

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 April 3, 2017

10 12:36 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: Today's
10 invocation will be offered by Rabbi Shmuel
11 Butman, of the Lubavitch Youth Organization in
12 Brooklyn.

13 Rabbi.

14 RABBI BUTMAN: Let us pray {in
15 Hebrew}.

16 Our Heavenly Father, I ask You that
17 You bestow Your benevolence on all the people of
18 this great New York State Senate, who are the
19 custodians of law and order and justice and all
20 good things for the State of New York and, by
21 extension, for all the people in the
22 United States -- and the United States is a
23 superpower, so by extension for all the people
24 in the world.

25 I thank you that you are going to

1 pass this afternoon -- it's not in the budget,
2 so it should not be a problem -- 115 Days of
3 Education, in honor of the Lubavitcher Rebbe
4 Rabbi Menachem M. Schneerson.

5 I remember in 1991 when I went to
6 Washington to open a much smaller Senate in
7 Washington, I went to the Rebbe and I asked for
8 a blessing for the berakhah, and he said to me,
9 "Go to Washington and take a pushkeh with
10 you" -- a pushkeh is a charity box -- "and
11 during your prayer you should offer a dollar in
12 the pushkeh, and let everybody see what you are
13 doing, and let them know what money should be
14 used for."

15 So I am going to do that. I am
16 going to offer some money into the pushkeh, and
17 I'm asking for anyone, if you want -- this is
18 not a fundraising campaign, because if this was
19 a fundraising campaign, we would ask you for
20 more than a dollar. We only take a dollar,
21 because this is an offering of doing good
22 things.

23 I want to conclude, since I wasn't
24 given much time, but I want to tell you that
25 every Sabbath in our synagogues we say a special

1 prayer for you. We say the {in Hebrew}. I know
2 it's Hebrew. In English it means all of those
3 who serve the public faithfully, as you do, we
4 ask for you for a special prayer. We ask for
5 you for a prayer for health and for everything
6 that comes with it.

7 In the psalm that we're starting to
8 say with the Rebbe's 115th birthday, King David
9 says {in Hebrew}, which means "To you I'm going
10 to offer an offer of thanks." The Rebbe teaches
11 us that every time we offer God thanks for
12 everything that He did and He does, and that
13 we're always looking for the good things.

14 I bless you that you should have
15 all the good things in your life and that you
16 should pass the budget successfully today.

17 Thank you.

18 ACTING PRESIDENT GRIFFO: The
19 reading of the Journal.

20 THE SECRETARY: In Senate, Sunday,
21 April 2nd, the Senate met pursuant to
22 adjournment. The Journal of Saturday,
23 April 1st, was read and approved. On motion,
24 Senate adjourned.

25 ACTING PRESIDENT GRIFFO: Without

1 objection, the Journal stands approved as read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages From the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports of state
8 officers.

9 Motions and resolutions.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, I'd like
12 to call an immediate -- repeat, immediate --
13 meeting of the Rules Committee in Room 332. If
14 everyone would please pass go without stopping
15 and go there immediately, because we're on some
16 time constraints to get people paid that work
17 for the State of New York.

18 Immediate meeting of the Rules
19 Committee Room, 332.

20 ACTING PRESIDENT GRIFFO: There is
21 an immediate meeting of the Rules Committee in
22 Room 332. All members of the Rules Committee
23 immediately report to Room 332.

24 The Senate will stand at ease.

25 (Whereupon, the Senate stood at ease

1 at 12:40 p.m.)

2 (Whereupon, the Senate reconvened at
3 12:49 p.m.)

4 ACTING PRESIDENT GRIFFO: The
5 Senate will return to order.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Yes, can we
8 return to reports of standing committees for a
9 report of the Rules Committee.

10 ACTING PRESIDENT GRIFFO: We will
11 return to standing committees.

12 There is a Rules Committee report
13 before the desk, and the Secretary will read.

14 THE SECRETARY: Senator Flanagan
15 reports, from the Committee on Rules:

16 Senate Print 5491, by the Senate
17 Committee on Rules, enacting legislation relating
18 to emergency appropriations; and

19 Senate 5492, by the Senate Committee
20 on Rules, provides for emergency appropriation.

21 Both bills reported direct to third
22 reading.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco, I will entertain a motion to accept
25 the Committee on Rules report.

1 SENATOR DeFRANCISCO: I move to
2 accept the Committee on Rules report.

3 ACTING PRESIDENT GRIFFO: All in
4 favor of accepting the Committee on Rules report
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The Rules
10 report is accepted and before the house.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: One moment,
13 please.

14 (Pause.)

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco.

17 SENATOR DeFRANCISCO: There is a
18 Supplemental Calendar 31A with the two bills we
19 just dealt with in the Rules Committee.

20 ACTING PRESIDENT GRIFFO: Senate
21 Supplemental Calendar 31A is on the desks of the
22 members.

23 SENATOR DeFRANCISCO: Could you do
24 the noncontroversial reading -- or actually, just
25 take up Calendar Number 529, please.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 529, by the Senate Committee on Rules, Senate
5 Print 5491, an act to amend the Public Health
6 Law.

7 ACTING PRESIDENT GRIFFO: Senator
8 DeFrancisco.

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

11 ACTING PRESIDENT GRIFFO: Senator
12 DeFrancisco, there is a message of necessity at
13 the desk.

14 SENATOR DeFRANCISCO: Before we
15 begin, I just would like to mention that with
16 these two bills, people are going to be
17 explaining their votes. And I would request that
18 the president give leeway to those wanting to
19 explain their votes to incorporate both bills so
20 there's one explanation of votes on both bills.

21 ACTING PRESIDENT GRIFFO: Per your
22 request, it will be so honored.

23 Senator DeFrancisco, can I have a
24 motion to accept the message?

25 SENATOR DeFRANCISCO: Yes, I would

1 so move.

2 ACTING PRESIDENT GRIFFO: All in
3 favor of accepting the message of necessity which
4 is before the desk signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO: Opposed?

7 (Response of "Nay.")

8 ACTING PRESIDENT GRIFFO: The
9 message is accepted. The bill is before the
10 house.

11 SENATOR DeFRANCISCO: All right,
12 now can you --

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Comrie to explain his vote.

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

24 I rise to vote no against these
25 bills only because it creates major problems for

1 my district, and at the end of the day all
2 politics are local.

3 Making sure that there are issues
4 that need to be resolved in my district, which
5 has one of the highest problems with mortgage
6 foreclosures, is not being resolved in this
7 anywhere. And the fact that we are dealing with
8 the fact that we have over 62,000 folks that are
9 still trying to even negotiate their mortgage in
10 the courts because of a backup, there's nothing
11 in here that's giving the Office of Court
12 Administration any opportunity to resolve that
13 backlog.

14 There's nothing in here that will
15 create opportunities for people that are in
16 mortgage distress to continue the program -- the
17 Attorney General has a loaner program,
18 \$10 million to try to fix the gap between now and
19 October, but that's not -- there's nothing in
20 this budget proposal --

21 SENATOR FLANAGAN: Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Flanagan.

24 SENATOR FLANAGAN: Senator Comrie,
25 I apologize.

1 SENATOR COMRIE: Okay.

2 ACTING PRESIDENT GRIFFO: Sorry,
3 Senator Flanagan.

4 SENATOR FLANAGAN: No, no, we --
5 you know what? I want to hear what he has to
6 say. If I can't hear him, nobody else can.

7 ACTING PRESIDENT GRIFFO:
8 Absolutely -- absolutely --

9 SENATOR FLANAGAN: Everyone
10 deserves the respect of hearing each other.

11 SENATOR COMRIE: Thank you. Thank
12 you, Mr. Leader.

13 And so there are many other things
14 in this budget that will be harmful to people in
15 my district and people throughout the state. The
16 fact that we haven't had an increase in summer
17 job slots in the last six or seven years is
18 almost ridiculous to young people in our
19 community that are trying to get a leg up.

20 As I had -- my original job was a
21 summer job, and it truly created an opportunity
22 for me to see a different world and put me on a
23 path to understand government service, we need to
24 create more summer job slots in this budget.

25 The fact that we are not doing

1 anything to address the major hospital problems
2 that we have in Queens in this budget, where I
3 have two major trauma hospitals that are doing
4 double the intake than they have capacity for,
5 and we aren't getting any resolution or just
6 direct help on this, creates a major problem in
7 my community. Where we have people that have
8 health concerns, people that have no other place
9 to go but the hospitals -- because they don't
10 have health insurance or even an ability to
11 understand what insurance is -- creates a major
12 problem in this budget.

13 There are many other things that I
14 could detail, but in respect to time and in
15 deference to the fact that we have a 2 o'clock
16 window, I will be respectful and not take any
17 more -- not even take the two minutes.

18 But this is a frustration for me,
19 it's a disrespect to my community, it's a
20 disrespect to young people all over this state.
21 I have to vote no.

22 Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Comrie to be recorded in the negative.

25 Senator Stavisky to explain her

1 vote.

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

4 Senator Comrie has outlined a lot of
5 reasons to vote no on this bill, and I'd like to
6 add a couple more.

7 I think two months is too long. In
8 the past when we've had budget issues, we've had
9 one-week, two-week extenders. Two months I think
10 is too long.

11 School districts throughout the
12 state have to be able to plan their budgets.
13 They're not going to be able to do so with this
14 budget -- I'm sorry, with this extender. Because
15 this is not a budget bill. If it were, I would
16 be voting no because I support Raise the Age.

17 There are a lot of arguments. The
18 fact that the federal government may be providing
19 less funding to me is a red herring. That's not
20 a reason to give a two-month extender.

21 This is not even a bare-bones
22 budget, this is a no-bones budget. There's
23 nothing there for the community, as Senator
24 Comrie said. And my district shares many of the
25 same issues.

1 However, the threat of a government
2 shutdown to me is horrendous. And the threat of
3 people not being paid and services not being
4 provided to me is the overarching issue. And I'm
5 afraid that come the middle of May, we're going
6 to be back here in the same position. It's sort
7 of like cramming for an exam at the last minute
8 and hope you remember everything that you've been
9 looking at.

10 But because the threat of a
11 government shutdown must be avoided, I vote aye.

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

14 Senator Dilan to explain his vote.

15 SENATOR DILAN: Mr. President, I
16 rise to vote no on both these measures.

17 And the reasons I vote no is these
18 measures do provide for a \$65 million sweep to
19 the MTA. These measures do nothing for student
20 debt. And it does not provide for housing or
21 housing affordability within my district, and for
22 those reasons I vote no.

23 ACTING PRESIDENT GRIFFO: Senator
24 Dilan to be recorded in the negative.

25 Senator Díaz to explain his vote.

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

3 Ladies and gentlemen, it's important
4 for you to know, you should know that I am from
5 the old guard. The old guard, Mr. President,
6 when we say yes, it's yes. When we say no, it's
7 no. When we commit ourselves to something, we
8 commit ourselves to something.

9 Nowadays, words mean nothing,
10 commitment means nothing. We committed
11 ourselves -- I heard the Assembly saying we are
12 not voting for anything unless we get the Raise
13 the Age. I heard the conference -- the IDC
14 conference say we're not voting for anything if
15 we don't agree on Raise the -- I heard my own
16 conference saying I'm not voting for anything if
17 we don't get the Raise the Age.

18 Now, everybody is voting, everybody
19 is saying, Oh, because of -- every -- since 2010,
20 the Governor has been doing the same thing. At
21 the last minute he says, Oh, I -- you might close
22 the government.

23 Ladies and gentlemen, we've been
24 here a whole weekend. I didn't even go to church
25 yesterday because I committed myself, because I

1 said, I'm going to be here to be sure that Raise
2 the Age goes in because those children in those
3 prisons, because we are -- they are being abused,
4 they're being tortured, and there's an injustice
5 to get those children -- to keep those children
6 in adult prison.

7 Now today, everybody is pandering.
8 Everybody's going, Oh, what happened, what
9 happened? What happened to all of you? What
10 happened to your commitment? What happened to
11 all the words that you were saying all these
12 days: Oh, we're not voting for anything if
13 there's no Raise the Age.

14 Where is the Raise the Age? What
15 happened? That's why I am from the old guard.
16 When we said we're doing this, we are doing that.
17 We don't pander to anyone. There is no pressure,
18 there is no money, because we -- the old guard,
19 we were not for rent, we were not for leasing, we
20 were not for selling -- for sale.

21 And that's why we're here to do.
22 Today I'm angry. I'm angry because I thought
23 that we're going to get the Raise the Age in
24 this -- and I disagree with my colleague Senator
25 Stavisky. This is a budget. This is -- they're

1 including it as a budget. And there's no
2 indication here that we are in a position to
3 negotiate to get the Raise the Age later.

4 So ladies and gentlemen, to all of
5 you, you should know that this black guy from
6 Bayamón, Puerto Rico, with the broken English and
7 the kinky hair, is from the old guard. And I'm
8 saying no, and I'm saying no.

9 And now I'm voting no, voting no for
10 the simple reason, only for the simple reason I
11 committed myself to vote no on the budget until I
12 see the Raise the Age. There is no Raise the
13 Age. I'm keeping my word, I'm keeping my
14 commitment, I'm voting no.

15 ACTING PRESIDENT GRIFFO: Senator
16 Díaz to be recorded in the negative.

17 Senator Sanders to explain his vote.

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

20 First I want to commend all of the
21 people who voted on either side of these issues.
22 If you felt deeply and it was something that you
23 believed in, then I commend you to hold to your
24 beliefs, if that's what you believe in.

25 I agree that two months is way too

1 long for an extender, and perhaps a five-days
2 would have worked well. I have problems with a
3 budget that I don't have time to read. But when
4 I did read, I saw some things I didn't like. I
5 wanted a resolution to 421-a. It wasn't there.
6 I am extremely concerned about MWBE. It wasn't
7 there.

8 Senator Comrie spoke of the needs of
9 our particular districts. Whether they be
10 hospitals or union workers, it wasn't there.

11 I especially am galled with where we
12 are on this issue of Raise the Age. Let's be
13 clear, my friends. We are allowing abuse to take
14 place when we don't have to, abuse to
15 16-year-olds and 17-year-olds.

16 Now, some will say, well, if they
17 put themselves in a bad spot, they deserve
18 anything to happen to them. My friends, that's
19 not government, that's not the place of
20 government. That's vengeance. And, you know,
21 that's not what we should do.

22 Therefore, in all good conscience, I
23 cannot vote for this. I'm voting no, sir. I'm
24 from an old school too.

25 SENATOR DÍAZ: Thank you.

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

3 Senator Hoylman to explain his vote.

4 SENATOR HOYLMAN: Thank you. Thank
5 you, Mr. President. That was in honor of Senator
6 Krueger, who is not here today.

7 But I want to describe why I'm
8 voting no on this extender, Mr. President, which
9 as you know funds the government for the next two
10 months. Really, I would argue that this extender
11 is an extender of business as usual in Albany, an
12 extender of lack of transparency in Albany, an
13 extender of budgetary dysfunction in Albany, an
14 extender of the three men in a room. In this
15 case, it may be only one man in a room.

16 Mr. President, we were given 2,000,
17 2,000 pages of budget bills at 3 a.m. and 7 a.m.,
18 respectively, this morning. By the way, the Old
19 Testament only has 1900 pages.

20 (Laughter.)

21 SENATOR HOYLMAN: So we were asked
22 to read the Bible this morning and vote on it.
23 You know, I think everyone here agrees that that
24 is impossible, and I think everyone here agrees
25 that that is no way to legislate.

1 I'll be voting no, Mr. President.

2 I'll be voting against lack of transparency.

3 I'll be voting against not a single public
4 hearing on these 2,000 pages. And I'll be voting
5 for people, New Yorkers across the state, who
6 want to change Albany.

7 Thank you.

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

10 Senator Squadron to explain his
11 vote.

12 SENATOR SQUADRON: Thank you,
13 Mr. President.

14 You know, I understand here, with
15 less than an hour to go, why there's an extender
16 before us and why it is getting moved through
17 this house and presumably through the other house
18 and to be signed by the Governor.

19 But it is a process that got us here
20 today that I think we all, here in the light of
21 day, can agree is absolutely broken. I mean,
22 this is ridiculous. The ridiculousness of what
23 happened over the last three days since the
24 April 1st deadline passed -- you know, yesterday
25 was my son's sixth birthday. And try explaining

1 to him the back and forth and up and down of
2 what's going on here. And the 6-year-old can't
3 understand it any more than most New Yorkers can,
4 because it really makes absolutely no sense.

5 The truth is on all sides of the
6 aisle in this house and in the other house, there
7 are thoughtful, deliberative people. I've had a
8 lot of conversations privately with those folks
9 over the last month through this budget process.
10 Unfortunately, that thoughtfulness and that
11 deliberation is never shown to the people of the
12 state. It's just not. Because this all happens
13 in a closed room among a small number of people.
14 In fact, majority and minority members are in
15 large part left out of the major decisions. No
16 one in this room created that system, but this
17 extender absolutely furthers it.

18 What happened this year in the
19 budget, where we are right now with less than an
20 hour to go, should be a searing moment for all of
21 us to change a process that does not work for
22 New Yorkers, does not work for the people we were
23 hired to represent. It really only works for the
24 process itself. And so I would urge at this
25 moment that we take a long, hard look at that

1 process and fix it moving forward.

2 And extenders, you know, our
3 so-called extenders, what they are is they're
4 budget bills for a period of time that aren't
5 neutral. This one has a sweep of the MTA --
6 New York City Bus & Subway, the MTA, the
7 Long Island Railroad -- on which our entire
8 State Budget absolutely depends and which has
9 been under enormous strain in the last couple of
10 years. This sweeps \$65 million. This goes until
11 May 31st, as opposed to another period of time or
12 a shorter period of time, and has thousands of
13 pages of other changes that we haven't had a lot
14 of time to look at.

15 And of course it doesn't have some
16 of the major issues that many of us have been
17 pushing for -- closure of the LLC loophole, Raise
18 the Age, reform, broader reform of our state
19 government. And so I understand why, faced with
20 this moment and this vote now, there are those
21 who feel they need to vote yes, and in this
22 moment I can respect that. But the process that
23 got us here is so broken, is so ridiculous that
24 unfortunately I'm forced to vote no today,
25 Mr. President. And I hope the next time we have

1 a budget vote before us, the process that has
2 gotten us there is more thoughtful, deliberative,
3 and respectful of the people who have hired us to
4 represent them.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Squadron to be recorded in the negative.

8 Senator Persaud to explain her vote.

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

11 When the legislative session began,
12 we all knew the deadline for passing a budget.
13 My concern is that people just thought it
14 irrelevant, and here we are today without a
15 budget.

16 The extender, as it is, there are
17 some interesting things there, to say the least.
18 There are some things that will benefit my
19 community. But we were sent here to represent
20 the people in our districts -- the people in my
21 district who are sending me messages saying "You
22 must do what's right for us." We are here to
23 represent them.

24 I urge the leaders, when you
25 understand the deadline, bring the pertinent

1 parties together to discuss what is needed in the
2 budget. Everybody knew what's needed in the
3 budget, everyone knows what's needed in the
4 budget. Everyone understands the importance of
5 some things to certain communities.

6 I think before we pass a budget we
7 need to sit down, bring all parties together, and
8 have a conversation as people who are responsible
9 to the communities we serve. So that when we
10 pass a budget, we will be able to go back to our
11 communities and say we have done what is right by
12 you.

13 I urge Senator Flanagan, I urge you
14 all, when you continue the discussions, include
15 us in it. Include all of the leaders, not a
16 select few. Include all of the leaders, listen
17 to their opinions, listen to what the
18 constituents who sent us here are saying. We are
19 speaking on their behalf.

20 For those reasons, I must vote no on
21 this budget.

22 ACTING PRESIDENT GRIFFO: Senator
23 Persaud will be recorded in the negative.

24 Senator Bailey to explain his vote.

25 SENATOR BAILEY: Thank you,

1 Mr. President.

2 You know, this process in itself
3 represents the duality of human nature. On one
4 hand, I'm happy about the anticipated results
5 that many state workers, including our diligent
6 staff -- who is going through, poring through
7 these budget bills that we received -- the Old
8 Testament, as Senator Hoylman indicated -- at
9 3:30 in the morning to make sure that we were
10 prepared to review them. So I'm happy about
11 those workers, the state workers, the --
12 everybody here that would presumably be able to
13 continue to get paid.

14 But there's something inside me that
15 compels me to vote no. A few things.

16 At risk of sounding like a broken
17 record, I won't say everything that everybody
18 else already said. But Raise the Age -- I took a
19 very public stance on that, indicated that I
20 would not vote yes on anything unless it included
21 Raise the Age. I might not have the time of
22 service that the great Reverend Díaz has, but I
23 come from the same school. My word is my word.
24 And a man without a word might not be considered
25 by some to be a man, at least where I'm from.

1 And the Bronx, New York, the 36th
2 Senatorial District, is where I'm from. I
3 represent a district full of 16- and 17-year-olds
4 who, if they go down the wrong path, they should
5 not be housed with adults. That's where I'm
6 from.

7 I am hopeful and I remain hopeful
8 and prayerful that the leaders of the Senate and
9 the Assembly will come together and do the right
10 thing for everybody in the State of New York.
11 Because these budgets aren't just about your
12 district or my district or just one district,
13 it's about 63 districts in the Senate, 150
14 districts in the Assembly.

15 Get out of your tunnel. Let's get
16 this budget done, let's get it done right, and
17 I'm voting no on this one.

18 Thank you, Mr. President.

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

21 The Secretary will announce the
22 results.

23 THE SECRETARY: In relation to
24 Calendar 529, those recorded in the negative --

25 ACTING PRESIDENT GRIFFO: Wait one

1 second.

2 Continue, please. The Secretary
3 will continue.

4 THE SECRETARY: In relation to
5 Calendar Number 529, those recorded in the
6 negative are Senators Bailey, Comrie, Díaz,
7 Dilan, Gianaris, Hamilton, Hoylman, Montgomery,
8 Parker, Persaud, Rivera, Sanders, Serrano,
9 Squadron and Stewart-Cousins.

10 Ayes, 46. Nays, 15.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 Senator DeFrancisco, we'll continue.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 530, by the Senate Committee on Rules, Senate
17 Print 5492, an act making appropriations for the
18 support of government.

19 (Pause.)

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: Have you
23 called up that second bill yet?

24 ACTING PRESIDENT GRIFFO: The bill
25 has been called up and read. It's before the

1 house.

2 SENATOR DeFRANCISCO: Okay. And
3 it's my understanding that the Governor has not
4 yet sent down a message of necessity. Is that
5 correct?

6 ACTING PRESIDENT GRIFFO: That is
7 correct. There is no message of appropriation at
8 the desk.

9 SENATOR DeFRANCISCO: Okay. That
10 being the case, by unanimous consent we would
11 like to get the consent of the house to allow the
12 three leaders to speak now while we're waiting
13 for the Governor to send the message of necessity
14 for the second to the third floor. Or the
15 message of appropriation, I should say.

16 ACTING PRESIDENT GRIFFO: That is
17 correct.

18 Without objection, it is so ordered.

19 SENATOR DeFRANCISCO: Thank you.

20 Would you call on Senator
21 Stewart-Cousins, please.

22 ACTING PRESIDENT GRIFFO: I would
23 ask, again, the house to remain in order.

24 And I'd ask Senator Stewart-Cousins
25 to be recognized.

1 SENATOR STEWART-COUSINS: Thank
2 you, Mr. President.

3 What is there to say? Obviously I
4 think my colleagues who articulated the concerns
5 about being at this place at this time with no
6 budget spoke eloquently about how we feel and
7 where we are. You know, we should be mindful
8 that we are here 60 hours past our deadline for
9 the budget.

10 And we should also be mindful that
11 this extender, which does keep our government
12 running -- which is extremely important -- is
13 really again, for all of us, a signal for the
14 growing dysfunction here in Albany.

15 So with the extension of time that I
16 know we will have and the concerns that are on
17 the table, I think it's just clear that we need
18 to use this time to make sure that we really
19 address the growing problems facing our state.

20 I just want it to be clear that my
21 conference will continue to fight for those
22 progressive issues that have yet to be addressed.
23 We made it clear that we would not vote on a
24 state budget until there's a real Raise the Age
25 plan included. This is an extender, but we need

1 a full budget. And we need a full budget that
2 addresses everything, including our college
3 affordability, which includes the DREAM Act.

4 We need a plan that fully funds
5 education. We need a plan that creates real
6 voting and ethics reform. We need a plan that
7 addresses the growing income inequality in
8 New York. We need a plan that moves our economy
9 forward. And of course with what's happening,
10 the unknowns that are happening on the federal
11 level, we know that it's even more important that
12 our state takes a stand that moves us quickly
13 into a budget that will protect New Yorkers.

14 So it's an opportunity, yes. It's
15 an extension, yes. But I hope and I know that we
16 can't relax until May 31st, hoping it all goes
17 away, hoping that we'll get tired. We won't get
18 tired. We can't get tired. People have sent us
19 here to give them a budget that reflects our
20 highest values for all of our constituents here
21 in New York.

22 So thank you.

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

25 Senator Klein.

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

3 We stand here today, unfortunately,
4 not passing an actual budget but passing an
5 extender to make sure government continues -- to
6 make sure government doesn't shut down, to make
7 sure our police, fire and hospitals get the
8 critical funding that they need to do their jobs.

9 I'm confident that this will now
10 send, I think, a clarion call to all of us -- the
11 Assembly, the Senate, the Governor -- that we
12 have to come together and pass an actual budget.

13 The things that we've been talking
14 about for probably the last six months are things
15 that will truly change people's lives. We need
16 to make sure that we pass Raise the Age. That
17 will change individuals' lives to make sure that
18 our young people have a positive step forward in
19 their lives. We have to make sure we increase
20 Foundation Aid so our public education system can
21 be the very best it can be. We need to make sure
22 that college affordability is available to all,
23 whether they attend a CUNY or SUNY school or
24 whether or not they decide to go to a private
25 institution.

1 Those are the things the IDC will
2 fight for. Those are the things that myself and
3 my colleague Senator John Flanagan will make sure
4 come to fruition in an actual budget.

5 But let me be clear. What we're
6 standing here today and saying is we want to
7 continue government. We're not saying that we're
8 playing political games. This is not a budget,
9 this is an extender. And anyone who decides to
10 vote no on this extender isn't saying -- talking
11 about things like Raise the Age or all the
12 important things that I outlined. What they're
13 saying to the state workforce is you shouldn't
14 get paid. What they're saying to hospitals all
15 over the State of New York: You shouldn't
16 continue to see patients. That's what they're
17 saying here today.

18 So I think the time for political
19 games should end and we all should come together
20 as one and make sure we pass a budget that truly
21 changes the lives of New Yorkers.

22 I vote yes, Mr. President.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Klein.

25 Senator Flanagan.

1 SENATOR FLANAGAN: Thank you,
2 Mr. President. Thank you to all my colleagues.

3 I listened with -- carefully to the
4 comments that were made. And to everyone that
5 spoke, the good news is, and I say this
6 respectfully, I heard all this before. So
7 whether it's Senator Bailey or Senator
8 Stewart-Cousins or Senator Comrie, Senator
9 Sanders, none of you have lacked for clarity in
10 terms of what your beliefs and thoughts are.

11 But you know I always try and inject
12 at least some sense of life and maybe a little
13 bit of good news. So now, let's keep things in
14 perspective.

15 This young man behind me, Senator
16 Larkin, he had a second great-grandchild that was
17 born at 3 o'clock this morning. So let's
18 congratulate him.

19 (Applause.)

20 SENATOR FLANAGAN: And you know
21 what? His great-grandchild is so smart already,
22 she said, "When are you going to finish the
23 budget so you can come home and see me?"

24 (Laughter.)

25 SENATOR FLANAGAN: Now, Senator

1 Bailey, I'm going to use you as an example. And
2 while he's not sitting in his chair at the
3 moment, tonight is the manifestation of March
4 madness, the NCAA final.

5 SENATOR BOYLE: Go Heels!

6 SENATOR FLANAGAN: Go Heels. Okay,
7 you can tell where he was from.

8 So March Madness has morphed into
9 April, because that's when the final is. So we
10 have Gonzaga and we have North Carolina. So we
11 have the new --

12 SENATOR BAILEY: Mr. President, I'm
13 a huge North Carolina fan. So if you can switch
14 that around.

15 (Laughter.)

16 SENATOR FLANAGAN: Let's put it
17 this way. I'm just saying it's the new versus
18 the people who have been here for some time. So
19 hopefully -- for all of our sakes, hopefully it's
20 a very good game.

21 So we have -- we certainly have new
22 members on both sides of the aisle, with Senators
23 Helming, Phillips, Tedisco and Jacobs. This is
24 their first time at the dance too. And they made
25 it abundantly clear to our colleagues and to me,

1 I'm not shutting government down. That would be
2 a major deviation from my fundamental
3 responsibility in terms of being an elected
4 official. And every one of our new members has
5 been an elected official before, so they know the
6 ramifications of shutting down roads, shutting
7 down highways, not providing appropriate police
8 and fire protection. So they and all of our
9 colleagues have made clear we need to have
10 government run.

11 Now, I don't think I'm any different
12 than anybody else. I'm tired, I'm frustrated,
13 and I know the average person in my district
14 doesn't care. Which is fine. Because they
15 expect us to do our job. And everybody knows,
16 even though this is not something that gets
17 written about, our staffs having working
18 essentially 24/7, nonstop, on issues that are
19 important.

20 Now, we had a budget process up
21 until now that had many, many, many, many public
22 hearings. I know how many conversations I've had
23 with Senator Klein, how many meetings I've had
24 with him on issues that are important to him, and
25 he certainly, certainly has made clear where his

1 priorities are. And so has Senator
2 Stewart-Cousins, whether it's been in this
3 chamber or out at a press conference or back in
4 people's districts.

5 So when I think about this, I don't
6 subscribe to the notion that majority or minority
7 members have been left out. Because I read the
8 tweets, I read the blogs, I read the media
9 accounts, I see what people say. Which is fine.
10 But we know where people's priorities are.

11 So I'm going to just give an
12 example. Part of the reason -- well, I'm going
13 to use this as the input from members. I don't
14 know that I could find anybody more articulate on
15 an issue that hasn't even been broached yet, and
16 that's workers' compensation for the cost of
17 doing business in the State of New York. When we
18 talk about youth and youths and their ability to
19 be in a good spot, one of the things they need is
20 a job. And one of the things they need is to
21 have a company or a small business or an employer
22 who can actually provide that job.

23 So when we talk about workers'
24 compensation, George Amedore is ostensibly an
25 expert. Terrence Murphy cares about issues in

1 his district that are worth fighting for in this
2 budget involving a major nuclear power plant that
3 is directly related to the well-being of his
4 constituents. Joe Robach is trying to find
5 equitability in transportation funding across the
6 State of New York.

7 Andrew Lanza, Senator Gallivan,
8 Senator Young have all been intimately involved
9 in the very issue that everyone has been talking
10 about, and that's Raise the Age. So I'm just
11 going to drill down for one second on that.

12 We are trying to find a way to help
13 young men and women. We're also trying to find a
14 way to protect victims and try and make sure that
15 someone who's a drunk driver, even if they're 16,
16 doesn't get, you know, a kid-glove treatment for
17 a heinous and egregious crime. We're trying to
18 make sure that someone who may murder a senior
19 citizen doesn't get a pass. And that's a good
20 hearty public policy debate that I'll engage in
21 anytime here -- inside, outside. And that's one
22 of the problems that we have right now, because
23 we haven't gotten to that resolution.

24 I look at a number of our members --
25 Elaine Phillips, new to the dance as well, caring

1 about infrastructure, what are we doing for
2 projects all across the State of New York. Rob
3 Ortt, obviously out there on direct care like
4 everybody else in this room. Kathy Marchione,
5 NYRA and racing and gaming and wagering. Same
6 with Mike Ranzenhofer, same with Joe Griffo, same
7 with Pat Gullivan. Sue Serino, advocating on
8 aging. Sue Serino has drilled down with Rich
9 Funke on a program called Lifespan, concerned
10 that in the proposal -- and I'm doing this for a
11 reason. I want everyone to understand -- and you
12 all know, but I want the public at large to
13 understand how we go through these things
14 internally. I'm looking at Tom O'Mara,
15 Environmental Protection Fund. Tom Croci,
16 talking about veterans' issues. Both of them
17 talking about the Dwyer program, PTSD.

18 Fred Akshar and all of our
19 colleagues -- and every one of us -- caring about
20 opioid and heroin addiction. And I find it
21 disconcerting that we are fighting about whether
22 or not we can get \$2 million or \$3 million more
23 when everyone knows that's probably the worst
24 public epidemic that's confronting every one of
25 our communities. I saw an article the other day

1 that there were seven deaths just in the Buffalo
2 area alone in the last couple of days.

3 So these are things that we're
4 talking about. Patty Ritchie, talking about
5 agriculture. And I always marvel at the fact
6 that agriculture, for the money we spend, the
7 return that we get on that investment is
8 exponential. So if we're going to fight to get
9 the crumbs at the table and make sure it gets
10 done -- because the Governor cuts it out and we
11 don't get the legislative adds -- that's very
12 important.

13 I am heartened and disheartened at
14 the same time. I know we're doing the right
15 thing by making sure that government stays
16 running. I want to thank Senator
17 Stewart-Cousins, I want to thank Senator Gianaris
18 for their respect and their accommodation.
19 Because we all know -- let's be clear, we got the
20 message -- if we don't do this by 2 o'clock, then
21 state employees really can't get paid.

22 Now, I know Senator Gianaris. Man,
23 he loves a good street battle like anyone else,
24 but he also knows that we need to make sure that
25 people get paid.

1 So whether the Assembly does their
2 business or not, that's up to them. But I know
3 we're doing the people's business in this house.
4 And this is hard. Raise the Age is out. Uber is
5 out. Workers' compensation is out. Clean water
6 is out. There's a whole litany of things that
7 are out. And yet the irony is, I feel like we're
8 this close {pincers gesture} this close overall.
9 I believe that we can get there.

10 And by the way, Senator Marcellino,
11 although he's being quiet at the moment, has been
12 vociferous on education, like everybody else. We
13 want to make sure that we're meeting our
14 obligations. And at least right now, I believe
15 we're doing it.

16 I want to thank everyone for their
17 patience, for their indulgence, for their
18 understanding. And in my opinion, I don't think
19 we're going to wait until the end of May. I
20 believe by the time -- I'm giving you my opinion.
21 Parker, you don't have to laugh that hard.

22 (Laughter.)

23 SENATOR FLANAGAN: Come on, you --
24 stay with me, man. I need you.

25 I think we can have the budget by

1 the time we come back. Because members are going
2 to go home, Kenny LaValle talks about the First
3 district first, and he's right. Betty Little's
4 going to go home, not too far from here -- and
5 we're all going to hear it from our constituents.
6 And the pressure points are going to be a lot of
7 different things. Advocates are going to be
8 pushing on Raise the Age, but we're going to have
9 a lot of pressure on education in particular.
10 Everyone wants college affordability. And I
11 think we can get there.

12 So we are -- President Griffo, have
13 I spoken long enough for that message of
14 necessity to arrive?

15 (Laughter.)

16 SENATOR FLANAGAN: Did I do it the
17 right way?

18 ACTING PRESIDENT GRIFFO: You have.

19 (Laughter.)

20 SENATOR FLANAGAN: Okay. That's
21 what we call good planning.

22 So I -- you know, and all kidding
23 aside, the work we do here is monumentally
24 important. I'm looking at Rich Funke, talking to
25 him about things like the Empire Trail and

1 tourism money for the State of New York.

2 All of you have parochial interests,
3 and that's part of the process. And no one
4 should ever have to explain anything to the
5 contrary.

6 So let's get this done. Let's get
7 the people's business done overall. And thank
8 you for your indulgence.

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

11 Senator DeFrancisco, both the
12 messages of necessity and appropriation are at
13 the desk.

14 SENATOR DeFRANCISCO: I move to
15 accept both.

16 ACTING PRESIDENT GRIFFO: All in
17 favor of accepting the message of necessity and
18 the message of appropriation indicate by saying
19 aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (Response of "Nay.")

23 ACTING PRESIDENT GRIFFO: The
24 messages are accepted.

25 SENATOR DeFRANCISCO: Could you

1 please read the last section.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read the last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 530, those recorded in the
13 negative are Senators Bailey, Comrie, Díaz,
14 Dilan, Gianaris, Hamilton, Hoylman, Montgomery,
15 Parker, Rivera, Sanders, Serrano, Squadron and
16 Stewart-Cousins. Also Senator Persaud.

17 Ayes, 46. Nays, 15.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 Senator DeFrancisco, that concludes
21 the noncontroversial reading of Senate
22 Supplemental Calendar 31A.

23 SENATOR DeFRANCISCO: Can we go
24 back to motions and resolutions and take up
25 previously adopted Resolution 1324, by Senator

1 Hamilton, read the title only, and recognize
2 Senator Hamilton for his very brief remarks.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 But I'm going to ask -- I know
6 there's a lot of movement in the chamber. But we
7 want the stenographer to be able to hear the
8 comments and give respect to our colleague
9 Senator Hamilton as he speaks. So please, if
10 you're leaving the chamber, do so silently.

11 The Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 1324, by Senator Hamilton,
14 commemorating the anniversary celebration of the
15 birthday of the revered Lubavitcher Rebbe, Rabbi
16 Menachem M. Schneerson.

17 ACTING PRESIDENT GRIFFO: Senator
18 Hamilton -- and again, please, let's maintain
19 order in the house.

20 Senator Hamilton.

21 SENATOR HAMILTON: Yes,
22 Mr. President. I rise to celebrate the
23 anniversary of the birthday of the revered
24 Lubavitcher Rebbe, Rabbi Menachem Schneerson, who
25 represented my district. And the resolution

1 honors the 115th anniversary celebration of the
2 birthday of the Lubavitcher Rebbe, Rabbi Menachem
3 Mendel Schneerson.

4 The Rebbe said each individual has
5 the capacity to build communities and endow
6 communities with life, so that every community
7 member becomes a source of inspiration.
8 Throughout his years as a religious leader,
9 educator, humanitarian, he helped endow
10 communities here in New York and around the world
11 with his life and inspiration.

12 In the heart of my district, Crown
13 Heights, lay the home of the Chabad Lubavitch
14 Hasidic movement at 770 Eastern Parkway. It
15 serves as the house of worship and a center of
16 learning, helping to contribute to the education
17 of countless students.

18 The Rabbi dedicated his life to
19 uplifting Jewish religious education, remarking
20 that every boy and girl is a seed and a sapling,
21 which with the passing of time will bring forth
22 fruit. And their fruit will produce more fruit,
23 and so on for generations.

24 We stand as beneficiaries of the
25 Rabbi's life of service, education and

1 leadership. It is fitting that the 115th
2 anniversary of his birth will be honored with the
3 115 Days of Education, so that we may not only
4 honor his legacy, but act to further endow our
5 communities.

6 I just want to say happy birthday to
7 the Rabbi and also God bless the nation of
8 Israel.

9 Thank you.

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

12 As indicated, that resolution had
13 previously been adopted on March 30th of this
14 year.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Yes.
17 Following session, there will be an immediate
18 meeting of the Republican Conference in Room 332.

19 And is there any further business at
20 the desk?

21 ACTING PRESIDENT GRIFFO: I might
22 add, Senator DeFrancisco --

23 SENATOR DeFRANCISCO: Would you
24 recognize Senator Klein.

25 ACTING PRESIDENT GRIFFO: Let's

1 take the announcements one at a time.

2 I might add, Senator DeFrancisco,
3 Senator Flanagan spoke long enough not only for
4 the messages but the pregame show to begin at the
5 NCAA.

6 (Laughter.)

7 SENATOR DeFRANCISCO: I object to
8 that remark.

9 ACTING PRESIDENT GRIFFO: Senator
10 Klein.

11 SENATOR KLEIN: I'm going to be
12 very brief, but we do have a special occasion --
13 actually, two special occasions today. Two
14 members of the Independent Democratic Conference,
15 the two Davids, David Valesky and David Carlucci,
16 are both celebrating their birthday. And I hope
17 we'll all wish them a very happy birthday.

18 (Applause.)

19 ACTING PRESIDENT GRIFFO: Happy
20 birthday to the Valesky-Carlucchi twins.

21 (Laughter.)

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco.

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

1 ACTING PRESIDENT GRIFFO: There is
2 no further business.

3 But again, we'll remind the
4 Republican Conference that there is an immediate
5 conference in Room 332 upon completion of
6 session.

7 SENATOR DeFRANCISCO: I now move to
8 adjourn until Tuesday, April 4th, at 3:00 p.m.

9 ACTING PRESIDENT GRIFFO: On
10 motion, the Senate will stand adjourned until
11 Tuesday, April 4th, at 3:00 p.m.

12 Senate is adjourned.

13 (Whereupon, at 1:37 p.m., the Senate
14 adjourned.)

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