24 "I believe this public trust and
25 integrity issue must be addressed -- directly and

1 forthrightly. I don't believe in denial as a
2 life strategy. I believe you must face your
3 problems, no matter how unpleasant, and do your
4 best to resolve them.

5 "It is time for action, not words."

6 Unfortunately, yet again we have a
7 Senate budget resolution and a Senate majority
8 position with a whole lot of words, but no action
9 to restore New Yorkers' faith in government. And
10 the conversation we just had about it I think
11 only makes that point even more dramatically.

12 It's a very simple issue. It's a
13 simple issue that allows a small number of
14 heavily invested special interests to swamp
15 everyone else's voice. It would be easy to close
16 it legislatively. In fact, the Governor I think
17 proposed six different ways to do it last year.
18 I've proposed six or eight over the years. We've
19 debated this I think for five years now.

20 Let's not talk around it, let's just
21 get it done. And if we don't get it done, I
22 think we will all know why.

23 Unfortunately, this budget proposal
24 also does some other slightly strange things.
25 And on a different topic, if the sponsor would be

1 willing to yield again -- it is in fact a
2 different topic.

3 SENATOR YOUNG: Yes.

4 SENATOR SQUADRON: Thank you.

5 I notice that in the resolution --

6 ACTING PRESIDENT GRIFFO: Senator
7 Young yields.

8 SENATOR SQUADRON: Thank you.

9 I notice that in the resolution in
10 the Department of Criminal Justice Services the
11 Senate has rejected the Executive's
12 recommendations for the creation of a bail reform
13 assessment tool and the enactment of speedy trial
14 provisions. Why were those two proposals
15 rejected?

16 SENATOR YOUNG: Thank you. Through
17 you, Mr. President. Actually, they were rejected
18 because there was no detail provided by the
19 Executive in his proposal. It would be
20 irresponsible for us to just accept something
21 like that without any detail.

22 SENATOR SQUADRON: If the sponsor
23 would continue to yield.

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR SQUADRON: Is an
3 alternative proposal put forth by the Senate
4 majority to deal with the speedy trial crisis in
5 New York State that denies New Yorkers their
6 constitutional right to a speedy trial?

7 SENATOR YOUNG: Through you,
8 Mr. President. What we're doing is we're asking
9 the Governor to give more details on his
10 proposal. And once we get those, then I think
11 that we can look at it, do an evaluation as to
12 what makes sense, what doesn't make sense, and
13 see what kind of final product we can come up
14 with. But right now we don't have any
15 information on it.

16 And I believe that if the Governor
17 provides us with information, then we can take
18 action.

19 SENATOR SQUADRON: If the sponsor
20 would continue to yield.

21 SENATOR YOUNG: Yes.

22 SENATOR SQUADRON: Does that mean
23 that the Senate majority position is an interest
24 in speedy trial reform that's simply left out of
25 the resolution? Or would it be very happy to

1 move on this year without addressing this
2 critical issue?

3 SENATOR YOUNG: Through you,
4 Mr. President. It's very difficult to judge what
5 action would be taken right now because, as I
6 said, we don't have any details, we don't have
7 any information. We need to understand exactly
8 what the Governor is proposing. And once we get
9 that, we'll be able to make judgments going
10 forward.

11 SENATOR SQUADRON: Thank you,
12 Mr. President, on the resolution.

13 ACTING PRESIDENT GRIFFO: Senator
14 Squadron on the resolution.

15 SENATOR SQUADRON: And I thank the
16 sponsor for that answer.

17 And you know, it's a little bit
18 ironic to be talking about the absence of details
19 when this very resolution takes a complex and
20 critical issue such as Raise the Age and makes a
21 brief reference to it without any details or any
22 information or any clarity about where the Senate
23 majority stands.

24 The Senate Democratic Conference has
25 been very clear with the Raise the Age proposal,

1 as has that the Governor, as has the Assembly.
2 And if you're speaking about a lack of detail, it
3 is almost definitional from the absence of any in
4 the Senate majority resolution on Raise the Age.

5 About speedy trial, it's strange to
6 need further details before we act. We know that
7 New York State has for decades had a speedy trial
8 crisis. We know it has a law on the books that
9 does nothing to guarantee a speedy trial to the
10 accused, who are presumed innocent. We know that
11 the consequence of that is a ballooning
12 population at Rikers Island and other jails
13 across the state. We know it's that victims have
14 to wait an inordinate amount of time -- on
15 average, in the City of New York, nearly two
16 years -- to see justice when they are victimized
17 by a crime. We know that it takes folks who end
18 up innocent and destroys their lives.

19 That's exactly what happened to
20 Kalief Browder. His name has become well-known
21 across the nation, although unfortunately in
22 New York no action has been taken to right the
23 wrongs that he suffered. At 16 years old, he was
24 accused of stealing a backpack. He went on to
25 serve more than three years on Rikers before

1 being released without ever being convicted of
2 that crime. That ordeal unfortunately destroyed
3 him to the point that he took his own life
4 subsequent to being released.

5 And that is not a unique story that
6 Kalief Browder suffered. It is one that happens
7 too often in courts in Suffolk County, where
8 there's a trial delay problem, in the five
9 boroughs of New York City, and across the state.

10 We know that we need reform of the
11 law that allows the kind of trial delays we're
12 seeing. We know that the State Assembly in their
13 budget fixes this with a proposal named for
14 Kalief Browder that passed the Assembly
15 unanimously, Republican and Democratic
16 cosponsorship of that bill in the Assembly. We
17 know that the Governor has proposed to fix it and
18 put money in this budget.

19 And we know the Senate majority
20 rejects even the \$100,000 in this budget. Which
21 means there will be yet further delay on justice
22 for so many New Yorkers who are accused of crimes
23 and so many who are the victims of crimes.

24 I strongly urge that this money is
25 restored and that the Senate go beyond this and

1 join the Assembly in passing true speedy trial
2 reform, which requires partnership with the
3 Office of Court Administration, in the State
4 Budget. There are too many New Yorkers whose
5 constitutional rights are being denied in the
6 interim.

7 Mr. President, there are a couple of
8 good things in here. I'm glad that we're doing a
9 little something to take care of our seniors by
10 increasing funding for NORCs. I'm glad that we
11 are restoring Title XX money so that 65 senior
12 centers -- or more -- in New York City won't have
13 to close.

14 Although the truth is, even when it
15 comes to social services, there are as many gaps
16 as there are blocks. We don't increase funding
17 for evidence-based maternal home visiting like
18 Nurse-Family Partnership, which has historically
19 been a bipartisan push. There's no more proven
20 program to help new families. We don't fund
21 settlement houses, which are cradle-to-old age
22 programs across the state.

23 And for those reasons and many
24 others, I'm not going to be able to support this
25 resolution. If in fact we had a resolution that

1 restored people's speedy trial rights, closed the
2 LLC loophole, took care of the most vulnerable,
3 then we would have a very different proposal
4 before us.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Rivera.

8 SENATOR RIVERA: Thank you,
9 Mr. President. On the resolution.

10 ACTING PRESIDENT GRIFFO: Senator
11 Rivera on the resolution.

12 SENATOR RIVERA: I will not ask the
13 sponsor to yield, because I think that many of
14 the questions have been asked already, but also
15 because I am sure that many of the responses
16 would be further obfuscations.

17 There's a lot of reasons to vote
18 against this resolution. Many of my colleagues
19 have pointed out many of them already. Whether
20 we're talking about Senator Squadron pointing out
21 right now as far as the LLC loophole or other
22 campaign finance reforms that are not in here,
23 whether we're talking about issues of taxation
24 that were brought up by Senator Hoylman, whether
25 we're talking about issues of education which

1 were brought up by Senator Krueger, might be
2 brought up by other colleagues afterwards,
3 whether we're talking about the -- something that
4 has not been brought up yet, but related to the
5 health part of this resolution, there are both a
6 \$20 premium that is imposed on Essential Plan
7 consumers that was rejected by the Assembly and
8 we believe should be rejected as well, as well as
9 a requirement that a portion of the capital money
10 that is allocated for healthcare facilities
11 across the state -- there was a requirement in
12 the original Executive proposal that would
13 require community providers to have a chunk of
14 it. It was removed. So now community providers,
15 if this were to pass, would not have access to
16 that capital funding.

17 There's many reasons to vote against
18 it. And one which was pointed out by our
19 colleague Senator Gianaris right at the beginning
20 is not inconsequential. The procedural issue
21 here is not something to be ignored. The fact
22 that there will be apparently another resolution
23 that will be introduced on this floor, which is
24 something that has never been done before, the
25 fact that we really did not have time to look

1 over as much of this resolution as we needed
2 to -- for all these reasons, this is a resolution
3 that should be voted against.

4 One thing in particular that I want
5 to underline that I think makes it particularly
6 important that we vote against it, and that is
7 the fact that the only thing that is included
8 related to something that is a moral imperative
9 for us as a Legislature, to Raise the Age of
10 criminal responsibility, the only thing that is
11 included is one paragraph. This is the reason
12 why I did not ask questions about it, because I
13 would have been referred to that paragraph. So
14 I'll just point to that paragraph in Article VII,
15 Part J, that just merely says: We will think
16 about it. We will bring it up at some point. We
17 kind of -- it's something important that we
18 should probably look into.

19 That is not sufficient, ladies and
20 gentlemen. And I want to make sure that we
21 understand what it is that we're talking about
22 here: a gentleman whose family still lives in my
23 district. His name was brought up by Senator
24 Squadron. The gentleman's name was Kalief
25 Browder. And I'm sure you've all heard of this

1 gentleman. If you have not, there is a
2 documentary series that is playing right now that
3 you can go into your computer and see that tells
4 the plight of this young man, who at 16 was
5 arrested, accused of stealing a backpack.
6 Ultimately the charges were dropped. But in
7 between that period, he spent three years in
8 Rikers Island, most of that time in solitary
9 confinement. And sadly, just a few years ago,
10 committed suicide in the home that his mother
11 still resides in in my district.

12 That gentleman should not have been
13 in that position. So I want to challenge all of
14 you. So in this case, in this resolution, there
15 is just that sentence. And in all honesty,
16 ladies and gentlemen, I do not believe it is a
17 serious commitment to making this happen this
18 year. I challenge all of you to recognize that
19 the story of Mr. Browder is just one of thousands
20 of stories that happen in this state of people,
21 young men and young women, who are right now
22 merely accused of something and might linger in
23 jail for years, to ultimately have the charges
24 dropped. Or even if the person committed an act,
25 that person is still considered an adult under

1 our current law.

2 This is immoral. And I'd want to
3 ask all of you to recognize that that is. And
4 also to recognize that many times when you bring
5 up issues, as you do on the paragraph that is on
6 your resolution, about balancing it out with
7 public safety -- assuming that we are not
8 concerned about that and assuming that letting it
9 stand and letting the status quo remain will
10 address the issues of public safety that you
11 have.

12 Let's be real, ladies and gentlemen.
13 I would challenge all of you, this is a moral
14 imperative for us this year. We cannot continue
15 to allow young men and women to just be in that
16 system. We cannot allow for these men and women,
17 the overwhelming majority of which have never
18 even committed a crime, to sit many times in
19 solitary confinement and be treated as adults
20 when we know that they shouldn't be.

21 So call it what you may, what I'm
22 doing right now; call it grandstanding, that's
23 fine. Just please be aware, we are being watched
24 by people that are paying attention. I'd ask all
25 of you to look inside yourselves and say that we

1 have to go beyond the little, oh, we have to
2 consider this, we have to consider that. We have
3 a responsibility to these young men and women.
4 We have a responsibility to ourselves as a
5 Legislature and as a state. Let's get it done
6 this year. This resolution doesn't do it. We
7 need to do it. Let's make sure we do it.

8 For that reason among the others
9 that I pointed out, I'll be voting in the
10 negative on this resolution.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Sanders.

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

16 There are many issues worth speaking
17 about. My colleague spoke passionately, and I
18 didn't see the grandstanding. There are many
19 issues -- I'm going to try to focus on two, but
20 which two? Raise the Age is worth speaking
21 about, rejecting the free tuition and the DREAM
22 Act from TAP. We could speak --

23 ACTING PRESIDENT GRIFFO: Senator
24 Sanders -- Senator Sanders --

25 SENATOR SANDERS: -- about

1 eliminating \$35 million from the Empire After
2 School Program.

3 ACTING PRESIDENT GRIFFO: Senator
4 Sanders.

5 SENATOR SANDERS: Yes, sir.

6 ACTING PRESIDENT GRIFFO: You want
7 to be heard on the resolution; correct?

8 SENATOR SANDERS: No, no, I am
9 actually going to raise a question, sir.

10 ACTING PRESIDENT GRIFFO: Okay.

11 SENATOR SANDERS: Okay. Let's see.
12 I'm just trying to figure out which question,
13 there are so many worthy to speak of. But if the
14 sponsor will yield for a question.

15 ACTING PRESIDENT GRIFFO: Does the
16 sponsor yield?

17 SENATOR YOUNG: Yes.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR SANDERS: Thank you. Thank
21 you, sponsor.

22 I want to question the -- let's
23 start with MWBE, MWBE. MWBE has -- well, first
24 things first. Is the sponsor aware of MWBE and
25 its need in New York State?

1 SENATOR YOUNG: Through you,
2 Mr. President, I actually have been sponsor on
3 MWBE bills that have been passed and made into
4 law.

5 SENATOR SANDERS: Okay. Through
6 you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Does the
8 sponsor continue to yield?

9 SENATOR SANDERS: Is the sponsor
10 aware that it has been eliminated in the
11 Republican resolution coming forward?

12 SENATOR YOUNG: Through you,
13 Mr. President. Actually, it was taken out of
14 this particular resolution because we want to
15 explore how we can make the program actually even
16 more effective. So there are discussions going
17 on about that.

18 SENATOR SANDERS: Through you,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Does
21 Senator Young yield?

22 SENATOR SANDERS: Of course the
23 sponsor is aware that this program was created by
24 a conservative Republican president, Richard
25 Nixon and -- well, I should start there. Is the

1 sponsor aware that this was created by a
2 conservative Republican?

3 SENATOR YOUNG: Through you,
4 Mr. President. As I stated earlier, I've
5 actually sponsored, gotten through the
6 legislative process, passed bills that have been
7 made into law regarding MWBE. So I'm very aware
8 of the program.

9 SENATOR SANDERS: Although not
10 exactly my answer, but I'll take it. So is the
11 sponsor -- is there a committee that has been
12 designed to work on this issue? I'm the father
13 of MWBE in New York City. I would be glad to
14 lend my expertise to any committee that wants to
15 do these things. Is there a committee that has
16 been created to work on this issue?

17 SENATOR YOUNG: Through you,
18 Mr. President. Actually, one of the other things
19 that we need to examine is the Governor's
20 disparity report that has not been released.
21 That was due on August 15th. And I'm sure
22 Senator Sanders is aware of that. We'd like to
23 have that information. I'm sure Senator Sanders
24 would like to have that information also, as far
25 as having data that we can look at and say this

1 is working, this isn't working, how can we make
2 the program better.

3 And that's what I mean about
4 exploring different ways to improve the program.
5 It's difficult to do, however, when you don't get
6 the information from the Executive. So I'm
7 hopeful that Senator Sanders will join me in
8 asking for that disparity report, because I think
9 it's needed.

10 SENATOR SANDERS: Will the sponsor
11 yield for a statement, or an answer?

12 ACTING PRESIDENT GRIFFO: You can
13 make your --

14 SENATOR SANDERS: Okay. I
15 absolutely join the sponsor in that everything we
16 should do should be based on knowledge as we move
17 forward, whether a thing works or whether a thing
18 doesn't work. I'm concerned, however, that
19 sometimes we may use knowledge or the lack
20 thereof to ensure that a thing doesn't happen.

21 Will the sponsor yield to a
22 different question?

23 SENATOR YOUNG: Sure.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR YOUNG: Yes.

2 SENATOR SANDERS: Is the sponsor
3 aware that a million dollars has been taken by
4 the resolution from the Office of Climate Change,
5 New York State's Office of Climate Change?

6 SENATOR YOUNG: Thank you,
7 Mr. President, through you. Actually, there
8 hasn't been any money taken in the resolution
9 from climate change.

10 SENATOR SANDERS: Through you,
11 Mr. President, I'll help us out. Is the -- do we
12 believe that we are in a climate change problem,
13 and is this problem caused by human activity?

14 SENATOR YOUNG: Through you,
15 Mr. President. As I said, there hasn't been any
16 money removed for climate change from our budget
17 resolution. So it's in there. It's like Prego;
18 it's in there.

19 (Laughter.)

20 SENATOR SANDERS: Okay. Just
21 one -- that final question, I didn't get my
22 question. I wanted to know, does the sponsor
23 believe that climate change has been caused by
24 human activity?

25 ACTING PRESIDENT GRIFFO: I believe

1 the sponsor answered your question.

2 SENATOR YOUNG: Through you,
3 Mr. President, that has nothing to do with this
4 resolution. And I don't think it's a germane
5 question.

6 ACTING PRESIDENT GRIFFO: Senator
7 Sanders.

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

10 ACTING PRESIDENT GRIFFO: Senator
11 Sanders on the resolution.

12 SENATOR SANDERS: -- on the
13 resolution, rather.

14 ACTING PRESIDENT GRIFFO: Senator
15 Sanders on the resolution.

16 SENATOR SANDERS: There are many,
17 many things that one could vote against. Let's
18 be clear, there are some good things in the
19 resolution too. It should be -- those things
20 should be noted, and I'm sure that there are
21 those who will do so.

22 But I believe that the negative
23 things so outweigh the positive, whether it be
24 taking money from the MTA or the Foundation Aid,
25 we're ignoring the CFE legislation -- I mean,

1 there are so many things that I think that at the
2 end of the day, we're going to have to -- a
3 rational view will be to -- a rational view, from
4 my point of view, how's that -- will be to vote
5 no on this one.

6 Thank you very much, sir.

7 ACTING PRESIDENT GRIFFO: Senator
8 Stavisky.

9 SENATOR STAVISKY: Thank you,
10 Mr. President. I think it's really
11 unfortunate --

12 ACTING PRESIDENT GRIFFO: Senator
13 Stavisky, are you on the resolution?

14 SENATOR STAVISKY: On the
15 resolution.

16 ACTING PRESIDENT GRIFFO: Senator
17 Stavisky on the resolution.

18 SENATOR STAVISKY: I will spare the
19 sponsor.

20 ACTING PRESIDENT GRIFFO: Can I
21 have some order, please.

22 Senator Stavisky.

23 SENATOR STAVISKY: I think it's
24 terribly unfair, because the Senate Democratic
25 Conference has worked on a number of higher

1 education proposals -- and our purpose really was
2 to, among other things, take a look at how the
3 students are being burdened with unaffordable
4 tuition, with increasing debt upon graduation.

5 And it's our priority to reduce
6 their dependence on tuition and improve state
7 support for higher education. And we do this,
8 obviously, with, among other things, a
9 maintenance of effort investment, additional
10 faculty lines, Community College Base Aid,
11 et cetera.

12 For one thing -- and let me
13 highlight our areas that were not included in the
14 majority resolution or were included but, we
15 feel, inadequately.

16 The Opportunity Programs were cut in
17 the Executive Budget, but unfortunately many of
18 them were not restored in the majority proposal.
19 And this is an investment really because it will
20 come back in the form of tax payments and
21 community involvement.

22 We support a multiyear approach to
23 making college tuition affordable for New York
24 families, and we are suggesting creation of an
25 Educate New York program. And it would be for

1 families with incomes up to \$150,000 adjusted
2 gross income. And it would be covered for state
3 public colleges and universities, plus a
4 supplemental tuition assistance grant of \$1300
5 would be included for students attending private
6 colleges and universities.

7 We would modernize TAP to cover more
8 middle-class families. We suggest providing
9 \$15 million for a College Student Success
10 Initiative for SUNY and CUNY to reduce
11 homelessness and hunger on campuses. I was taken
12 aback when the president of a community college
13 at CUNY told me she had hundreds attending that
14 college who are homeless. To me, that is a
15 tragedy.

16 We support, obviously, improving the
17 maintenance of effort for SUNY and CUNY,
18 additional commitments for rising costs that CUNY
19 and SUNY have experienced. We support an
20 increase in Base Aid for community colleges.
21 We -- among other suggestions, we should be
22 increasing the funding for worker education by
23 \$2 million, because these programs create career
24 training programs so that when the students
25 graduate, they have a job, and a job that exists

1 in New York.

2 We suggest expanding the STEM
3 scholarship program because that's currently
4 available only to CUNY and SUNY students, and we
5 think it should be available to students in
6 private colleges as well.

7 We vehemently support the DREAM Act.
8 And that will come back in so many ways to help
9 not just the student, but the entire community.
10 Because everyone knows a college-educated
11 individual will earn more money, they'll pay more
12 in taxes, they will buy locally and improve the
13 local economy, they participate in community
14 activities. There are so many reasons, economic
15 reasons, why we should be supporting the DREAM
16 Act.

17 We reject the language that would
18 require each campus on the CUNY Foundation and
19 other nonprofits to contribute a 10 percent
20 tithe. Because that's really what it is, it's a
21 tax of 10 percent on their funding.

22 We support legislation that would
23 prohibit CUNY and SUNY students -- and to its
24 credit, CUNY has already adopted this, where they
25 would be prohibited from asking questions about

1 immigration status unless required by the federal
2 government. And that could aid in the
3 deportation of students.

4 So there are so many reasons why I
5 think our proposal should have had a proper
6 airing. This, unfortunately, is not the way we
7 ought to be doing things. And it's not for
8 policy so much as the process. This is a
9 terrible process. And it's something that I
10 think really ought to be changed.

11 So again, thank you, Mr. President,
12 and I will be voting no on the resolution.

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

15 The Secretary will call the roll on
16 the resolution. Ring the bell.

17 As the members come into the
18 chamber, we will allow explanation of votes. But
19 it will be strictly kept to two minutes.

20 The Secretary will call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Montgomery to explain her vote.

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

1 I will respond to a couple of areas
2 in this budget that I find particularly
3 troublesome. One is that we have, in this
4 particular budget, suggested that we codify very,
5 very harmful regulations regarding childcare
6 providers in our state. I think over the long
7 run it's going to be extremely harmful to them,
8 and there is no -- apparently no option for an
9 appeal before they're just summarily shut down.

10 The other part is I want to respond
11 to what some of my colleagues have said as it
12 relates to Raise the Age. This is the exact same
13 thing that happened in terms of Raise the Age
14 last year. And that is it fell off the table,
15 out of the budget, and of course, in the end, it
16 went away.

17 In fact, there are some sections in
18 this particular proposal that in my opinion
19 absolutely go in the opposite direction of what
20 we tried to do with Raise the Age.

21 For instance, there is a section
22 that talks about enhanced penalties for so-called
23 gang activity. That is directly targeting young
24 people in parts of our state. It also speaks
25 about unsealing previously sealed records of

1 juveniles and youth in our state, exactly the
2 opposite of what we want to do with Raise the
3 Age.

4 It also talks about criminalizing
5 graffiti as a hate crime, no less.

6 So there are some parts of this
7 budget that are so heinous as it relates to what
8 we intend to do and propose to do for young
9 people. Meanwhile, it takes \$18 million away
10 from My Brother's Keeper. We just got it last
11 year.

12 ACTING PRESIDENT GRIFFO: Senator
13 Montgomery --

14 SENATOR MONTGOMERY: It also
15 reduces by \$5 million Early College programs in
16 our state. So --

17 ACTING PRESIDENT GRIFFO: Senator
18 Montgomery, can you please conclude.

19 SENATOR MONTGOMERY: And lastly, in
20 conclusion, we establish in this proposal what we
21 call a Youth Violence Prevention Task Force.
22 Now, let me just say that is the biggest cop-out
23 that I can ever imagine, that we have a task
24 force to study what we already know works. And
25 we have a measly \$600,000 for Youth Build

1 programs. That thing works.

2 We have other programs that work.
3 We should be investing in them and not creating
4 more and more --

5 ACTING PRESIDENT GRIFFO: Senator
6 Montgomery -- Senator Montgomery --

7 SENATOR MONTGOMERY: -- criminal
8 penalties for young people in our state.

9 I vote no.

10 ACTING PRESIDENT GRIFFO: Thank
11 you. Senator Montgomery to be recorded in the
12 negative.

13 Senator Bonacic to explain his vote.

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

16 Naturally I support the highlights
17 that are in our majority resolution budget.

18 I'd like to just comment that I
19 think when any member stands up and speaks to the
20 majority resolution, they are not grandstanding.
21 And your views are taken into consideration. As
22 you know, these are the start of a negotiating
23 position from now till when the budget is
24 adopted. So your words mean something.

25 I was a little upset by hearing the

1 Minority Leader speak about how your voice has
2 been silent. I don't believe there's an IDC
3 member or any member in this majority that would
4 ever silence the voice of a Senator as he
5 represents his constituents.

6 And when the Governor's budget came
7 out, you had all the tools to talk about what
8 your positions were, whether you did it through
9 Facebook, Twitter, press releases, an email
10 blast. You're always out there saying what you
11 believe in, because I read it.

12 And the last thing I want to mention
13 is that you have the opportunity to put your
14 Democratic minority resolution forward. You
15 could have filed it, on what you stood for. It
16 may not be debated on this floor, but all your
17 positions could have been outlined in a public
18 document, with transparency, of which you could
19 have communicated with all your constituents with
20 the communication tools that you have.

21 And you could have even put an
22 exclamation point, because when we put our
23 majority conference resolution forward, and you
24 hear the UDC's, you can -- IDC, excuse me -- you
25 can then talk about your own. So your voice is

1 never, never silent.

2 SENATOR GIANARIS: Point of order,
3 Mr. President.

4 SENATOR BONACIC: Thank you very
5 much.

6 ACTING PRESIDENT GRIFFO: Senator
7 Gianaris -- Senator Bonacic, thank you. You are
8 recorded in the affirmative.

9 Senator Gianaris --

10 SENATOR GIANARIS: I was hoping not
11 to reopen this wound, but I can't help --

12 ACTING PRESIDENT GRIFFO: Senator
13 Gianaris, that was an explanation of votes. What
14 is your point of order?

15 SENATOR GIANARIS: Yeah, but I'm
16 making a point of order, Mr. President.

17 ACTING PRESIDENT GRIFFO: What is
18 your point of order?

19 SENATOR GIANARIS: A point of
20 personal privilege, Mr. President.

21 I just want to clarify that what
22 Senator Bonacic's saying is in no way accurate in
23 terms of the process here. There has never
24 before in my time here been two majority
25 resolutions that have been presented. And it was

1 in reaction to that that we asked that we have
2 ours considered as well.

3 And the notion we can be heard by
4 tweeting and going on Facebook is an incredible
5 disrespect to this building, to this room, and to
6 the offices that we hold as State Senators. So I
7 don't want to hear that we can be heard because
8 we go on Twitter, Senator Bonacic. That is
9 incredibly offensive.

10 ACTING PRESIDENT GRIFFO:
11 Senator -- gentlemen, conduct through the chair.

12 You cannot use personal invective.
13 Your point of order is not well taken.

14 Senator Latimer, you may speak to
15 explain your vote.

16 SENATOR LATIMER: Thank you,
17 Mr. President. You can start the stopwatch.

18 Last year when I looked at the
19 majority resolution, I looked at the positives
20 and the negatives and I assessed that there was
21 more positive than negative, and I voted for the
22 Republican resolution.

23 This year as I've looked at the
24 resolution, I see positives in it, but I see more
25 negatives, so I'm standing with a no vote on this

1 year's resolution.

2 The positives in this resolution
3 that haven't been heard on the board, I agree
4 with the rejection of the MTA powers over local
5 zoning rights. I agree with this resolution's
6 parity for the Empire City facility with Resorts
7 World. I agree with the Buy American provisions,
8 and I agree with the rejection of the STAR
9 capping and some of the things in 2016 we did on
10 STAR.

11 But the negatives outweigh the
12 positives. What we've done in education is not
13 sufficient, either in the amount of money nor in
14 the way we've handled the Foundation formula.
15 This formula really works against the interests
16 of the Big Five school districts, against
17 Buffalo, against Rochester, and for my personal
18 purposes, against the need of Yonkers. And the
19 Foundation formula does not take into account
20 things that will wind up affecting districts like
21 Port Chester and others that have a high ELO
22 indicator.

23 We have accepted, in this
24 resolution, cuts to the MTA which I do not
25 support. We have accepted, in this, no action on

1 ethics, campaign finance reform, and particularly
2 inspector general provisions for the Port
3 Authority. There is no general increase in Aid
4 to Municipalities, which I think is long overdue.
5 And I don't agree with the sweeps of the Regional
6 Greenhouse Gas Initiative.

7 So on balance, this year I vote no.

8 ACTING PRESIDENT GRIFFO: Senator
9 Latimer in the negative.

10 Senator Bailey to explain his vote.

11 SENATOR BAILEY: Thank you,
12 Mr. President.

13 You know, I saw this budgetary
14 process through a different lens last year as a
15 staff member in the Legislature. As a member,
16 it's a lot different.

17 My theme is that it does not go far
18 enough. As many of my colleagues have alluded
19 to, there are many positive points in this
20 budgetary one-house resolution, but it doesn't go
21 far enough.

22 The Tenant Protection Unit was
23 completely cut. In the City of New York, in my
24 district alone, that saves 6,000 tenants. This
25 does not go far enough.

1 NYCHA, woefully underfunded.

2 There's some funding there, but it does not go
3 far enough.

4 And lastly, we're in a state where
5 people are facing troubling times economically,
6 and people are struggling with food. Food
7 deserts are in many places in our state. Food
8 insecurity is rampant in the City of New York and
9 the State of New York. To reject the Executive's
10 proposal concerning food waste is what I believe
11 to be irresponsible and something that I hope
12 that my colleagues from both sides of the aisle,
13 we work on, and look at trying to get, to the
14 people who need food the most, food that is
15 unused but still edible.

16 Thank you, Mr. President. And I
17 vote no for the resolution.

18 ACTING PRESIDENT GRIFFO: Thank
19 you. Senator Bailey to be recorded in the
20 negative.

21 Senator Hoylman to explain his vote.

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

24 I just wanted to revisit the fact in
25 explaining my vote that this budget, I think for

1 the first time in the history of this body,
2 actually defunds a memorial for LGBT people. And
3 I find that shocking and distressing, but maybe
4 not surprising, given that this bill is part --
5 this resolution is part of a practice here, I
6 have to say, where any mention of LGBT people is
7 forbidden in legislation that we consider.

8 Since 2011, not a single bill
9 has passed this chamber that has directly
10 benefited or mentioned LGBT people. In fact,
11 last year when we passed a bill to name
12 Stonewall, in my district, where the LGBT
13 movement was founded, we had to strip the bill of
14 any reference to LGBT people so it could be
15 considered on this floor.

16 At another time, when we considered
17 a resolution on the Orlando massacre, there was
18 no mention of LGBT people or Latinos.

19 So for that reason alone, I think it
20 deserves a thumbs down. In addition to that,
21 we -- in this Senate resolution we are watering
22 down the Hate Crimes Task Force proposed by the
23 Governor, and we are also removing some
24 protections for LGBT people in our public
25 schools. So I'll be voting in the negative.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Hoylman in the negative.

4 Senator Breslin to explain his vote.

5 SENATOR BRESLIN: Thank you very
6 much, Mr. President.

7 I had intended, as I've already done
8 by expressing my negative vote, to sit and watch
9 the others. But I thought it would be important
10 that I expressed what happened to me shortly
11 after the election in November. I began getting
12 phone calls saying, "Thank goodness you were
13 reelected, you'll be able to Twitter for the next
14 two years."

15 (Laughter.)

16 SENATOR BRESLIN: And then I got,
17 gee, letters and other phone calls about being
18 able to be on Facebook and expanding my numbers.
19 And it went beyond that. And the more I got, the
20 more I realized how important that might not be.

21 And when I was elected, I was
22 elected to serve in this body and equally express
23 my opinion on issues that are important to us.
24 And with this resolution, I believe there are so
25 many things that I disagree with -- albeit some

1 that are very positive and very good -- but that
2 I would obviously miss a great deal.

3 But first, Foundation Aid. We
4 haven't resolved it, and we haven't resolved it
5 in a positive way, particularly for the
6 high-needs districts. And I happen to represent
7 five cities, and there's many high-needs students
8 within that district who need additional
9 Foundation Aid.

10 To go on, the millionaire's tax. We
11 think that we can get along with helping people
12 without extending that millionaire's tax, with
13 over \$4 billion not included here? We're kidding
14 ourselves.

15 And I can go on and on. With
16 ethics, no ethics relief. People calling us and
17 saying, Why are you doing this? Why aren't you
18 coming up with a package that resolves the
19 ethical problems that exist, not only within this
20 body, but across the State of New York?

21 And in my own district, which has a
22 structural -- the City of Albany, which has a
23 structural imbalance that everyone knows about.
24 Over 60 percent of the property in Albany is
25 state property, nontaxable. And it creates a

1 situation where Albany will never have the
2 sufficient dollars to fully balance its budget.

3 And when they say, Well, people live
4 there, they work in the Legislature -- the
5 majority don't live in the City of Albany, they
6 live in the suburbs. They go beyond that.

7 So for these few reasons and many
8 others, and to be able to get up because I was
9 elected to express my point of view, I vote no.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Breslin. To be recorded in the
13 negative.

14 Senator Boyle to explain his vote.

15 SENATOR BOYLE: To explain my vote,
16 Mr. President.

17 I support this resolution because of
18 the great moves it makes in reforming our
19 economic development systems here in New York
20 State. We do great work with the Regional
21 Economic Development Councils, bringing about
22 more openness and more transparency.

23 And also for winding down the failed
24 START-UP NY program. We've wasted tens of
25 millions of dollars on this program with very

1 little to show for it, and for some reason the
2 Governor wants to cling to this failed program,
3 wants to change its name to the Excelsior
4 Program. I was thinking about there's one thing
5 we're missing in New York State, and that's more
6 programs named Excelsior.

7 It hasn't worked no matter what it's
8 called, and we need to wind it down. I don't
9 know why the Governor is clinging to it. Just
10 admit it doesn't work. I don't know, for some
11 reason he may have his mind on national office.
12 I can tell the Governor that you cannot become
13 president of the United States without admitting
14 you make mistakes. Usually. That's not --

15 (Laughter.)

16 SENATOR BOYLE: I vote in favor.

17 ACTING PRESIDENT GRIFFO: Senator
18 Boyle recorded in the affirmative.

19 Senator LaValle to explain his vote.

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

22 I'd like to thank the members for
23 their input in the higher education portion of
24 this resolution. I want to thank the staff that
25 worked very, very hard to produce a higher ed

1 portion of the budget that is more dynamic and
2 forward-looking than ever before. And there's a
3 proposal in this resolution, a \$1.5 million
4 proposal, that came from the students on a pilot
5 program for telehealth. So everyone participated
6 in this proposal.

7 Beyond higher education, I think
8 once again we worked very hard to produce a very
9 forward-looking budget that I believe citizens of
10 this state can be proud of.

11 I vote aye.

12 ACTING PRESIDENT GRIFFO: Senator
13 LaValle recorded in the affirmative.

14 Senator Tedisco to explain his vote.

15 SENATOR TEDISCO: Thank you,
16 Mr. President, and my colleagues.

17 I think there's a whole bunch of
18 very good reasons -- and very good proposals in
19 providing for funding in a whole variety of
20 areas -- to vote for this particular budget this
21 year.

22 But over the period that I've been a
23 New York State legislator in both houses now, and
24 at the beginning of this legislative session,
25 I've said in those years what I said this year:

1 Any budget on any level should always start with
2 funding with those who are most vulnerable in
3 terms of our population and then build up from
4 there.

5 I'm proud to be a part of this
6 membership in the majority side of the Senate who
7 is providing the funding in this budget, led by
8 Senator Ortt and his committee and many of us who
9 support it, to be fair to direct care and put
10 millions of dollars into our proposal and into
11 this budget -- which I guess you're voting
12 against in terms of the budget right now -- for
13 those individuals who are most vulnerable.

14 And if you've never had a family
15 member who needed that funding, I have. I had a
16 brother named Joey who had Down syndrome. So I
17 know the importance of keeping staffing in place
18 for those who are most vulnerable, the
19 consistency of that.

20 We had a Governor who did an
21 executive order and did damage to that
22 population. They have list upon list of jobs
23 available where individuals have left, not
24 because they want to -- they're well trained,
25 they'd like to care for our most vulnerable

1 population in ARCs and other areas. They're
2 sitting at cash registers at fast food areas
3 right now because of that executive order, for
4 \$15. Our direct care providers shouldn't be
5 getting \$15, they should be getting \$20, \$25.
6 And this body, on both sides of the aisle, should
7 be supporting that.

8 And I'm proud to stand and vote for
9 this budget that provides the direct care dollars
10 for those individuals who provide those services.
11 And it's going to be fair for direct care.

12 Thank you, President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Tedisco in the affirmative.

15 Results?

16 THE SECRETARY: Ayes, 32. Nays,
17 28.

18 ACTING PRESIDENT GRIFFO: The
19 resolution is adopted.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: I believe you
22 have at the desk Resolution 1051, by Senator
23 Klein. Would you please call that up.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

1 THE SECRETARY: Senate Resolution
2 Number 1051, by Senator Klein, in response to the
3 2017-2018 Executive Budget submission
4 (Legislative Bills Senate 2000B, 2003B, 2004B,
5 2005B, 2006B, 2007A, 2008B, 2009B) to be adopted
6 as legislation expressing the position of the
7 New York State Senate relating to the 2017-2018
8 New York State Budget.

9 ACTING PRESIDENT GRIFFO: Senator
10 Klein.

11 SENATOR KLEIN: Thank you,
12 Mr. President.

13 First I'd like to thank Majority
14 Leader John Flanagan for working so diligently
15 over the past month to come up with a one-house
16 budget resolution.

17 One of the things I heard a lot
18 about today from some of the speakers is somehow
19 associating what happens in the Senate with the
20 dysfunction in Washington. Well, you know, the
21 IDC has existed now for six years, and I think
22 we've worked very, very well in sort of
23 preventing the dysfunction that happens in
24 Washington, where we come together and do the
25 people's business.

1 You know, the purpose of this
2 coalition between the IDC and the Republicans is
3 not to turn Republicans into Democrats or
4 Democrats into Republicans. It's to find common
5 ground. I think we should have more of that in
6 Washington, where they can come together, maybe
7 put political differences aside, but remember and
8 always remember that they represent people. And
9 when you take a vote on something, when you
10 promote a specific piece of legislation, that has
11 ramifications on people's lives. Whether it's a
12 Democratic idea, a Republican idea, or anybody's
13 idea, we always have to be mindful of that.

14 So I want to really thank again
15 Senator Flanagan for really keeping that spirit
16 alive.

17 The reason why I think it was
18 important this year for the Independent
19 Democratic Conference to put forth our own
20 one-house budget resolution -- as I said, we've
21 agreed on so much in this document, from a
22 permanent property tax cap, to making sure we
23 pour more money into opioid and heroin addiction,
24 protecting our water supply, making sure we move
25 forth with a middle-income tax cut which benefits

1 individuals who make under \$150,000 a year -- the
2 things that I think matter to our middle class.

3 But then again, back in January, the
4 Independent Democratic Conference put forth our
5 agenda. It was the first agenda put forth by
6 really any legislative body, which was called
7 Change New York. We were very serious about
8 changing New York, but at the same time always
9 being mindful that we have to help the many and
10 not just the few.

11 First was our college affordability
12 program. First I want to say thank you to
13 Senator LaValle. We sat down, we worked
14 together. He is an expert on higher education.
15 His ideas, meshed with the ideas of the IDC, came
16 together with the package that we see before us
17 today.

18 First of all, it expands TAP. It
19 expands TAP to a much higher level, to \$125,000.
20 Many people may not know, but if -- anyone who
21 makes over \$80,000 in the City of New York,
22 you're not getting anything. Under \$80,000,
23 you're eligible for TAP, and you're probably
24 having your whole entire tuition covered.

25 But what about those people who make

1 \$80,000 to \$125,000? Those aren't wealthy
2 people. Those are working-class people. Those
3 are people that are many of our neighbors, who
4 struggle to send their kids to college. Under
5 this plan, those individuals will be helped.

6 You know, we hear a lot about
7 student debt, and certainly student debt is on
8 everyone's mind, especially if you're a young
9 person graduating from college. Right now in the
10 State of New York when a young person graduates
11 from college, on average their debt is \$32,000 --
12 \$32,000, that's how they're starting their
13 working career. Many have much more, of course.

14 But at the same time we put forth a
15 program which I think is going to reduce student
16 debt, first as a college STAR program. Right now
17 if an individual pays for their kids' education,
18 they can only take off \$400 from their taxes,
19 \$400. We want to make it \$2500. Let's give some
20 real money, in the form of a tax credit, to help
21 a young person afford a college education.

22 The next idea is a college
23 affordability debt retirement payment plan. It's
24 a 401(k) plan. We want to give individuals who
25 have their first job the ability to take \$2500

1 off from their taxes and let their employer match
2 that. That's \$5,000 a year taken off from your
3 taxes to pay off your student debt. That's how
4 we make sure that young people don't continue
5 that debt year after year after year.

6 The next issue I think is just as
7 important. It's the -- also the issue of making
8 sure, when we say college affordability for all,
9 we mean it. And our program will always include
10 those undocumented individuals who through no
11 fault of their own are faced with a situation
12 where they are not eligible for TAP. Well, our
13 program changes that, and that's in our one-house
14 budget resolution.

15 The next issue is Raise the Age.
16 Everyone's been talking about it. It's long
17 overdue. We have raised this issue in the
18 beginning of the year, put out a report, showed
19 that it didn't make any economic sense to have
20 our young people committed to jails. It's very,
21 very clear in this day and age we need to really
22 rehabilitate, not incarcerate.

23 And I'm very hopeful that my
24 colleagues on the other side of the aisle who
25 actually have done a very, very good job in

1 having hearings on this issue, along with the IDC
2 and the Senate Democrats, that I think we have to
3 understand that it's very simple. If a young
4 person commits a misdemeanor or a nonviolent
5 offense, it should be heard in Family Court and
6 not criminal court. It's very simple. We're
7 destroying too many lives, causing individuals to
8 become criminals instead of giving them the
9 education and the future that they deserve.

10 The next issue which I think is
11 very, very important is about jobs. You know, we
12 all talk about jobs, how can we create jobs,
13 especially manufacturing jobs. I'm not going to
14 sit here and say that somehow we should leave out
15 an individual who has done manufacturing their
16 entire life and now we're telling them that
17 somehow they're going to be a computer whiz and
18 work in some high-tech field.

19 Well, our program, which is called
20 Made by New Yorkers, would actually incentivize
21 manufacturing again here in the State of New
22 York, thus creating thousands and thousands of
23 jobs.

24 We talk a lot about this
25 millionaire's tax, which has been on the books

1 for several years now. Quite frankly, with all
2 of the things that we laid out in our agenda,
3 college affordability and other things, I can't
4 see how we can let this tax lapse. So I'm
5 hopeful that heading into the budget over the
6 next two weeks, we can continue that tax and at
7 the same time help to pay for very important
8 things for the people we serve.

9 Something that I've talked about for
10 a year now, which I think is something that we
11 really need to look for potentially in the
12 future, is called the carried interest loophole.
13 We're letting \$3.5 billion a year in uncollected
14 revenue slip away from us here in the State of
15 New York.

16 I don't want to be gloom and doom,
17 but remember, what happens in Washington will
18 dictate what we have to do maybe in a special
19 session in October. So I think we have to be
20 very mindful that we have to look for new revenue
21 to make sure we can continue healthcare, we
22 continue to fund our education system as well as
23 our higher education. So that's something that
24 again is in our one-house budget resolution.

25 One of the things we've talked about

1 in the IDC, and I'm very proud that this is also
2 in our one-house budget resolution, is something
3 called the Home Stability Support Program. You
4 know, right now most of us, especially here in
5 New York City, are faced with a homeless crisis
6 that we've never seen before. I think the
7 answer, quite frankly, isn't building more
8 shelters, it's not housing the homeless in
9 fleabag motels or clustered-site housing that we
10 wouldn't let anyone live in. It's actually
11 building real housing or, better yet, preventing
12 people from being homeless in the first place
13 through eviction.

14 So we want to raise the subsidy to a
15 market rate to prevent people from being evicted
16 in the first place and actually letting people
17 live in their own apartments through the subsidy.

18 So this is why we actually put forth
19 our one-house budget resolution. Like I said,
20 most of it we could have done together with the
21 Republicans -- and I hope we can do everything
22 together, moving forward. But at the same time,
23 the issues that I outlined are far too important
24 to not have a voice at the table. These issues
25 are far too important to make sure that the IDC

1 and some of my fellow Democrats -- who I know, I
2 hear them a lot about supporting a lot of these
3 issues -- they have to remain in the budget.

4 So again, I want to thank Senator
5 Flanagan. I want to thank my colleagues on both
6 sides of the aisle. And I hope they will vote
7 for this one-house budget resolution, if you
8 believe in the things that we put forth, not
9 because of politics.

10 Thank you all very much.

11 ACTING PRESIDENT GRIFFO: Senator
12 Savino.

13 SENATOR SAVINO: Thank you,
14 Mr. President.

15 I also want to thank Senator Klein,
16 leader of the IDC, my colleagues in the IDC, the
17 staff of the IDC, and Senator Flanagan and his
18 staff for the one-house resolutions today.

19 And I also want to say a particular
20 thank you to both Senator Young, the chair of the
21 Finance Committee, and Senator Krueger, the
22 ranker on Finance, for having sat through, it
23 seemed, hundreds of hours of testimony on the
24 Executive Budget proposal, which has brought us
25 to where we are today, where we are putting

1 forward what we believe should be the priorities
2 of the State of New York.

3 Senator Klein I think very
4 eloquently outlined what the IDC believes should
5 be in the budget and where we differ with our
6 majority colleagues. But I want to go through --
7 for those of you who are following at home, I
8 have a little cheat sheet that will make it much
9 easier for you.

10 So the Senate one-house that was put
11 forward and voted on earlier today, differs from
12 what the IDC has put forward in a few different
13 places, and I'm just going to outline where they
14 are specifically by page number. For those of
15 you who have the one-house resolution, it will
16 make it easier for you.

17 With respect to the issue of
18 education, on page 12 of the Senate one-house,
19 the IDC believes very strongly in the restoration
20 of Teacher Resource Centers as part of the
21 Foundation Aid lineout. We believe that in the
22 era that we live in today that teachers need to
23 have resources more than ever before. We felt it
24 was important enough to restore it to our
25 one-house.

1 We also believe in expanding what
2 the Governor wants to do in giving the Division
3 of Human Rights jurisdiction to include public
4 schools. That's on page 14 of the Senate
5 one-house. That's where we differ.

6 On higher ed, you heard Senator
7 Klein speak about the challenges that our young
8 people face and the proposals that we put forward
9 to help solve some of those, whether it's
10 providing financial aid to needy students or
11 dealing with crushing student debt. We also feel
12 very strongly that we should not leave any
13 student behind, which is why on page 31 we feel
14 strongly about restoring the Governor's proposal
15 and accepting the DREAM Act and the \$27 million
16 that he puts forward to make sure that we leave
17 no student behind.

18 On human services, we not only
19 believe that we should increase funding, on page
20 6 of the one-house, for Advantage After Schools
21 from \$5 million, we're adding \$15 million on top
22 of that. That's how strongly we believe in
23 after-school funding.

24 With respect to housing, on page 32,
25 we remove the changes to the Rent Act of 2015, we

1 remove the denial of funding for the Tenant
2 Protection Unit on page 8, we include language
3 for the Home Stability Support Program on
4 page 33.

5 On public protection, on page 10, we
6 accept the Governor's proposal to remove "public
7 view" language from the Class B misdemeanor of
8 criminal possession of marijuana. Far too many
9 of our young people are getting caught up under
10 the broken windows theory and being incarcerated
11 and being marked for life for having nothing more
12 than a small amount of marijuana in public view.

13 General government. On page 22, we
14 remove the language related to the omission of
15 MWBE, to smooth the language, the issue that
16 Senator Sanders spoke so eloquently about.

17 On economic development, on page 17,
18 we accept the \$1 million for the LGBT memorial
19 that Senator Hoylman spoke about, and his
20 concern. We agree with him, and we agree with
21 the Governor.

22 On environmental conservation, we
23 add a new battery stewardship program to the
24 inclusion of the paint stewardship program, on
25 page 20.

1 In the area of health, on page 23,
2 we accept the funding for the New York State of
3 Health Exchange at \$71.6 million.

4 On insurance, on page 29, we accept
5 the Executive proposal to establish the risk
6 adjustment fund for paid family leave.

7 Moving on to labor, on page 21, we
8 remove the language that eliminates the
9 \$4.6 million reapprop for various technology
10 projects and change "modifies" to "concurs with."
11 This is the funding that's necessary for the
12 creation of the SAFE Act database.

13 We concur with the Governor's
14 proposal on wage theft. We remove all references
15 to workers' comp reform, and we remove Part ZZ on
16 page 37, the smoothing of the differences between
17 the fast food wage order and the minimum wage.

18 On legal defense initiatives, we add
19 \$2.5 million to the \$2.5 million that's already
20 there to provide a whole \$5 million for Immigrant
21 Legal Defense Coalition initiatives, because we
22 believe strongly that immigrants in our state
23 need access to quality legal defense now more
24 than ever.

25 On good government and ethics

1 reform, we accept the Governor's Executive ethics
2 reform package on page 23.

3 On revenue, we concur with the
4 Governor's Executive Millionaire's Tax proposal
5 on page 54. We make some technical changes to
6 the 401(k) college debt repayment plan. We amend
7 the language to read "The Senate will evaluate
8 the potential to generate revenue in New York
9 State due to the closure of the carried interest
10 loophole," because as Senator Klein said, we
11 don't know what's coming down the pike in
12 Washington, but it doesn't look good for us.

13 And finally, we add "The Senate
14 supports and advances language to eliminate the
15 City of New York personal income tax for
16 residents who make under \$45,000 per year" on
17 page 59, an issue that Senator Alcantara I know
18 is going to speak about.

19 Excuse me, and one more issue. We
20 remove the language that says "The Senate
21 supports the Executive convening all parties to
22 the Tribal Compact to explore potential
23 resolution to the broader issues surrounding the
24 Oneida Compact." That's on pages 21 and 59.

25 Those are the changes that the IDC

1 felt strongly enough to make to the Senate
2 one-house budget resolution. We hope those of
3 you who agree with us on these issues will
4 support us, you vote for this, strengthening our
5 hand at the bargaining table as we move forward
6 to bring these priorities into the final round of
7 these budget negotiations, so we can produce a
8 solid budget for the people of the State of
9 New York -- upstate, downstate, east and west.

10 I thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Gianaris.

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

15 It's good to talk with you again
16 today.

17 ACTING PRESIDENT GRIFFO: Would you
18 like to speak on the reso, Senator Gianaris?

19 SENATOR GIANARIS: Yes, on the
20 resolution.

21 ACTING PRESIDENT GRIFFO: Senator
22 Gianaris on the resolution.

23 SENATOR GIANARIS: Mr. President
24 and my colleagues, today -- today we're voting on
25 two budget resolutions. There was the Republican

1 budget resolution that we debated and voted upon
2 a little bit earlier, and there is the resolution
3 we are discussing now, which I would call the
4 "Republican-lite" resolution.

5 And the reason I say that is because
6 the words of the two resolutions are about
7 90 percent the same. I'm going to repeat that.
8 These resolutions are 90 percent the same
9 language, the same words. The underlying budget
10 bills are actually the same bills that are being
11 referenced. Which is why we've been fighting so
12 hard today to have a real Democratic proposal on
13 this floor to be heard, to present a real
14 progressive alternative to the Republican
15 resolution that we discussed earlier.

16 Had we been given that opportunity,
17 what would have been the difference? That's an
18 important question. What would have been in our
19 resolution had we had the chance?

20 Well, for one thing, we would have
21 addressed the Raise the Age issue in a way that
22 actually addressed the Raise the Age issue, and
23 not just said this is something we'd like to
24 discuss further, which is what this resolution
25 and the Republican resolution does. Same exact

1 words as it relates to the Raise the Age issue in
2 this resolution and in the Republican resolution.

3 What else would we have done? We
4 would have had a real increase in the
5 Foundation Aid and fixing the Foundation Aid
6 formula so that we finally address the CFE issue
7 that's been hanging over our heads for a decade.
8 It would have meant significant funding in
9 education to the Big Five districts and
10 much-needed support for our kids.

11 What else would we have done? We
12 would have actually had a free tuition plan to
13 discuss and vote on. Because neither the
14 Republican nor this resolution actually provides
15 for free tuition. And the Senate Democrat
16 proposal on that front goes a lot further and
17 would do a lot more good.

18 What else? How about mayoral
19 control of schools in New York City? This
20 Republican-lite budget resolution would eliminate
21 mayoral control. Never mind the one year that
22 the actual Republicans like to give, or the
23 three years that the Assembly, the Governor, and
24 we would accept. There's nothing providing for
25 continuation of mayoral control of city schools

1 in this budget.

2 What else would be allowed to
3 happen? The extension of MWBE would be allowed
4 to happen. Because that language has been
5 stricken from the Governor's proposal, in both
6 the Republican and the Republican-lite
7 resolutions. So if people want the MWBE
8 provisions in this state to expire, this is the
9 resolution for you.

10 I can go on, and I will.

11 (Laughter.)

12 SENATOR GIANARIS: The Republican
13 resolution and this resolution have accepted the
14 Governor's \$65 million cut to MTA. The
15 Republican resolution and this Republican-lite
16 resolution accept a \$35 million cut for
17 after-school programs. The Republican resolution
18 and the Republican-lite resolution hurt our
19 environment by sweeping RGGI funds and extending
20 compliance with the important diesel emissions
21 standards for even more years.

22 The Republican resolution and the
23 Republican-lite resolution accept increased
24 premiums for the Essential Plan for working-class
25 family enrollees as it relates to our healthcare.

1 The Republican resolution and the
2 Republican-lite resolution accept the plan to cut
3 \$50 million in New York City Medicaid. It also
4 accepts deferral of the human services COLA and
5 does not provide the full \$45 million to pay
6 human services living wages for our nonprofits.

7 Had we had our resolution on this
8 floor today, we would have been able to discuss
9 how we would increase NYCHA funding dramatically
10 more than has been proposed. And we certainly
11 would reverse the \$120 million cut to parks
12 funding that both the Republican resolution and
13 the Republican-lite resolution are proposing.

14 Now, somehow today we're only left
15 discussing the resolutions that the Republicans
16 want us to hear. Think about that for a second.
17 The Republicans are choosing which Democrats they
18 want to hear from. And it's no surprise, when
19 that happens, that they're picking the group that
20 the Daily News called "Donald Trump's New York
21 Democrats."

22 Now, the IDC says they exist to get
23 things done. If they're getting things done, why
24 have a separate resolution? You're in a
25 coalition together. I thought the idea was you

1 would give concessions to them to make it more
2 progressive. Why need your own resolution?

3 But I'll tell you what. If you want
4 to talk about getting things done, let's have
5 that conversation. Because we hear a lot about
6 it. Let's talk about minimum wage. A lot of
7 people try to take credit for the minimum wage
8 that happened. The last hike, my colleagues may
9 remember, before last year's was to \$9. This
10 conference stood up at the time and said, "That
11 is unacceptable." We wanted to go to \$15
12 years ago.

13 And what happened when we raised
14 that point? We were attacked. We were attacked
15 by members of the IDC who are now authoring this
16 resolution, and others. Lo and behold, a couple
17 of years later, \$15 is a great idea. Which it
18 is. But we could have done it faster. And we
19 should have done it faster.

20 In fact, if you want a good idea of
21 what progressive things are going to be happening
22 in New York State or even proposed in New York
23 State, you'd be wise to look at Senate Democrat
24 bills. Because somehow all the things that
25 people like to champion originated right here in

1 this conference.

2 So I don't mind people stealing our
3 ideas. I'd love to get them done, whether it's
4 Raise the Age, which Senator Montgomery has been
5 championing, or paid leave, which Senator Addabbo
6 has been at the forefront of; elements of the
7 SAFE Act which I myself have authored. I'm glad
8 this is all happening.

9 But let's be clear that had we been
10 allowed to put our resolution forward and
11 advocate for it and work together to get it done,
12 it would have happened faster and it would have
13 happened better.

14 There are some, my colleagues, there
15 are some, unfortunately, who are happy to eat the
16 crumbs from the Republican dinner plate when we
17 should be sitting in a prime seat at the table
18 helping to drive the conversation. And
19 unfortunately, we're being denied that right, the
20 right that the people of this state wanted.

21 This budget resolution is nothing
22 but a political ploy, despite what you heard. It
23 is an act of political cover, and it's not
24 working. Because people -- like I mentioned
25 earlier today, people are noticing. People are

1 rising up, and people have decided they've had
2 enough. This is a critical moment in our
3 nation's history. It's up to the states to draw
4 the line and say that we are going to protect
5 New Yorkers even if others won't. And the way to
6 do that is not to sign on with the
7 Republican-lite resolution, which even they can't
8 get in the things they want, which is why we're
9 sitting here having two majority resolutions
10 today.

11 My colleagues, I'm voting no on this
12 resolution, you may have gathered. And I
13 encourage anyone that cares about a truly
14 progressive New York to do the same.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will call the roll on the resolution.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT GRIFFO: Can I
20 have some order, please, in the chamber.

21 Senator Peralta to explain his vote,
22 and we're going to be on a two-minute
23 explanation.

24 (Pause.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Peralta to explain his vote.

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

4 I want to thank Senator Klein for
5 all the work that he's put in this budget process
6 to date. And I really appreciate the IDC is
7 bringing its own resolution to the floor today,
8 as we have worked very hard within the majority
9 to reach a budget agreement, although there have
10 been some important differences that have been
11 earmarked or discussed today.

12 Today I rise to acknowledge a truly
13 historic day here in the New York State Senate.
14 Importantly, I rise to acknowledge the first time
15 that I have felt able to vote in favor of a
16 one-house budget resolution in my Senate career.

17 As you all know, I've been the
18 sponsor of the DREAM Act in the Senate for years.
19 And for years, the Governor has proposed
20 inclusion of many important points in college
21 affordability in the State Budget. And for years
22 those proposals have disappeared from the final
23 text of the enacted budget.

24 I am proud to vote yes today on the
25 IDC's one-house resolution, as we're not simply

1 talking about college affordability, but we're
2 taking strides to protect the futures of all
3 New Yorkers. We're not just talking about
4 addressing skyrocketing costs of college
5 attendance, we're doing it.

6 We're proposing to continue our
7 fight to raise TAP eligibility to a household
8 maximum income of \$125,000 a year -- and to do so
9 for each and every New Yorker by including in the
10 New York State DREAM Act in it. And no, it's not
11 in the Republican resolution.

12 So a vote against this is a shame,
13 because everybody likes to talk about progressive
14 issues and talk about the DREAM Act. A vote
15 against this is truly a shame. Today marks the
16 very first time that college affordability for
17 all New Yorkers, regardless of immigration
18 status, has been in a budget resolution on the
19 Senate floor. In fact, three of four leaders at
20 the budget table have now included language to
21 expand the Tuition Assistance Program to all
22 New Yorkers.

23 We're also proud to support a new
24 task force on private student loan debt, creation
25 of college debt freedom accounts, and a college

1 STAR program that increases the college tuition
2 tax credit and deductions in order to safeguard
3 our students.

4 ACTING PRESIDENT GRIFFO:
5 Senator -- Senator Peralta, could you conclude,
6 please?

7 SENATOR PERALTA: Yes, I am.
8 We're also glad to be pushing
9 \$1.5 billion in Foundation Aid. We're also
10 moving to protect our state's immigrants now by
11 including \$5 million instead of \$2.5 million.
12 Again, which is not in the Republican resolution.
13 We're also pleased to accept the Governor's
14 \$1 million proposal for the LGBT memorial to
15 remember the lives lost in last year's tragic
16 shooting at the Pulse nightclub in Orlando.
17 Again, not in the proposal.

18 ACTING PRESIDENT GRIFFO: Senator
19 Peralta -- Senator Peralta, how do you vote?

20 SENATOR PERALTA: I just want to
21 close with this. We talk about progressive
22 issues. We talk about how we're going to lead
23 the fight. Here's the opportunity, and yet some
24 of you are voting no. Some of you are saying
25 it's not going to happen. Well --

1 ACTING PRESIDENT GRIFFO: Senator
2 Peralta, how do you vote?

3 SENATOR PERALTA: -- stop talking
4 the talk --

5 ACTING PRESIDENT GRIFFO: Senator
6 Peralta, how do you vote?

7 SENATOR PERALTA: -- and walk the
8 walk.

9 I'm voting for it.

10 ACTING PRESIDENT GRIFFO: Senator
11 Peralta in the affirmative.

12 Senator Alcantara to explain her
13 vote.

14 SENATOR ALCANTARA: Thank you for
15 giving me the opportunity to speak.

16 Before I speak, I would like to say
17 that I'm a new Senator and all of this is new to
18 me. But one thing, that whether you're Democrat
19 or Republican, is human decency. And we can
20 agree to disagree on issues, economic issues, my
21 political views, your religious view or whatever.
22 But when we start name-calling people, I have a
23 problem.

24 Senator Gianaris called me and my
25 colleagues Trump Republicans. I would like to

1 remind him that at the end of the day, he's a
2 white man with a degree from Harvard, and I
3 refuse to have him use his white privilege to --

4 SENATOR GIANARIS: Mr. President --

5 SENATOR ALCANTARA: I am speaking.
6 I have the floor now.

7 -- to accuse me --

8 ACTING PRESIDENT GRIFFO: Senator
9 Alcantara, please.

10 SENATOR ALCANTARA: Yes.

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

13 SENATOR GIANARIS: I believe we
14 have a rule not to attack personally people
15 directly in this chamber.

16 ACTING PRESIDENT GRIFFO: Senator
17 Alcantara, please avoid --

18 SENATOR GIANARIS: -- ask you to
19 enforce it.

20 SENATOR KLEIN: -- point of
21 personal privilege. Mr. Gianaris opened the door
22 when he referred to a Daily News article --

23 ACTING PRESIDENT GRIFFO:
24 Gentlemen -- gentlemen, I want order in the
25 house. I will take one at a time.

1 Senator Gianaris.

2 SENATOR GIANARIS: I mentioned no
3 Senator's name when I spoke, Mr. President. If
4 they don't like the substance of what they're
5 doing, that's their problem.

6 ACTING PRESIDENT GRIFFO: So all
7 right, listen --

8 SENATOR DeFRANCISCO: Excuse me.

9 ACTING PRESIDENT GRIFFO: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: We've gotten
12 through a day that's been -- there's been a lot
13 of tension. Hopefully we can get through this
14 all the way through without getting too hostile
15 and uncivil.

16 So I understand the point, but I
17 would request that you continue to allow the
18 Senator to speak and just make sure that she's
19 going to be civil and not be a situation where
20 people are going to be attacked, or else it will
21 start another attack and another attack.

22 ACTING PRESIDENT GRIFFO: I'm going
23 to remind all members today of the rules of
24 decorum of the house. It has been a long day.
25 The room is filled. We must avoid personal

1 invective of any type. Stick basically to your
2 explanation of vote on the issue at hand.

3 And I am going to instruct everyone
4 to be reminded, regardless of where you sit,
5 there is a two-minute limit and it will be
6 enforced.

7 Senator Alcantara.

8 SENATOR ALCANTARA: Thank you.

9 I would like to continue. I would
10 like to know how many times my colleague has been
11 called the "N" word or a spic. How many times
12 has he been refused entry into anyplace? How
13 many times has my colleague or any of his family
14 members been stopped and --

15 SENATOR FLANAGAN: Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Flanagan, why do you rise?

18 (Inaudible cross-talk.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Flanagan -- Senator Alcantara.

21 Senator Flanagan, why do you rise?

22 SENATOR FLANAGAN: I don't do this
23 very often, but I'm doing it for a reason.
24 Everyone's hot. Emotions are running high. Even
25 Rivera over there is hot. You know? If you lose

1 the vest, my friend, you might be a little
2 cooler.

3 Here's my real point. We should
4 always have a sense of decorum and
5 professionalism. I believe I enjoy that every
6 single day with Senator Klein. I believe that
7 while she may not be sitting here physically,
8 that I enjoy the same thing with Senator Andrea
9 Stewart-Cousins.

10 Let's focus on this, Mr. President,
11 if you will. And I want to thank you for your
12 diplomacy. Let's talk about what matters. Let's
13 talk about issues that are important to Senator
14 Alcantara, and let's keep it in a vein that is
15 really -- whatever that level is, let's stay
16 above it. That's one of the reasons I am
17 gratified and humbled to serve as a member of
18 this New York State Senate. Let's talk about
19 public policy.

20 Because at the end of the day,
21 whether it's Jimmy Tedisco's district or Elaine
22 Phillips' district or Serrano's district or
23 Kennedy's district, people want to know what
24 we're doing to help them. I would respectfully
25 ask that we keep it along those lines.

1 ACTING PRESIDENT GRIFFO: Your
2 point is well taken, Senator Flanagan.

3 I would instruct all members again
4 to adhere to the procedures and protocol of the
5 house. If it continues, I will ask that the
6 debate be closed on -- or your explanation be
7 closed.

8 So, Senator Alcantara, please
9 conclude. You have about a minute-thirty.

10 SENATOR ALCANTARA: Thank you. And
11 no more interruptions, please.

12 So like I said, I want to know how
13 many times my colleagues that claim to be so
14 progressive have been denied access or called
15 names. I can imagine the answer is no. So to
16 compare my colleagues and myself to Trump is --
17 and to his policy is insulting, since people like
18 me that are immigrants, that are black, are the
19 ones most deeply affected by his policies.

20 Having said that, thank you,
21 Senator Klein, for putting forth this proposal
22 that would finally allow undocumented students to
23 have access to higher education. Thank you for
24 putting a proposal that would expand the dual
25 language programs in all communities throughout

1 not only New York City but throughout the State
2 of New York. Thank you for putting forward and
3 rejecting to take away the \$1 million for the
4 LGBT memorial, which I remind my colleagues,
5 49 people died, most of them members of the
6 Latino communities, with roots in the State of
7 New York.

8 I would again state why I'm
9 supportive of this. I live in Washington
10 Heights, one of the poorest districts in
11 Manhattan, full of brown people not with a lot of
12 privilege. And part of our plan is that if you
13 earn \$45,000 and below, that there will be an
14 income tax relief that people in our district
15 would not have to pay personal income tax. That
16 might not seem a lot to a lot of people that live
17 in wealthier communities, but to somebody in my
18 neighborhood that earns less than \$45,000, that
19 would be a thousand extra dollars that they would
20 have at the end of the year that they could use
21 to buy books, school supplies, or just take their
22 families out on vacation.

23 Again, thank you, Senator Klein.
24 Thank you, Senator Flanagan. And thank you to
25 all my colleagues for putting together a proposal

1 that works for all of us in the State of
2 New York. And as we move forward, the idea of
3 decorum and respectability should be something
4 that we all read before we come into these
5 chambers. And those that have glass houses, they
6 might choose not to throw stones.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hamilton.

10 SENATOR HAMILTON: Yes,
11 Mr. President, I rise to vote yes on this
12 resolution and in favor of my leader, Jeff Klein.

13 Some people lead by example and
14 bringing people together. Other people just
15 complain and continue to complain, complain, and
16 complain.

17 In our resolution, the commitment to
18 raising the age is in the forefront. I commend
19 Senator Montgomery for pushing for raising the
20 age.

21 A young man who came to my office
22 named Luwan Reed was sent to jail at the age of
23 16. The story he told was a story of walking
24 through the prison being scared, having to carry
25 a weapon, being stripped down naked and shackled

1 to a bed with the window open in the wintertime.
2 Being denied education because one person was
3 being disruptive. This man was tortured in our
4 criminal justice system.

5 And to think, when we incarcerate
6 young men and women, 17 and 16 years old, that
7 they will go to prison and come out better off
8 than going in, something is wrong with the
9 mindset on how we think.

10 On any given day, Monday through
11 Friday, we can go right down here to the bus
12 station in Albany and see the young men and women
13 being released from prison. They get a bus
14 ticket, \$40, and a plastic bag. That is so
15 dehumanizing for anybody to come out of jail with
16 a plastic bag, \$40 dollars, and a bus ticket.
17 Everyone knows that you are a person coming out
18 of the criminal justice system with no support.

19 As far as the \$5 million for the
20 immigration defense fund, I have people in my
21 district who are fearful of being deported. We
22 all know that if you go to an immigration hearing
23 for deportation and you don't have an attorney,
24 there's a 97 percent chance that you will be
25 deported. We are a nation of immigrants, and for

1 some reason now we're turning our backs on the
2 American dream, we're turning our backs for
3 people who are coming to this country who are
4 being persecuted in other parts of the world.

5 And I also want to commend --

6 ACTING PRESIDENT GRIFFO: Senator
7 Hamilton, can you please --

8 SENATOR HAMILTON: -- Senator
9 LaValle.

10 ACTING PRESIDENT GRIFFO: Senator
11 Hamilton, could you please conclude?

12 SENATOR HAMILTON: I'm going to
13 conclude. I want to commend Senator LaValle for
14 his foresight in giving TAP to part-time
15 students -- who work hard, who may have a family,
16 and who will now be able to go to college and get
17 tuition assistance.

18 So I just want to thank this body.
19 And we're all here for one reason, because we
20 love the State of New York. We're all here for
21 one reason, to work together for a common goal,
22 for the upliftment of all New Yorkers. So I pray
23 upon this audience here of my fellow Senators
24 that we work together as a team to make sure we
25 can be the best state in the United States.

1 Thank you so much.

2 ACTING PRESIDENT GRIFFO: Senator
3 Rivera.

4 SENATOR RIVERA: Don't worry,
5 Mr. President, I'm going to time myself.

6 To clarify, I am very --

7 ACTING PRESIDENT GRIFFO: Senator
8 Rivera, by the way, as a point of information --

9 SENATOR RIVERA: I hope you're
10 going to stop that -- you're going to stop that
11 time.

12 ACTING PRESIDENT GRIFFO: We are.

13 As a point of information, the clock
14 here is what we utilize. I know a lot of members
15 are using their own cellphones. And while we
16 appreciate that, we do have rules on cellphones
17 in the chamber.

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: But that
20 is the clock that matters.

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

23 ACTING PRESIDENT GRIFFO: So begin
24 the clock.

25 SENATOR RIVERA: Thank you,

1 Mr. President. I will time myself, and I will be
2 before those two minutes right there.

3 To clarify, I may be pale, yes, but
4 I am not a white dude, number one. I am not a
5 Harvard graduate, I am actually a graduate of the
6 University of Puerto Rico, at Recinto de Rio
7 Piedras, down in Puerto Rico. And I am not a
8 graduate of the Graduate Center, the CUNY
9 Graduate Center, because although I came to do a
10 Ph.D., I never finished.

11 So I am not quite as great as some
12 of our -- as some of my colleagues as far as my
13 education. However, if the shoe fits.

14 Now, as far as the resolution,
15 there's a great phrase, you can't have your cake
16 and eat it too. It's always confused me, because
17 you get a cake to eat it. But it seems to me
18 that with this resolution what we're trying to do
19 is we're trying to get cake, pie, some tiramisu,
20 maybe a couple of muffins, eat all of them, and
21 think we're not going to gain weight.

22 You either are part of the coalition
23 or you are not part of the coalition. So if
24 you're introducing your own resolution, then you
25 kind of aren't, but then you are.

1 But then, more basic, folks -- and
2 I've still got a whole minute left,
3 Mr. President -- more basic, if 90 percent of the
4 resolution, because you're taking 10 -- there's
5 these 10 things that are here, and these are all
6 great. I support all of these. But see, as my
7 colleague Senator Latimer said earlier, you have
8 to make a determination about the entirety. If
9 you're being asked to take one vote, then you
10 have to take all the positives and negatives and
11 weigh them all out.

12 Well, we've done that. And the
13 negatives far outweigh the positives in this
14 resolution, because 90 percent of it is exactly
15 the same as the resolution that we voted on
16 earlier.

17 Lastly -- and I've got 30 seconds,
18 Mr. President -- I am sad to say that some of my
19 colleagues are incorrect, the commitment in this
20 resolution, as it refers to Raise the Age, which
21 is the issue that I spoke about earlier, is
22 exactly the same as the one that was in the prior
23 resolution. And as far as I'm concerned, it is
24 not sufficient, it does not set out the actual
25 policy, it just says we want to talk about it, so

1 eventually we will.

2 And (slowly) now I'm just running
3 down this -- five, four, three, two, one.

4 (Laughter.)

5 SENATOR RIVERA: Thank you,
6 Mr. President.

7 ACTING PRESIDENT GRIFFO: You still
8 have a couple of seconds on the official clock.

9 SENATOR RIVERA: (Rising,
10 gesturing.)

11 (Laughter.)

12 ACTING PRESIDENT GRIFFO: Welcome
13 to March madness.

14 Senator Montgomery.

15 SENATOR MONTGOMERY: Thank you.

16 Mr. President, I realize that we are
17 not supposed to call any names, but I'm compelled
18 to call a couple of people out.

19 Shame on us that we are not doing
20 Raise the Age and that we're not doing it the
21 correct, absolute best possible way that we can.
22 And let me just say, in no uncertain terms, that
23 the Speaker of the Assembly -- the Assembly has
24 already passed legislation. The members of the
25 Black, Hispanic, Puerto Rican and Asian Task

1 Force are all on board with an agreed-upon
2 version. There are several of the IDC members
3 who agree with the details, how we should do
4 Raise the Age. And the Senate Democrats, the
5 majority of the Senate Democrats are clearly,
6 specifically on board. Including our leader,
7 Leader Stewart-Cousins, is on board with an
8 agreed-upon way that we should be doing Raise the
9 Age.

10 So I just want to say this in no
11 uncertain terms. I am calling on Senator
12 Flanagan and Senator Klein. You are the power
13 brokers in the house. We want to follow you. We
14 want you to do the right thing on Raise the Age
15 II. Please, let's just do that. So that when we
16 all approach the Governor together as a Senate,
17 as a house, the Governor understands that we will
18 have spoken for the young people in the State of
19 New York as it relates to our getting out of the
20 this swamp with North Carolina.

21 Let's be progressive with Raise the
22 Age this year, this session.

23 Thank you, Mr. President. I vote
24 no.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Montgomery -- under the time, and to
2 be recorded in the negative.

3 And now the always succinct Senator
4 Krueger.

5 (Laughter.)

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

8 So again, to continue, there are so
9 many things in the IDC resolution that I cannot
10 support that I can't vote for it.

11 I would argue that if they wanted as
12 progressive a resolution as they claim, they
13 wouldn't have changed the Foundation Aid formula
14 that the Republicans had in their resolution.
15 They would have not accepted defunding of the
16 Tenant Protection Unit, as the Republican
17 resolution and theirs does.

18 They would have not accepted the
19 421-a changes that will skyrocket gentrification
20 in our communities in New York City by adding
21 condos, allowing anything to happen in overheated
22 Manhattan and, disturbingly, changing the ratio
23 that you can destroy four affordable units and
24 only build one in exchange.

25 They would have not accepted blindly

1 the gambling changes that cut funding to our
2 schools.

3 They would have not accepted the
4 rejection of the marketplace tax, as the
5 Republican resolution and their resolution does.
6 What that tax does is even the playing fields,
7 which ensures that bricks-and-mortar stores in
8 our neighborhoods that hire real people to real
9 jobs might not be at such a financial
10 disadvantage to the largest marketplace Internet
11 providers of goods.

12 So again -- oh, they would have
13 actually argued for more money for NYCHA. The
14 Assembly called for \$500 million. The Senate
15 Democrats called for \$1.5 billion. And the
16 Senate Republicans, only \$100 million.

17 So I would love to see a progressive
18 Democratic agenda coming forth from the IDC.
19 That is not what we got today. And so I will
20 vote no.

21 Thank you, Mr. President. Less than
22 two minutes.

23 ACTING PRESIDENT GRIFFO: Well
24 done, Senator Krueger. Thank you.

25 Senator Krueger to be recorded in

1 the negative.

2 Senator Latimer to explain his vote.

3 SENATOR LATIMER: Thank you,
4 Mr. President.

5 I'm sorry I can't join some of the
6 joviality in the room, because the resolution
7 that we already passed -- that was the GOP
8 resolution -- is the one that's going to
9 represent the position of the Senate.

10 This resolution before us is better
11 than that resolution, but it still is deficient
12 in the ways that I was concerned about when I
13 talked about the prior resolution.

14 The real problem that I have today
15 really stems -- and I understand it's only two
16 minutes -- stems from my experience here in this
17 chamber and in general in Albany in the State
18 Legislature. I served on my local city council
19 in the majority and minority, and I served on my
20 county legislature in the majority and in the
21 minority. But here in Albany, we have defined
22 those roles to be fixed and structured in a way
23 that really is not what the founding fathers
24 intended. In fact, they talked how negatively it
25 would be if we locked ourselves into two

1 parties -- or more now, three parties -- that
2 have no willingness to truly work with each
3 other.

4 I stand here as a Senator in the
5 minority more than willing to work with anybody
6 in this chamber and to share my ideas and
7 ultimately to vote with them. I sign onto bills
8 by everybody in this room. But I realize I have
9 no role to play when these decisions come,
10 because I am in the minority. And that, my
11 friends, is what will lead our country in the
12 wrong way. That's what's wrong in Washington,
13 that's what's wrong in Albany.

14 And I think we understand it, but if
15 we don't change it, we're not going to move this
16 state forward.

17 ACTING PRESIDENT GRIFFO: Senator
18 Latimer in the negative.

19 Senator Parker to explain his vote.

20 SENATOR PARKER: Thank you,
21 Mr. President. To explain my vote on the
22 resolution.

23 First let me thank Senator Klein and
24 his members for a thoughtful resolution. I think
25 we all have, obviously, ideas about how things

1 are done, particularly when it comes to budgets.
2 Budgets are about values, not about numbers. All
3 right? And so even there's a lot of conversation
4 about this money here, this money here,
5 ultimately what we're talking about here are
6 values.

7 And when we talk about values,
8 right, and the values of the people of the State
9 of New York, the problem -- and the reason why
10 I'm voting no on this resolution -- is because
11 the values of very large segments of our
12 population are not being heard. All right?

13 And so when you have a process in
14 which you don't allow -- you know, when everybody
15 else comes up with a resolution and the
16 Democratic Conference is not able to put their
17 resolution forth to have a conversation, that's
18 wrong.

19 We talk about a conference headed by
20 an African-American woman. And so people want to
21 talk about race, class, gender and those issues.
22 The Democratic Conference is the only one that is
23 represented with a member of the LGBT community.
24 Right? The vast majority of the African-American
25 and Latino members come from this conference.

1 Right?

2 And when you look at the diversity
3 of this state, it comes from the Democratic
4 Conference. And in this particular process, it's
5 not being held.

6 So we can talk -- there's a lot of,
7 you know, talk about people and where they stand
8 and about privilege. But when you leave one
9 conference headed by an African-American woman to
10 go to one where there's less, you know, where are
11 you really at? Where are we really working at?

12 And we all talk about working
13 together, when you have a Democratic Conference
14 and there's 32 Democrats, yet the majority of the
15 Democrats are in the political wasteland. And
16 when you give a few things to a few people and
17 then the vast majority of the members still go
18 without being able to represent their communities
19 properly because, despite the fact that the
20 voters made a decision, they've been denied here
21 in Albany.

22 I vote no. The process is bad. I
23 think that you can't have -- you know, garbage
24 in, garbage out. And so you can't have a bad
25 process and a good product.

1 And so I would love to vote with
2 folks. I've said a million times I'm happy to
3 work with people in this chamber. But I also
4 still want to see a better process that is fair,
5 that is really a real Democratic, with both a big
6 D and a small D, and one in which every -- you
7 know, where every conference is given the same
8 level of respect.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Parker in the negative.

12 Senator Comrie.

13 SENATOR COMRIE: Thank you,
14 Mr. President. On the resolution.

15 I wasn't going to speak on either
16 resolution, because this is a statement of
17 intent. It's just a negotiation point as we work
18 hard over the next two weeks to try to come to a
19 final resolution to bring an on-time budget.

20 But unfortunately, today a precedent
21 has been set that's a negative precedent that
22 excludes the Democratic Conference from taking a
23 position, that only allows someone to make a
24 political statement, that is really unfair to the
25 process and unfair to developing the cordiality

1 that we really want to have in this body in order
2 to get things done.

3 It's really unfair to the fact that
4 we really want to try to work together, as
5 Senator Flanagan said, to make sure that this
6 body can create a budget that comes out of
7 negotiation, that comes out of shared respect,
8 and that comes out of the fact that we all need
9 to have our voices heard in this body and
10 throughout this process.

11 I think this process has been
12 abrogated. It has been diminished. And
13 unfortunately, people all over the state will
14 look at us in a negative way.

15 I could not support any resolution,
16 either resolution, that doesn't address Raise the
17 Age, that doesn't deal with the adjustments to
18 Foundation Aid -- especially since we did it for
19 upstate last year -- that doesn't deal with the
20 mayoral control, that doesn't deal with MWBE,
21 that messes with the MTA at a time when we're
22 losing ridership and we need to increase
23 infrastructure, that eliminates after-school
24 programs when we need to make sure that our young
25 people are getting more opportunities, that

1 doesn't deal with SYEP at all, when we haven't
2 had an increase in slots since this Governor has
3 been elected, that doesn't deal with the issues
4 of the Medicaid plan or, finally, making a
5 statement of intent about the human services
6 COLA, as Senator Tedisco said -- that doesn't
7 deal with a lot of other things that are
8 important to many people in this state in order
9 for them to protect and enhance their quality of
10 life.

11 But the process that we got to today
12 where we're getting a second resolution at
13 9 o'clock in the morning, to allow people to make
14 a political statement, is truly destroying this
15 body. I vote no.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Comrie. To be recorded in the
18 negative.

19 Senator Stavisky to explain her
20 vote.

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

23 If the sponsors of this resolution
24 were truly concerned, they would have helped us
25 get our resolution to the floor because our

1 resolution encompassed everything in the present
2 rev -- revolution, I started to say. It
3 encompassed everything.

4 And the bottom line is that we need
5 something where everybody can agree. So I vote
6 no, and I urge the sponsors of this resolution to
7 join us in adopting our resolution.

8 ACTING PRESIDENT GRIFFO: Senator
9 Stavisky to be recorded in the negative.

10 Senator Valesky to explain his vote.

11 SENATOR VALESKY: Thank you,
12 Mr. President.

13 I just want to -- in the similar
14 vein that Senator Flanagan began the explanation
15 of his resolution in acknowledging Senator Young
16 as chair of the Finance Committee, and also
17 Senator Krueger as the ranker, I just wanted to
18 take a moment -- I know that she's not here in
19 the chamber right now, but Senator Savino, as the
20 vice chair of the Finance Committee, has done
21 yeoman's work on our resolution throughout the
22 entire process, and I wanted to call that to the
23 attention of the body.

24 I think this is a significant step
25 forward in budget negotiations. It also

1 addresses and retains a number of the provisions
2 that the Governor himself included in the
3 Executive Budget. And I think the Governor's
4 budget was a positive, forward-thinking proposal
5 in the first place. And as this process
6 continues, I think of all of the proposals out
7 there, I think this will be in many ways the most
8 in keeping with some of his significant visions
9 for this state moving forward.

10 So I vote in the affirmative.

11 ACTING PRESIDENT GRIFFO: Senator
12 Valesky in the affirmative.

13 Senator Gianaris.

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

16 It says a lot that substantive
17 criticisms are met with personal attacks in this
18 chamber. But I just want to make clear, since
19 that happened, that I take a back seat to no one
20 when it comes to advocating for those who need
21 help in our society.

22 There was a colleague here who
23 talked about me and who frankly knows nothing
24 about me. Nothing. She doesn't know that my
25 parents came to this country from Greece. She

1 doesn't know that my father had his home
2 literally burned to the ground by the Nazis and
3 slept in the dirt. Had to go to school barefoot
4 for months at a time. Had to live in post-World
5 War II depression in Greece.

6 And he and my mother got themselves
7 together and came over here as immigrants, that
8 we fight for every day, to make a life for
9 themselves and to give me the opportunities I
10 have.

11 I'm not embarrassed by the success
12 I've had. Let me tell you something. I went to
13 public schools. I went through the New York City
14 public school system -- P.S. 84, Junior High
15 School 141, Long Island City High School. The
16 very schools that are being underfunded in this
17 budget are the schools I attended.

18 That's why I'm fighting so hard for
19 this, because I want today's kids to have the
20 same opportunities that I had. I want them to be
21 able to go to the best schools in the land. Why
22 is that a subject of criticism, for goodness
23 sakes?

24 This budget is inadequate, and I
25 have reason to believe it's inadequate, and I'm

1 going to express myself. You better believe it.
2 That's why I'm so upset with what's going on in
3 this chamber. I care deeply about these issues,
4 my colleagues. I'm frustrated as heck with
5 what's been allowed to happen here the last
6 several years, and I am going to speak about it.
7 And I'm going to speak loudly about it.

8 And if someone wants to have a
9 discussion on the merits, on the substance of
10 these proposals, let's have at it. There's no
11 need to make personal attacks upon us, especially
12 when someone has no idea what they're talking
13 about.

14 I vote no, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Gianaris in the negative.

17 Senator DeFrancisco to explain his
18 vote.

19 SENATOR DeFRANCISCO: Yes, I wanted
20 to explain why I voted no.

21 We've had a lot of discussion about
22 various issues, many of which have more of a
23 political overtone than a policy overtone. But I
24 think our biggest problem in the State of
25 New York right now is that in the past, we would

1 lose Assembly -- excuse me, we would lose
2 Congress representatives. Every 10 years we
3 do -- two here, one there, three another year,
4 and more coming up -- because we don't gain as
5 much population as other states.

6 Last year was the first year we
7 actually had a net loss in population. Net loss
8 in population. Now, what does that mean? Those
9 that can leave are leaving.

10 And the most critical thing about
11 these budget bills, in my mind, is to try to keep
12 businesses alive and people working. And so one
13 of the -- we talked about trying to keep taxes
14 down. Those individuals who are going to -- who
15 we're trying to protect, the so-called
16 millionaire's tax, they're the most likely to
17 leave. They can leave anytime they want, with
18 their estates and the like, along with their
19 businesses.

20 In addition, with respect to
21 workers' comp, I voted no on this resolution
22 because it didn't include the important workers'
23 comp reforms that the Republican resolution had.

24 And it's not just for businesses.
25 If you have a municipality, you have a nonprofit,

1 you have a hospital, you have a nursing home or
2 are caring for people with multiple
3 disabilities -- it affects everybody.

4 So that's why I voted no, because
5 the workers' comp was not in it. And I would
6 hope that all of us focus a little bit on the
7 business climate in this state and creating jobs
8 as we go through the next two weeks.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco in the negative.

12 Senator Klein.

13 SENATOR KLEIN: Thank you,
14 Mr. President.

15 I wasn't going to speak again, but I
16 do want to say something about the commitment of
17 the members of the Independent Democratic
18 Conference. I think the reason why we've been so
19 successful is just sort of listening to what's
20 going on here today. We're focused on the
21 issues. We want to get things done. It's not
22 about name calling, it's not about calling
23 somebody a rogue Democrat or a Trump-lite or
24 anything else that was used here. It's about
25 getting things done.

1 And I want to thank again Senator
2 Flanagan for moving this process forward.

3 Sometimes it gets a little raucous, but we are
4 debating and talking about important things.

5 But we should be mindful of that.
6 We should be talking about issues. We shouldn't
7 be talking about personalities. We shouldn't be
8 name calling.

9 You know, it's always been said --
10 and I listen a lot to my colleagues, especially
11 on the Democratic side, that somehow there needs
12 to be a coming together, a coming together on
13 issues that are important. Well, the last time I
14 checked, I know the continuation of the
15 millionaire's tax, the DREAM Act, and many, many
16 other issues that we talked about today are core,
17 I guess, Democratic values.

18 But I think we need to take another
19 route. I think we have to take the route of
20 getting things done, moving the ball forward.

21 And that's why I want to thank each
22 and every one of my colleagues in this chamber,
23 especially the members of the IDC. I was going
24 to get up and I guess get a little Bronx, but I
25 think Senator Alcantara beat me to it by getting

1 a little Washington Heights.

2 (Laughter.)

3 SENATOR KLEIN: Thank you all.

4 ACTING PRESIDENT GRIFFO: Senator
5 Klein in the affirmative.

6 Senator Flanagan to close.

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

9 Just the -- oh, God, the diversity
10 of this wonderful state. Yes, the diversity of
11 this wonderful state. Right? Avella's laughing,
12 he's running for mayor.

13 (Laughter.)

14 SENATOR FLANAGAN: And frankly, on
15 a personal level, I wish you good luck, Tony.

16 (Laughter.)

17 SENATOR FLANAGAN: Zack is up
18 there, that's going to get tweeted out in about
19 three seconds.

20 (Laughter.)

21 SENATOR FLANAGAN: Ladies and
22 gentlemen, it's a joke. All right? It's a joke.

23 (Laughter.)

24 SENATOR FLANAGAN: I was at the
25 Brooklyn Chamber of Commerce the other day,

1 Senator Persaud was there. And where else could
2 you go where you have a big delegation like that,
3 and the Speaker comes, and somebody walks in with
4 a hat that just says "The Bronx."

5 (Laughter.)

6 SENATOR FLANAGAN: Plain and
7 New York simple.

8 So let me -- I want to -- I really
9 want to thank everybody, I really do. Because
10 there is a -- I've used this phrase periodically,
11 and I'm going to use a little variation on a
12 theme. Sometimes in Albany -- there are three
13 words that are "government in action," and
14 sometimes in Albany is the phrase "government
15 inaction." Meaning two or three words.

16 So right now, I am eminently
17 confident and comfortable that this is democracy
18 in action.

19 I don't agree with Senator
20 Stewart-Cousins on everything. I don't agree
21 with Jeff Klein on everything. I don't agree
22 with a lot of our members on certain things. But
23 I have a very fundamental and deep and abiding
24 respect for everyone's background.

25 Rivera's a professor, likes to

1 talk -- shocking, right?

2 (Laughter.)

3 SENATOR FLANAGAN: They told me as
4 long as I sit here, I get a little more than two
5 minutes.

6 But nonetheless -- you know, I think
7 of Senator Gianaris. We had a really good
8 evening with him at one point when we were at
9 Citi Field, and we were there for Mike Piazza's
10 retirement, got a chance to sit down and actually
11 talk like adults, find out about people's
12 background. He was training for a bike trip
13 overseas.

14 So, you know, every one of us --
15 Serrano served with my father. Kennedy I just
16 have to like because he's Irish, but that's okay.

17 But we have to -- you know, really,
18 our backgrounds are things that should be lauded.
19 And in terms of what we're saying and how we
20 advocate, the next couple of weeks are going to
21 be tough. They're going to be tough. And
22 there's nothing wrong with that.

23 So I'm going to read you,
24 literally -- life takes its turns, right? I'm
25 looking at a letter, this is a thank you. And

1 this is God's honest truth, I happened to open my
2 drawer, because I wanted to write something down,
3 and this is from today, March 15, 2017. So I
4 just want to read this letter.

5 "Mr. John J. Flanagan, thank you for
6 your comfy chair.

7 "My bill was to amend Section 2 of
8 the Election Law 5106 to allow those convicted of
9 a nonviolent felony to vote while incarcerated.
10 Low voter turnout is a major problem for New York
11 State, as seen in the 2016 elections. New York
12 had the second lowest voter turnout in primaries.
13 New York still continues to shy away from a large
14 portion of its population.

15 My bill has been passed and signed.
16 With your support, maybe now my bill has the
17 potential to become a law. Thank you."

18 This is from a young woman on
19 Long Island, wouldn't know her if she was
20 standing right in front of me, Julia Trusse.

21 This is why I feel good about what I
22 do. This is why I'm proud to serve with all of
23 you. This is why I'm proud to be a public
24 servant in the State of New York. Let's get
25 about the people's business, let's move ahead,

1 and I hope everyone has a very safe trip home.

2 Mr. President, thank you for your
3 indulgence.

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

6 Call the question on the --
7 Senator Stewart-Cousins.

8 SENATOR STEWART-COUSINS: Thank
9 you, Mr. President.

10 The fact that I am able to stand
11 here -- and I know, Senator Flanagan, you
12 generally have the last word, and I appreciate
13 that. Because, you know, that's how it's been,
14 and for some reason that didn't happen. But the
15 fact that you allowed me to stand up and say --
16 as Senator Klein has said, and Senator
17 Flanagan -- how grateful I am to serve in this
18 body.

19 I have told you all who I am for
20 many, many years. You know who I am. And the
21 fact that I stand here privileged to be, you
22 know, a history-making who I am, is really a
23 credit to where we have come.

24 So make no mistake. I represent a
25 conference, just as every other conference, who

1 understands deeply and believes fervently in what
2 good people in power can do to improve the lives
3 of the people who allowed us to represent them.
4 That's what we're here to do.

5 We want to get things done too. And
6 the fact that even when it's a little out of
7 order, you can allow me to stand up, says that we
8 know how to make a way even when it's not on the
9 program. It's what we'd hoped would have
10 happened this morning. It's what we hoped would
11 have been able to allow us, who represent so much
12 of this state, an opportunity to put our best
13 desires, our highest hopes for the people of
14 New York on the table. For some reason, we
15 weren't able to do that.

16 But as we close out, as we reaffirm
17 that we're all here to get things done, we're all
18 here because we care deeply, we're all here
19 because we in the Democratic Conference have as
20 much to contribute and get things done as
21 everybody else -- I'm hoping that we will,
22 together, be able to move forward in these next
23 two weeks to really come with a package that
24 assumes the best of New York and the best in all
25 of us. And let's put our heads together really,

1 since we have all these different opinions, and
2 come up with what's good for New York.

3 So thank you very, very much.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Stewart-Cousins.

6 The Secretary will call the question
7 on the resolution.

8 THE SECRETARY: Ayes, 8.

9 ACTING PRESIDENT GRIFFO: The
10 resolution fails.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Could we
13 return to motions and resolutions.

14 ACTING PRESIDENT GRIFFO: Motions
15 and resolutions.

16 SENATOR DeFRANCISCO: And I move to
17 adopt the Resolution Calendar as is.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of adopting the Resolution Calendar as
20 identified, please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: The
25 Resolution Calendar is adopted.

1 SENATOR DeFRANCISCO: Yes, I
2 understand Senator Murphy is going to take over,
3 and very appropriately so.

4 ACTING PRESIDENT GRIFFO: A
5 changing of the guard. A happy St. Patrick's,
6 St. Joe's Day to everyone.

7 SENATOR DeFRANCISCO: There's a
8 privileged resolution at the desk by Senator
9 Flanagan. Would you read the title only and
10 recognize Senator Flanagan.

11 ACTING PRESIDENT MURPHY: The
12 Secretary will read.

13 THE SECRETARY: Legislative
14 resolution by Senator Flanagan, honoring
15 St. Patrick and all persons of Irish descent upon
16 the occasion of the 2017 celebration of
17 St. Patrick's Day on Friday, March 17, 2017.

18 ACTING PRESIDENT MURPHY: I'll call
19 on Senator Flanagan.

20 SENATOR FLANAGAN: All right.
21 Mr. President --

22 ACTING PRESIDENT MURPHY: Sir.

23 SENATOR FLANAGAN: -- Senator
24 Griffo was up there sporting a green tie. You're
25 wearing your heritage right on your face, and we

1 appreciate that.

2 All kidding aside, I feel like
3 Friday is a holy day of obligation. Some of us
4 probably feel that it should be made a state or
5 federal holiday. But nonetheless, everyone will
6 have a good day on Friday. And I am looking
7 forward to going to the St. Patrick's Day parade.

8 So to all of you, again, safe
9 travels. Senator Murphy, I hope to see you on
10 Friday at some point.

11 ACTING PRESIDENT MURPHY: I'm sure
12 I will be bumping into you someplace.

13 SENATOR FLANAGAN: Thank you very
14 much.

15 ACTING PRESIDENT MURPHY: Any other
16 members on the resolution?

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: The -- did we
19 pass the resolution? I wasn't paying attention.

20 (Laughter.)

21 ACTING PRESIDENT MURPHY: The
22 question is on the resolution. All in favor
23 signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT MURPHY: Opposed?

1 (No response.)

2 ACTING PRESIDENT MURPHY: The
3 resolution is adopted.

4 Senator DeFrancisco.

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

7 ACTING PRESIDENT MURPHY: There is
8 no further business.

9 SENATOR DeFRANCISCO: I got it. I
10 got it, I got it, I got it. Everybody, I got it.

11 There will be an immediate meeting
12 of the Judiciary Committee in Room 332 right now.

13 ACTING PRESIDENT MURPHY: Happy
14 St. Patrick's Day, everybody.

15 SENATOR DeFRANCISCO: Okay. I move
16 to adjourn until Monday, March 20th, at
17 3:00 p.m., intervening days being legislative
18 days.

19 ACTING PRESIDENT MURPHY: On
20 motion, the Senate stands adjourned until Monday,
21 March 20th, at 3:00 p.m., intervening days being
22 legislative days.

23 SENATOR DeFRANCISCO: Also there's
24 a Veterans Committee meeting in Room 124.

25 ACTING PRESIDENT MURPHY: Veterans

1 Committee meeting in Room 124.

2 Senate is adjourned.

3 (Whereupon, at 3:43 p.m., the Senate
4 adjourned.)

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