

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9 April 4, 2017

10 6:09 p.m.

11  
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13  
14 REGULAR SESSION

15  
16  
17  
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, as we approach the Easter and  
11 Passover season, I ask everyone to bow their  
12 heads and reflect upon Exodus: And then the  
13 Lord said to Moses, "Go to Pharaoh and say to  
14 him, Thus says the Lord, 'Let My people go, that  
15 they may serve Me.'"

16 (Laughter.)

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

19 THE SECRETARY: In Senate, Monday,  
20 April 3rd, the Senate met pursuant to  
21 adjournment. The Journal of Sunday, April 2nd,  
22 was read and approved. On motion, Senate  
23 adjourned.

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

1 Presentation of petitions.

2 Messages from the Assembly.

3 The Secretary will read.

4 THE SECRETARY: On page 15,  
5 Senator Marchione moves to discharge, from the  
6 Committee on Elections, Assembly Bill Number 567  
7 and substitute it for the identical Senate Bill  
8 218, Third Reading Calendar 310.

9 ACTING PRESIDENT GRIFFO: The  
10 substitution is so ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports of state  
15 officers.

16 Motions and resolutions.

17 Senator Seward.

18 SENATOR SEWARD: Yes,  
19 Mr. President. On behalf of Senator Marcellino,  
20 I wish to call up his bill, Print Number 1296,  
21 recalled from the Assembly, which is now at the  
22 desk.

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 121, by Senator Marcellino, Senate Print 1296,  
2 an act authorizing.

3 SENATOR SEWARD: Mr. President, I  
4 now move to reconsider the vote by which this  
5 bill was passed.

6 ACTING PRESIDENT GRIFFO: The  
7 Secretary will call the roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 SENATOR SEWARD: Mr. President, I  
11 now offer the following amendments.

12 ACTING PRESIDENT GRIFFO: The  
13 amendments are received.

14 SENATOR SEWARD: And I'd ask you  
15 to recognize Senator Valesky for a motion as  
16 well.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Valesky.

19 SENATOR VALESKY: Thank you,  
20 Mr. President.

21 On behalf of Senator Alcantara, on  
22 page 12 I offer the following amendments to  
23 Calendar 252, Senate Bill 2312, and ask that  
24 said bill retain its place on the Third Reading  
25 Calendar.

1           ACTING PRESIDENT GRIFFO:    The  
2   amendments are received, and the bill shall  
3   retain its place on third reading.

4           SENATOR VALESKY:   And also on  
5   behalf of Senator Alcantara, on page 25 I offer  
6   the following amendments to Calendar 424, Senate  
7   Bill 790A, and ask that said bill retain its  
8   place on the Third Reading Calendar.

9           ACTING PRESIDENT GRIFFO:    The  
10   amendments are received, and the bill shall  
11   retain its place on third reading.

12           Senator Seward.

13           SENATOR SEWARD:    Mr. President, I  
14   move to adopt the Resolution Calendar, with the  
15   exception of Resolution 1363.

16           ACTING PRESIDENT GRIFFO:    All in  
17   favor of adopting the Resolution Calendar as  
18   presented, with the exception of Resolution  
19   Number 1363, signify by saying aye.

20           (Response of "Aye.")

21           ACTING PRESIDENT GRIFFO:    Opposed?

22           (No response.)

23           ACTING PRESIDENT GRIFFO:    The  
24   Resolution Calendar is adopted.

25           Senator Seward.

1                   SENATOR SEWARD:     Yes,  
2     Mr. President, shall we take up a previously  
3     adopted resolution, 1082, by Senator Golden, read  
4     the title only, and please call on Senator Golden  
5     for remarks.

6                   ACTING PRESIDENT GRIFFO:     The  
7     Secretary will read.

8                   THE SECRETARY:     Legislative  
9     Resolution Number 1082, by Senator Golden,  
10    memorializing Governor Andrew M. Cuomo to  
11    proclaim April 4, 2017, as Dyslexia Awareness Day  
12    in the State of New York.

13                  ACTING PRESIDENT GRIFFO:     Senator  
14    Golden.

15                  SENATOR GOLDEN:     Thank you,  
16    Mr. President.

17                  I rise in support of this resolution  
18    today. In our great nation, our great world, one  
19    in five has dyslexia, 20 percent of our  
20    population.

21                  Dyslexia does not discriminate.  
22    Dyslexia affects every segment of the  
23    population -- rich, poor and every ethnicity. It  
24    can affect the ability to read, to spell, and in  
25    some instances to properly speak.

1           As you can imagine, a person with  
2       dyslexia can have a difficult time learning,  
3       which can lead to fewer career opportunities.

4           But people with dyslexia are not  
5       doomed to failure. With help, people with  
6       dyslexia can learn how to read, spell and speak,  
7       despite their disability. They can and do  
8       triumph over their disability. And to triumph,  
9       our citizens with dyslexia and students in  
10      schools need our help and support. We need to  
11      start helping our children with dyslexia at an  
12      early age so that they will be able to read and  
13      comprehend the learning materials discussed in  
14      their classes.

15           I'm calling on every person out  
16      there to recognize that dyslexia is a disability  
17      and to understand that those with dyslexia are  
18      trying their best to overcome their disability  
19      and to be productive members of society.

20           Let's help those with dyslexia  
21      overcome the barriers created by their  
22      disability. When we do that, we will see amazing  
23      results.

24           Thank God, and thank you. God bless  
25      you all.

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

3                   The resolution was previously  
4   adopted on March 21st of 2017.

5                   Senator Golden has opened the  
6   resolution for cosponsorship.  Should you choose  
7   to be a cosponsor, please notify the desk.

8                   Senator Seward.

9                   SENATOR SEWARD:    Yes,  
10   Mr. President, I believe there is a resolution by  
11   Senator Murphy, Resolution Number 1363, at the  
12   desk.  I ask that the title be read only and move  
13   for its immediate adoption.

14                  ACTING PRESIDENT GRIFFO:   The  
15   Secretary will read.

16                  THE SECRETARY:    Legislative  
17   Resolution Number 1363, by Senator Murphy,  
18   memorializing Governor Andrew M. Cuomo to  
19   proclaim April 2017 as Distracted Driving  
20   Awareness Month in the State of New York.

21                  ACTING PRESIDENT GRIFFO:   Senator  
22   Murphy.

23                  SENATOR MURPHY:    Thank you,  
24   Mr. President.

25                  Today we are placing a spotlight on



1 a deadly issue that plagues our local, state and  
2 national roads and highways every single day.  
3 It's distracted driving. And April is the month  
4 of Distracted Driving Awareness.

5 The facts are staggering. If you  
6 are traveling 55 miles an hour, in the five  
7 seconds it takes you to read a text, you have  
8 traveled the length of a football field. As many  
9 of you know, you might as well be blindfolded.

10 In the first six months of 2016,  
11 driving fatalities have increased over 10 percent  
12 compared to the same period in 2015. At any  
13 given moment, over 600,000 drivers are using  
14 cellphones and electronic devices while driving.

15 All drivers need to get this message  
16 loud and clear: Distracted driving is on the  
17 rise. Fatalities have increased nationwide by  
18 over 8 percent, which is the greatest increase in  
19 over 50 years. Nothing is that important that it  
20 can't wait until you can get to your destination.

21 I have had the great privilege of  
22 getting to know one family whose life has been  
23 forever altered by distracted driving. In 2011,  
24 Evan Lieberman was killed in a head-on collision.  
25 The driver of the car was using his cellphone.

1           Following this horrific tragedy,  
2     Mr. Lieberman has established an organization to  
3     fight distracted driving and ensure no other  
4     parent has to deal with this kind of senseless  
5     tragedy.

6           Thanks to the efforts of  
7     Mr. Lieberman and New Castle Town Supervisor Rob  
8     Greenstein, local communities are raising  
9     awareness with these magnets that say "Hands off  
10    the phone and on the wheel."

11           Thank you, Mr. President.

12           ACTING PRESIDENT GRIFFO:    Thank  
13    you, Senator Murphy.

14           The question is on the resolution.  
15    All in favor signify by saying aye.

16           (Response of "Aye.")

17           ACTING PRESIDENT GRIFFO:    Opposed?

18           (No response.)

19           ACTING PRESIDENT GRIFFO:    The  
20    resolution is adopted.

21           Senator Murphy has also opened up  
22    the resolution for cosponsorship.  Should you  
23    choose to be a cosponsor, please notify the desk.

24           Senator Seward.

25           SENATOR SEWARD:    Yes,

1 Mr. President, I believe there is a previously  
2 adopted resolution by Senator Tedisco,  
3 Number 1273, at the desk. I ask that the title  
4 be read only and ask you to call on Senator  
5 Tedisco to speak.

6 ACTING PRESIDENT GRIFFO: The  
7 Secretary will read.

8 THE SECRETARY: Legislative  
9 Resolution Number 1273, by Senator Tedisco,  
10 congratulating the Union College Men's Basketball  
11 Team and Head Coach Chris Murphy upon the  
12 occasion of capturing the 2017 Liberty League  
13 Men's Basketball Championship on February 25,  
14 2017.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Tedisco.

17 SENATOR TEDISCO: Thank you,  
18 Mr. President and my colleagues.

19 I know we're probably all very proud  
20 of our alma mater, whether it's high school or  
21 college, where we attended and got great  
22 education. For some of us who were student  
23 athletes at that time and participated in sports,  
24 we're always proud to follow the teams that  
25 follow us.

1 I'm not going to say a lot about  
2 this team, but they did do a tremendous thing for  
3 March Madness. They got to the NCAA Tournament,  
4 they won their league in the Liberty League, they  
5 were the champions this year, and they actually  
6 won one game. But there's a back story to this,  
7 and I'll tell that when the team comes in.

8 They were scheduled to be honored  
9 today and be here, and I was going to introduce  
10 them to you and tell you what that story is all  
11 about. I'm not going to go into that today. But  
12 sometimes you can live vicariously through the  
13 outstanding achievements of those who come after  
14 you. And there's a back story about what we went  
15 through when I was there as an athlete and what  
16 happened with them when they won this  
17 championship.

18 So we're very proud of them, they  
19 are an outstanding team, it was an outstanding  
20 accomplishment just to win their league. They  
21 were actually in fourth place, but they won the  
22 league championship by beating the third-,  
23 second-, and first-place teams to win the  
24 championship. When you win the championship at  
25 some of these leagues, you automatically go to

1 the NCAAs.

2           And so I'm very proud of the  
3 academics of Union College and very proud of the  
4 athletics this year -- not to mention what our  
5 hockey team does, because they won the national  
6 championship at one time and had a great year  
7 too. And that's for a different time.

8           But I appreciate having the  
9 opportunity to speak a little bit about them  
10 today, and I hope I can elaborate on our  
11 experience when I was there with my team and  
12 their experience and what they accomplished  
13 actually 45 years later after I graduated with  
14 the team I participated with. So we'll do that  
15 on another day when we have some other projects  
16 settled here and we can more readily concentrate  
17 on that.

18           Thank you for the opportunity to  
19 congratulate them as we pass this resolution.

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

22           The resolution is previously adopted  
23 on March 30th of 2017.

24           Senator Tedisco has opened up the  
25 resolution for cosponsorship. Should you choose

1 to be a cosponsor, please notify the desk.

2 Senator Seward.

3 SENATOR SEWARD: Yes,  
4 Mr. President, may we please have the  
5 noncontroversial reading of the calendar.

6 ACTING PRESIDENT GRIFFO: The  
7 Secretary will read.

8 THE SECRETARY: Calendar Number 94,  
9 by Senator Klein, Senate Print 1989, an act to  
10 amend the Public Housing Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect on the 30th day.

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 221, by Senator Lanza, Senate Print 2589, an act  
23 to amend the Public Authorities Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

1           THE SECRETARY:   Section 2.   This  
2   act shall take effect on the 30th day.

3           ACTING PRESIDENT GRIFFO:   Call the  
4   roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 58.

7           ACTING PRESIDENT GRIFFO:   The bill  
8   is passed.

9           THE SECRETARY:   Calendar Number  
10   236, by Senator Bonacic, Senate Print 4072A, an  
11   act to amend the Town Law.

12          ACTING PRESIDENT GRIFFO:   Read the  
13   last section.

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

16          ACTING PRESIDENT GRIFFO:   Call the  
17   roll.

18          (The Secretary called the roll.)

19          THE SECRETARY:   Ayes, 58.

20          ACTING PRESIDENT GRIFFO:   The bill  
21   is passed.

22          THE SECRETARY:   Calendar Number  
23   310, substituted earlier by Member of the  
24   Assembly Abinanti, Assembly Print 567, an act to  
25   amend the Election Law.

1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

3           THE SECRETARY:   Section 7.  This  
4 act shall take effect on the 120th day.

5           ACTING PRESIDENT GRIFFO:   Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:   Ayes, 58.

9           ACTING PRESIDENT GRIFFO:   The bill  
10 is passed.

11          THE SECRETARY:   Calendar Number  
12 377, by Senator Serino, Senate Print 2136, an act  
13 to amend the Public Health Law.

14          ACTING PRESIDENT GRIFFO:   Read the  
15 last section.

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

18          ACTING PRESIDENT GRIFFO:   Call the  
19 roll.

20          (The Secretary called the roll.)

21          THE SECRETARY:   Ayes, 58.

22          ACTING PRESIDENT GRIFFO:   The bill  
23 is passed.

24          THE SECRETARY:   Calendar Number  
25 471, by Senator O'Mara, Senate Print 4086, an act



1 to amend the Vehicle and Traffic Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT GRIFFO: And the  
11 bill is passed.

12 Senator Seward, that completes the  
13 noncontroversial reading of today's active-list  
14 calendar.

15 SENATOR SEWARD: Mr. President, the  
16 Senate will stand at ease temporarily.

17 ACTING PRESIDENT GRIFFO: The  
18 Senate will stand temporarily at ease.

19 (Whereupon, the Senate stood at ease  
20 at 6:22 p.m.)

21 (Whereupon, the Senate reconvened at  
22 6:38 p.m.)

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

25 Senator DeFrancisco.

1 Can I have some order, please.

2 SENATOR DeFRANCISCO: Yes, we're  
3 trying to accommodate everyone and be as  
4 efficient as possible, so there's some bill  
5 language that we still have to get to the various  
6 members. And rather than having to come back and  
7 set a time for the Finance Committee meeting --  
8 plus there's going to be food soon -- we're going  
9 to set the time for a Finance Committee meeting  
10 in Room 332 at 8 o'clock.

11 Now, that is subject to change --  
12 hopefully, subject to change to try to start  
13 earlier. So if everyone would keep an ear on  
14 what's happening here, we can hopefully operate a  
15 little more efficiently.

16 ACTING PRESIDENT GRIFFO: There  
17 will be a Finance Committee meeting at 8 p.m.,  
18 subject to change, in Room 332.

19 So Finance Committee tentatively  
20 scheduled at 8 p.m., subject to change, in  
21 Room 332.

22 The Senate will stand at ease.

23 (Whereupon, the Senate stood at ease  
24 at 6:39 p.m.)

25 (Whereupon, the Senate reconvened at

1 8:09 p.m.)

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

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Yes, we  
6 announced earlier an 8 o'clock meeting of the  
7 Finance Committee in Room 332. I just got word  
8 from the Democrat Conference that they're out of  
9 conference and they're on their way out. So if  
10 everyone would please make their way to Room 332  
11 for a Finance Committee meeting so we could start  
12 moving.

13 Thank you.

14 ACTING PRESIDENT GRIFFO: There  
15 will be an immediate meeting of the Senate  
16 Finance Committee in Room 332, as had been  
17 previously indicated. Again, calling all members  
18 of the Finance Committee to Senate Room 332.

19 The Senate will stand temporarily at  
20 ease.

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

23 (Whereupon, the Senate reconvened at  
24 8:50 p.m.)

25 ACTING PRESIDENT GRIFFO: The

1 Senate will come to order. Can I have some order  
2 in the house, please.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: It's my  
5 understanding that there's a report of the  
6 Finance Committee at the desk.

7 ACTING PRESIDENT GRIFFO: There is  
8 a report of the Finance Committee before the  
9 desk, and the Secretary will read.

10 THE SECRETARY: Senator Young, from  
11 the Committee on Finance, reports the following  
12 bills:

13 Senate Print 2005C, Senate Budget  
14 Bill, an act to amend certain laws related to the  
15 Public Protection and General Government Budget;

16 Senate Print 2006C, Senate Budget  
17 Bill, an act to amend certain laws related to the  
18 Education, Labor, Housing and Family Assistance  
19 Budget;

20 Senate Print 2008C, Senate Budget  
21 Bill, an act to amend certain laws related to the  
22 Transportation, Economic Development and  
23 Environmental Conservation Budget; and

24 Senate Print 2007B, Senate Budget  
25 Bill, an act to amend certain laws related to the

1 Health and Mental Hygiene Budget.

2 All bills reported direct to third  
3 reading.

4 SENATOR DeFRANCISCO: I move to  
5 accept the report of the Finance Committee.

6 ACTING PRESIDENT GRIFFO: All in  
7 favor of accepting the Finance Committee report  
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The  
13 Committee on Finance report is accepted and  
14 before the house.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Could we  
17 please take up the noncontroversial reading of  
18 Senate Supplemental Calendar 32A.

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read Senate Supplemental Calendar  
21 32A.

22 THE SECRETARY: Calendar Number  
23 550, Senate Budget Bill, Senate Print 2005C, an  
24 act to amend the certain laws related to the  
25 Public Protection and General Government Budget.

1                   SENATOR GIANARIS:    Lay it aside.

2                   ACTING PRESIDENT GRIFFO:   Lay the  
3 bill aside.

4                   Excuse me.   Without objection, can  
5 we accept the messages that are before the house?  
6 Senator DeFrancisco, I'll entertain a motion.

7                   SENATOR DeFRANCISCO:   Yes, please.

8                   ACTING PRESIDENT GRIFFO:   There is  
9 a message of necessity before the house.   All in  
10 favor of accepting the message of necessity  
11 signify by saying aye.

12                   (Response of "Aye.")

13                   ACTING PRESIDENT GRIFFO:   Opposed?

14                   (Response of "Nay.")

15                   ACTING PRESIDENT GRIFFO:   The  
16 message of necessity is accepted and the bill is  
17 laid aside.

18                   THE SECRETARY:   Calendar Number  
19 551, Senate Budget Bill, Senate Print 2006C, an  
20 act to amend certain laws related to the  
21 Education, Labor, Housing and Family Assistance  
22 Budget.

23                   ACTING PRESIDENT GRIFFO:   Can I  
24 have some order in the house, please.

25                   Senator DeFrancisco.

1           SENATOR DeFRANCISCO:   Is there a  
2 message of necessity at the desk?

3           ACTING PRESIDENT GRIFFO:   Yes,  
4 there is a message before the desk.

5           SENATOR DeFRANCISCO:   Move to  
6 accept.

7           ACTING PRESIDENT GRIFFO:   All in  
8 favor of accepting the message of necessity  
9 signify by saying aye.

10                   (Response of "Aye.")

11           ACTING PRESIDENT GRIFFO:   Opposed?

12                   (Response of "Nay.")

13           ACTING PRESIDENT GRIFFO:   The  
14 message is accepted, and the bill laid aside.

15           THE SECRETARY:   Calendar Number  
16 552, Senate Budget Bill, Senate Print 2008C, an  
17 act to amend certain laws related to the  
18 Transportation, Economic Development and  
19 Environmental Conservation budget.

20           SENATOR GIANARIS:   Lay it aside.

21           SENATOR DeFRANCISCO:   Is there a  
22 message of necessity at the desk?

23           ACTING PRESIDENT GRIFFO:   There is  
24 a message of necessity at the desk.

25           SENATOR DeFRANCISCO:   Move to

1 accept.

2 ACTING PRESIDENT GRIFFO: All in  
3 favor of accepting the message of necessity  
4 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, and the bill is laid aside.

10 THE SECRETARY: Calendar Number  
11 553, Senate Budget Bill, Senate Print 2007B, an  
12 act to amend certain laws related to the Health  
13 and Mental Hygiene Budget.

14 SENATOR GIANARIS: Lay it aside.

15 SENATOR DeFRANCISCO: Is there a  
16 message of necessity at the desk?

17 ACTING PRESIDENT GRIFFO: There is  
18 a message at the desk.

19 SENATOR DeFRANCISCO: Move to  
20 accept.

21 ACTING PRESIDENT GRIFFO: All in  
22 favor of accepting the message of necessity  
23 signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed?



1 (Response of "Nay.")

2 ACTING PRESIDENT GRIFFO: The  
3 message is accepted, and the bill is laid aside.

4 SENATOR DeFRANCISCO: Would you  
5 please recognize Senator Gianaris for a short  
6 comment.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Gianaris. Withdrawn?

9 SENATOR DeFRANCISCO: I think we  
10 should do it now.

11 SENATOR GIANARIS: All right.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Gianaris.

14 SENATOR GIANARIS: I was going to  
15 ask Senator DeFrancisco to yield for a quick  
16 question.

17 There has been language shared with  
18 our conference that addresses the issue of Raise  
19 the Age, which is very important to our members.  
20 My understanding is that that bill is currently  
21 being printed, and I just wanted an assurance,  
22 without addressing the merits of it at this time,  
23 just an assurance that that bill is currently on  
24 its way to being printed and will be before us  
25 before the budget is concluded.

1                   SENATOR DeFRANCISCO:    You have my  
2    assurance.

3                   SENATOR GIANARIS:    Thank you.

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

7                   Senator DeFrancisco.

8                   SENATOR DeFRANCISCO:    Could you  
9    take up the controversial reading of the Senate  
10   Supplemental Calendar 32A.

11                  ACTING PRESIDENT GRIFFO:    The  
12   Secretary will ring the bell.   And we will be on  
13   Senate Supplemental Calendar 32A.

14                  The Secretary will read.

15                  THE SECRETARY:    Calendar Number  
16   550, Senate Budget Bill, Senate Print 2005C, an  
17   act to amend certain laws related to the Public  
18   Protection and General Government Budget.

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

21                  SENATOR GIANARIS:    Mr. President, I  
22   believe there's an amendment at the desk.   I ask  
23   that the reading of the amendment be waived and  
24   that Senator Hoylman be heard on the amendment.

25                  ACTING PRESIDENT GRIFFO:    Senator

1     Gianaris, there is an amendment before the desk.  
2     In accordance with Rule VII, upon review of the  
3     amendment, I rule it is nongermane.

4                     And you are asking to be heard on  
5     the appeal?

6                     SENATOR GIANARIS:     I am asking that  
7     Senator Hoylman please be heard on the appeal.

8                     ACTING PRESIDENT GRIFFO:     Senator  
9     Hoylman, you may be heard on the appeal.

10                    SENATOR HOYLMAN:     Thank you,  
11     Mr. President.

12                    This amendment would limit the  
13     amount of outside income that members of the  
14     Legislature can earn to up to 15 percent of their  
15     current salary -- well, their current salary if  
16     we were actually earning one at this point in  
17     time.

18                    The New York State Legislature,  
19     according to this amendment, would be a full-time  
20     legislative body and it would restrict the amount  
21     of outside income that members can receive during  
22     their term in office, prohibiting certain  
23     activities that can create a sense of  
24     impropriety. The restrictions in this amendment  
25     are based on the same model that is in place for

1 members of the United States Congress.

2 Mr. President, here we are again.

3 The same ideas and reforms proposed by the  
4 Governor, just a different year, and nothing  
5 has changed.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Hoylman, just a minute.

8 Can I have some order in the house,  
9 please. We have a lot of people in the chamber  
10 tonight. These are important bills, and the  
11 members are speaking on these bills. So I would  
12 ask the respect and courtesy of the house.

13 Senator Hoylman.

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

16 We don't even have half a loaf here  
17 when it comes to ethics reform, we have literally  
18 no loaf at all. No ethics or campaign finance  
19 proposals can be watered down between the houses  
20 or with the Governor because none came out of  
21 this house at all.

22 You know, they say a budget,  
23 Mr. President, is a moral document, it's a  
24 reflection of our values and principles. Well,  
25 we need to show the State of New York, we need to

1 show our constituents that we are concerned about  
2 ethics reform, that we are concerned about ending  
3 outside income. You know, there have been no  
4 fewer than nine cases over the last decade of  
5 public corruption involving state legislators.  
6 And here we sit once again -- another budget,  
7 another year -- and not doing anything about it.

8           When the Moreland Commission was  
9 investigating public corruption, the leadership  
10 of this chamber, in my opinion, shamefully fought  
11 subpoenas seeking the client lists of legislators  
12 who practice law on the side, arguing that there  
13 was a sacrosanct relationship of their clients  
14 and attorneys.

15           Well, you know how we deal with  
16 that? We remove that. You should not be  
17 practicing law, you should not have private  
18 clients on the side as members of the  
19 Legislature. You can only serve one master, and  
20 that's what this amendment says. You only serve  
21 the people of the State of New York and no  
22 private clients.

23           Mr. President, I believe that the  
24 attorney-client privilege should not trump the  
25 relationship we have with our constituents. I

1 don't doubt that our colleagues here who continue  
2 to practice law or hold outside jobs do so  
3 ethically. But there is a perception,  
4 widespread, that the public opinion polls show  
5 time and time again, that voters in our districts  
6 have said time and time again they want change in  
7 Albany, they want us to clean up our act. But  
8 before we do that, we've got to pass bills, we've  
9 got to pass legislation that ends outside income.

10 Let's limit it to 15 percent, just  
11 like members of Congress. Let's make this  
12 Legislature full-time. Let's let our  
13 constituents know that we only have their  
14 interests in mind, no one else.

15 So I assure you, Mr. President, that  
16 this conference of the Democrats supports banning  
17 outside income, limiting it to 15 percent of the  
18 base salary, ending the practice of law, no  
19 secret clients.

20 Thank you, Mr. President.

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

23 This is a procedural vote on the  
24 ruling of the chair. All in favor of overruling  
25 the ruling of the chair signify by saying aye.

1 (Response of "Aye.")

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

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

6 Announce the results.

7 THE SECRETARY: Ayes, 20.

8 ACTING PRESIDENT GRIFFO: The  
9 ruling of the chair is affirmed.

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President, I  
12 believe there's another amendment at the desk. I  
13 ask that the reading be waived and that Senator  
14 Squadron be heard.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Gianaris, there is an amendment at the desk. In  
17 accordance with Rule VII, I do rule that the  
18 amendment before us is nongermane.

19 And you have requested an appeal. I  
20 will recognize Senator Squadron to be heard on  
21 that.

22 SENATOR GIANARIS: Thank you very  
23 much.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Squadron.

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

3                   This is a very simple amendment, one  
4   that I have spoken about before and before and  
5   before and before.  It would, very simply, close  
6   the LLC loophole that was erroneously opened by  
7   the State Board of Elections --

8                   ACTING PRESIDENT GRIFFO:    Senator  
9   Squadron, excuse me.

10                  Again, if I can, there are a lot of  
11   conversations taking place in the chamber.  If we  
12   can allow the member to be heard.

13                  Senator Squadron.

14                  SENATOR SQUADRON:    Thank you.  I  
15   believe it was the surprise in the house that I  
16   was discussing this issue, Mr. President.

17                  (Laughter.)

18                  SENATOR SQUADRON:    The LLC loophole  
19   was opened erroneously by a Board of Elections  
20   ruling in contravention of state law.  And simply  
21   what it does is it allows nearly unlimited  
22   anonymous campaign dollars to flood our political  
23   system and overwhelm the voices of regular  
24   everyday New Yorkers.

25                  You know, some people say to me, You



1 have spoken about the LLC loophole so many times,  
2 why do you still bother? And the reason is  
3 because it is so important and because, despite  
4 having spoken about it so many times, we have  
5 still never gotten a vote on closing the LLC  
6 loophole in this house.

7               We've had my bill to close the LLC  
8 loophole pushed from one committee to the next  
9 without votes of substance on it. We've had  
10 votes on it blocked, against the Senate rules  
11 that are supposed to allow votes in committee.  
12 And we've had, to the Governor's credit, closure  
13 of the LLC loophole proposed in the Executive  
14 Budgets for the last number of years. And yet  
15 when we get to the one-house budget put out by  
16 the Senate majority, it's disappeared. When we  
17 get to the final budget, it's disappeared.

18              Mr. President, I understand that in  
19 the process of Albany and the ways of these  
20 budgets which are so hard to explain to our  
21 constituents at home but do take on a certain  
22 twisted logic here in the halls of the Capitol,  
23 it's your job to rule this not germane.

24              My problem, Mr. President, is as  
25 long as you rule this not germane, no one is ever

1 forced to stand up and be held accountable for a  
2 system and a process that undermines the voices  
3 of our constituents, those people who sent us  
4 here, in favor of small numbers of heavily  
5 invested interests that abuse and exploit this  
6 loophole.

7               No budget of \$155 billion should  
8 pass without closing this loophole and starting  
9 to restore integrity and faith in the process  
10 that gets us here.

11              So it is relevant to this bill,  
12 which after all is Public Protection, and it is  
13 relevant to the entire budget. It was proposed  
14 by the Governor. And I would urge my colleagues  
15 to overrule the ruling of the chair to be clear  
16 that this should happen and should be closed now,  
17 instead of another attempt to dodge and weave and  
18 preserve a system that isn't working for any of  
19 our constituents and, as I said yesterday, really  
20 I think underestimates and undermines even the  
21 value of each member's representation on all  
22 sides of this aisle because the process is so  
23 opaque, closed, and as I said, controlled by  
24 special interests.

25              It is absolutely germane to Public

1 Protection. I urge my colleagues to vote to  
2 close the LLC loophole.

3 Thank you, Mr. President.

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

6 The question before the house is on  
7 procedure. All those in favor of overruling the  
8 ruling of the chair signify by saying aye.

9 SENATOR GIANARIS: Show of hands,  
10 please.

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

13 If members can take their seats,  
14 please.

15 Announce the results.

16 THE SECRETARY: Ayes, 20.

17 ACTING PRESIDENT GRIFFO: The  
18 ruling of the chair is affirmed.

19 Senator Gianaris, why do you rise?

20 SENATOR GIANARIS: And,  
21 Mr. President, I believe there's yet one more  
22 amendment at the desk. I ask that the reading be  
23 waived and that Senator Bailey be heard.

24 And should you rule it not germane,  
25 I ask that Senator Bailey be heard on the appeal

1 of that decision.

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

4 Upon review of the amendment before  
5 the house, in accordance with Rule VII of the  
6 house, I do rule the amendment before us is  
7 nongermane, and accordingly I will recognize  
8 Senator Bailey to be heard on the appeal.

9 Senator Bailey.

10 SENATOR BAILEY: Thank you,  
11 Mr. President. And soon enough, your people  
12 shall be let go.

13 (Laughter.)

14 SENATOR BAILEY: Mr. President,  
15 it's vitally important what I'm going to speak  
16 about, voting rights. It's the reason why 63 of  
17 us -- well, technically right now 62 of us are  
18 here. The amendment I propose right now is a  
19 comprehensive solution to fix our broken election  
20 and campaign finance system here in the state.

21 Mr. President, if I may. When I was  
22 18 years old, I was handed two things -- in my  
23 left hand, a lottery ticket, a scratch-off, and  
24 in my right hand a voter registration card.  
25 These things were part of who I was. Making sure

1     that I had the right to vote when I was 18 years  
2     old was vitally important to me and my family.

3                 But we have to go further as a  
4     state, and I'm going to outline a few things as  
5     to why. The proposal before us today builds upon  
6     many of the ideas submitted and includes many of  
7     the bills that members of this conference have  
8     been championing for years: Specifically, early  
9     voting; Deceptive Practice and Voter Suppression  
10    Act; consolidation of federal and state  
11    primaries; the Voter Empowerment Act; expansion  
12    of affidavit voting; reducing restrictions on  
13    affidavit voting; a Board of Elections  
14    feasibility study; prohibiting election districts  
15    from being split on and off of campus, on college  
16    campuses; the Voter Modernization Act; and party  
17    enrollment reform.

18                What we want to do is we want to  
19    make ballot access better, because we complain  
20    about people not voting. We go out to schools  
21    and we talk to graduating high school seniors  
22    that you have to vote, this is not an option.  
23    You must vote, because it is -- as Sean "P.  
24    Diddy" Combs once said, "Vote or Die."

25                But we don't have that same urgency

1 in the State of New York. Not in my 34 years,  
2 Mr. President. I have not seen it.

3 So I'm going to ask that we take a  
4 look at ourselves as legislators, we take a look  
5 at what this budget represents, at what it  
6 reflects. And I hope that you will consider  
7 reversing the appeal.

8 Because our voter turnout is among  
9 the nation's worst. We're one of 13 states that  
10 denies early voting. And in our primary  
11 enrollment process, you know, as we saw this past  
12 presidential election, there were so many people  
13 in confusion -- they were fired up and ready to  
14 go to the polls, but only to find that they were  
15 not enrolled in a party. And they did not know  
16 that because of New York's arcane party  
17 enrollment rules.

18 Mr. President, I can go on for days.  
19 But the point is that I'm hoping that you will  
20 consider reversing this appeal, because voting  
21 rights is not just vital to this chamber, they're  
22 vital to each of our districts and everybody in  
23 the State of New York.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Bailey.

2 The question before the house is on  
3 the procedures of the house, on the ruling of the  
4 chair. All those in favor of overruling the  
5 ruling of the chair say aye.

6 (Response of "Aye.")

7 SENATOR GIANARIS: Show of hands,  
8 please, Mr. President.

9 ACTING PRESIDENT GRIFFO: Opposed?

10 A show of hands has been requested  
11 and so ordered.

12 Announce the results.

13 THE SECRETARY: Ayes, 20.

14 ACTING PRESIDENT GRIFFO: The  
15 ruling of the chair is affirmed.

16 The bill is before the house.

17 Senator Squadron.

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

20 If the sponsor would yield for a few  
21 questions.

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

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO: Senator

1 Young yields.

2 SENATOR SQUADRON: Thank you,  
3 Senator Young.

4 And as we get started on this  
5 process, I want to ask about some pieces of this  
6 bill. In Part D of the Executive proposal, there  
7 was a component for video interrogation that I  
8 know is actually also in -- I believe was in the  
9 Senate one-house proposal as well. I note it is  
10 omitted in this bill. Why is that?

11 SENATOR YOUNG: Through you,  
12 Mr. President, thank you very much for the  
13 question.

14 And we are very hopeful it will show  
15 up in the revenue bill that is going to be  
16 printed. At least parts of it.

17 SENATOR SQUADRON: Thank you,  
18 Mr. President. And we'll discuss it at that  
19 point.

20 Just going through each component  
21 here that's omitted, just to make sure that we  
22 will be seeing them later. Photo arrays as well  
23 in the same section of the bill?

24 SENATOR YOUNG: Yes.

25 SENATOR SQUADRON: Thank you. If



1 the sponsor would continue to yield.

2 ACTING PRESIDENT GRIFFO: The  
3 sponsor yields.

4 SENATOR YOUNG: Yes.

5 SENATOR SQUADRON: And expansion of  
6 public defense?

7 SENATOR YOUNG: Through you,  
8 Mr. President, no, that is not included.

9 SENATOR SQUADRON: If the sponsor  
10 would yield. So that's omitted in the --

11 ACTING PRESIDENT GRIFFO: Senator  
12 Young, do you continue to yield?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Squadron.

16 SENATOR SQUADRON: I'll come back  
17 to that, thank you.

18 In Part E of the bill there was a  
19 sentencing reform proposal. Is that -- will that  
20 appear later?

21 ACTING PRESIDENT GRIFFO: Senator  
22 Young --

23 SENATOR YOUNG: Through you,  
24 Mr. President, that proposal has been modified.

25 (Pause.) Through you,

1 Mr. President, I have some more information on  
2 that particular question.

3 Actually, there are an additional  
4 three programs dealing with limited credit-time  
5 release, and two are food service, one is the DMV  
6 call center. And there's no change in  
7 sentencing.

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

10 SENATOR YOUNG: Yes.

11 ACTING PRESIDENT GRIFFO: The  
12 sponsor yields.

13 SENATOR SQUADRON: Just to clarify  
14 on the Part E on sentencing, there is -- the  
15 Executive proposal to change sentencing is not in  
16 the bill and won't appear later? No change  
17 means --

18 SENATOR YOUNG: Through you,  
19 Mr. President, no, it's not.

20 SENATOR SQUADRON: Thank you. Will  
21 the sponsor continue to yield?

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The  
24 sponsor yields.

25 SENATOR SQUADRON: In Part B of the

1 bill there was a proposal to decriminalize simple  
2 possession of small amounts of marijuana.

3 SENATOR YOUNG: I'm sorry, could  
4 you repeat that question, please?

5 SENATOR SQUADRON: Sure. In Part B  
6 of the bill there was a -- in Part B, excuse me,  
7 of the Executive proposal, there was a proposal  
8 to decriminalize possession of small amounts of  
9 marijuana.

10 SENATOR YOUNG: Through you,  
11 Mr. President, no, that proposal is not included  
12 in the final negotiated agreed-upon three-way  
13 bill.

14 SENATOR SQUADRON: Thank you. And  
15 then in Part C of the bill there was a  
16 proposal --

17 ACTING PRESIDENT GRIFFO: Are you  
18 asking the Senator to continue to yield?

19 SENATOR SQUADRON: Thank you,  
20 Mr. President, yes.

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

23 SENATOR YOUNG: Yes.

24 ACTING PRESIDENT GRIFFO: The  
25 Senator yields.

1                   SENATOR SQUADRON:    In Part C of the  
2   Executive proposal there was modification of ID  
3   theft laws actually very similar to a proposal  
4   that's been passed out of this house that I  
5   sponsor and Senator Golden sponsors. That's  
6   omitted. Is that going to appear later?

7                   SENATOR YOUNG:    Through you,  
8   Mr. President, the cybercrime portion of it is  
9   not included either in this three-way negotiated  
10  bill.

11                  SENATOR SQUADRON:   Thank you. If  
12  the sponsor would continue to yield.

13                  SENATOR YOUNG:    Yes.

14                  ACTING PRESIDENT GRIFFO:   The  
15  sponsor yields.

16                  SENATOR SQUADRON:   Just to go back  
17  to talk about reasoning on one piece of this  
18  briefly, in Part D, just so we can go back there,  
19  the public defense proposal from the Governor,  
20  you know, I noticed was accepted in one form or  
21  another in both the Assembly majority and the  
22  Senate majority one-house and is apparently going  
23  to be omitted from the entire budget. I wanted  
24  to understand what had happened. Or what the  
25  rationale was.

1                   SENATOR YOUNG:   Well, through you,  
2   Mr. President, Senator Squadron is correct.  And  
3   we are continuing discussions on that issue.

4                   SENATOR SQUADRON:   If the sponsor  
5   will continue to yield, I apologize.  I think I  
6   missed the initial answer on this.  And I do not  
7   mean to be asking the same question twice.  I  
8   thought the initial answer was that that one  
9   would not appear in the latter bill.

10                  SENATOR YOUNG:   Through you,  
11   Mr. President, that's correct, it's not part of  
12   the budget.  But there are continuing discussions  
13   about that particular issue.

14                  SENATOR SQUADRON:   Thank you for  
15   the clarification.

16                         On the bill, Mr. President.

17                  ACTING PRESIDENT GRIFFO:   Senator  
18   Squadron on the bill.

19                  SENATOR SQUADRON:   Thank you.  I  
20   thank the sponsor for going through here.

21                         And, you know, as we look at what's  
22   in this bill and what's not, it's a little bit of  
23   a riddle and a puzzle that needs to be solved  
24   through some detective work.  I think it's  
25   appropriate that so much of the discussion in

1 this year's budget has been on criminal justice  
2 reform, because some of the tools of good  
3 criminal justice -- investigation, hunch,  
4 instinct, followed by evidence, questioning -- I  
5 think are critical to find out what happened in  
6 a budget like this when we do it the way we did  
7 it.

8           If you look at what's in the bill  
9 before us and you look at the so-called one-house  
10 proposals that we saw before, you know, it  
11 appears that we're going to be able to discuss  
12 video interrogation and photo arrays later, and  
13 the sponsor confirmed that, which I appreciate.  
14 And I think we'll discuss that when that bill is  
15 ripe and before us.

16           You know, when you look at a reform  
17 and expansion of public defense in our state, you  
18 have a proposal that was passed in a bipartisan  
19 way and delivered to the Governor last year,  
20 unfortunately vetoed. You have a proposal  
21 following that veto from the Governor that was  
22 put in the Executive Budget in order to deal with  
23 that issue. Then you have one-houses that seem  
24 to agree it's an important proposal. And then  
25 here we are in a late hour a few days after the

1     fiscal year ended, and it just doesn't show up.

2                     And, you know, that's certainly  
3     disappointing. It's a critical, critical issue  
4     that we need to deal with, that the courts in our  
5     state have said we need to deal with. And it  
6     would be great to know a little more about why it  
7     is that we're not going to have that expansion of  
8     public defense services that both houses, both  
9     parties -- all parties -- have validated last  
10    year, through passage earlier this month or last  
11    month.

12                    We don't have that, and I do hope  
13    that we see it again. It's certainly a  
14    disappointing omission and a very, very important  
15    one when we're talking about expanding and  
16    improving fairness in criminal justice in this  
17    state.

18                    When we're talking about the absence  
19    of sentencing reform in this bill, if you go back  
20    to look at the one-houses, it seems apparent that  
21    the Senate budget proposal rejected sentencing  
22    reform, the Assembly accepted it. The Governor  
23    of course proposed it in the first place. So we  
24    can only assume that in those rooms without a  
25    whole lot of sunshine, it was the Senate that

1 believed that we should not have sentencing  
2 reform in this budget at this time, despite the  
3 need for it, the need to shift the determinations  
4 to the Department of Corrections and Community  
5 Supervision and lessening sentences for youthful  
6 offenders, although I do believe that we'll see  
7 some of that in the Raise the Age conclusion that  
8 comes out later.

9           If you look at the proposal to  
10 decriminalize possession of small amounts of  
11 marijuana, it's pretty simple. In New York City  
12 it's been the practice, even as crime has gone  
13 down across the board now for a number of years.  
14 And when it wasn't the practice -- and it has  
15 been kind of periodically as long as the law's on  
16 the books -- you found that a huge, huge  
17 percentage of those who were charged with simple  
18 possession of marijuana were black and Latino,  
19 were young men of color, even though studies show  
20 that that group of people is no more likely to  
21 possess marijuana than others, including their  
22 peers like my sons in a few years, who are white.

23           That's a law that does not apply  
24 equally in its enforcement to every member of  
25 this state. It's a law that for many folks is



1 considered to be kind of a joke and for others  
2 creates a criminal record that they have to carry  
3 for the rest of their lives. We can only assume  
4 that the Senate rejected that, from what we've  
5 seen through the one-house proposals.

6           And on ID theft, I do need to give  
7 credit where credit is due. This house has tried  
8 to deal with the fact that identity theft is a  
9 very different crime than it was a couple of  
10 decades ago, even a decade or a few years ago,  
11 because of technology. And that we really do  
12 need new definitions of that. Our Democratic  
13 State Attorney General believes that.  
14 Republicans in this house have believed that. We  
15 proposed that. We can only assume that the  
16 Assembly didn't.

17           So, you know, we're looking at a  
18 bill that has certainly its decent parts. We're  
19 looking at a bill that has some components that  
20 have just been pushed forward to a later revenue  
21 bill, which I think will very quickly be known as  
22 a Budget Big Ugly.

23           But we are missing a lot of  
24 components, and we don't really know the  
25 deliberation, the thought, the principles that

1     went into that, the way in which those components  
2     are missing and being taken out of the budget  
3     represents our constituents' needs and desires,  
4     represents our own values as their  
5     representatives in the Senate.

6                     So that's disappointing. I  
7     appreciate again the clarity on what we're not  
8     going to see at all and what we're going to see  
9     later from the sponsor, and certainly do urge  
10    that next time we do this -- and now hopefully it  
11    won't be before May 31st -- but next time we do  
12    this, we do it differently so we can have a more  
13    deliberative and public process to understand why  
14    it is we end up with the budget we do.

15                    Thank you, Mr. President.

16                    ACTING PRESIDENT GRIFFO:    Senator  
17    Kaminsky.

18                    SENATOR KAMINSKY:    Would the  
19    chairwoman yield to a question?

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

22                    SENATOR YOUNG:    Yes.

23                    ACTING PRESIDENT GRIFFO:    The  
24    Senator yields.

25                    SENATOR KAMINSKY:    Mr. President,

1 can the chairperson please tell us whether in  
2 this bill or any other part of the budget there  
3 are any measures that would be characterized as  
4 ethics reform?

5 SENATOR YOUNG: Through you,  
6 Mr. President, there have been many ethics reform  
7 measures that have been passed into law, and  
8 there are continuing discussions about ethics. I  
9 may remind you that there's going to be a measure  
10 on the ballot for the voters to decide this  
11 coming fall where there would be pension  
12 stripping of corrupt officials, and that was  
13 passed by this house.

14 SENATOR KAMINSKY: Thank you.  
15 On the bill, Mr. President.

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

18 SENATOR KAMINSKY: Thank you,  
19 Mr. President. Thank you, Chairwoman.

20 I don't think that there are many in  
21 this body that would go home tomorrow to a senior  
22 citizen home, to the Boy Scouts, to a veterans  
23 group and look people in the eye and tell them  
24 that our State Senate or our State Legislature is  
25 just doing fine ethically and that there's

1 nothing we really need to do.

2           And for those of you who would say  
3 that, I think you would get an audience who would  
4 raise an eyebrow at you, because the evidence  
5 that they see, which is quite compelling, tells  
6 them something different.

7           I walked by a colleague's office the  
8 other day and stepped inside and saw a picture of  
9 this body from a few years ago, and 10 members of  
10 that body -- this body -- 10 members from a few  
11 years ago had been indicted, sitting in one  
12 photograph. So that's about one-sixth of the  
13 picture.

14           And this is to say nothing about the  
15 Assembly, which has had its own share of  
16 indictments in the past few years, and  
17 convictions.

18           The problem's not just New York  
19 City, it's not just Long Island, it's not Western  
20 New York, it's not just upstate. It is  
21 throughout the state. It is not Republican, it  
22 is not Democrat, it is everybody. There is  
23 enough blame to share for corruption throughout  
24 the entire state that that group you're talking  
25 to would be pretty right in telling you that we

1 have a systemic issue.

2 Yet here we sit today, having the  
3 powers to come up with lots of good policy in the  
4 budget, and yet the answer to is there ethics  
5 reform in this budget is "no, but."

6 And while I am a major proponent of  
7 pension forfeiture, we have to ask ourselves  
8 whether somebody who is willing to risk going to  
9 jail to commit a crime would stop, knowing his or  
10 her pension would be forfeited. And I think a  
11 lot of this comes down to a different type of  
12 philosophy. Right? There's the philosophy of  
13 you get some bad people, you're going to get some  
14 bad outcomes; what are you going to do?

15 And it doesn't have to go to the  
16 character of the people in a particular body to  
17 realize that there are systemic problems. I  
18 vehemently disagree with that viewpoint, which is  
19 what are you going to do, you're going to get a  
20 crook in this house, he or she is going to steal,  
21 what law could you possibly pass. Now, of course  
22 that's true. Of course that's true. But there's  
23 only so many times you could ask a person to walk  
24 past a plate of cookies in a given course of a  
25 day and expect them to keep their hands in their

1     pockets.

2                     And we put people in really bad  
3     positions all the time, whether it's with outside  
4     income, whether it's with -- you know, any  
5     ability to earn outside income, whether it's with  
6     the LLC loophole, whether it's, you know, with  
7     the ability to have oversight over money that  
8     this body, the Legislature, gives out. We have  
9     to address something systemically.

10                    And I know all of you going back to  
11     your districts would look your constituents in  
12     the face and have to agree with that, and yet  
13     here we are with very little. So I think we  
14     could do better.

15                    I think there's a lot of good things  
16     in this bill -- a hate crimes task force, we're  
17     taking care of crime victims, we're helping  
18     retirees. But we've got to do better when it  
19     comes to ethics reform. I was literally in a  
20     room with law enforcement officers back in a  
21     prior life where they joked half-kiddingly that  
22     the State Legislature could be the basis of a  
23     RICO enterprise.

24                    We should never, ever want to be the  
25     butt of a joke, to have law enforcement just

1 sitting waiting around for them to do something  
2 because we won't do it ourselves. We have the  
3 ability to show people that we understand that  
4 while there are good people in this body, when we  
5 have a broken system, it's going to lead to bad  
6 results.

7 I think we could do better. And I  
8 hope we take the opportunity in the days to come  
9 to do that.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Hoylman.

13 SENATOR HOYLMAN: Thank you,  
14 Mr. President. Would the sponsor yield for a few  
15 questions?

16 ACTING PRESIDENT GRIFFO: Does the  
17 sponsor yield?

18 SENATOR YOUNG: Yes.

19 ACTING PRESIDENT GRIFFO: The  
20 sponsor yields.

21 SENATOR HOYLMAN: Thank you.  
22 Through you, Mr. President.

23 The Executive Budget proposed  
24 language that added public schools to the  
25 anti-discrimination provision of the Human Rights

1 Law. Until 2012 the Division of Human Rights  
2 accepted and investigated and adjudicated  
3 discrimination complaints from attendees of  
4 public schools and universities. But that year a  
5 Court of Appeals case held that the law didn't  
6 cover public schools, for an arcane reason that  
7 is hard to actually fathom.

8           Could the sponsor explain why the  
9 Senate majority eliminated the Governor's  
10 proposal to include public schools in the  
11 anti-discrimination protections of New York  
12 State's Human Rights Law?

13           SENATOR YOUNG: Thank you,  
14 Mr. President. Through you.

15           That particular proposal was not  
16 included in the final budget, and the reason  
17 being is that students' rights already are  
18 protected under the law.

19           And this particular measure that the  
20 Senator is referencing would open up the school  
21 districts to litigation expenses. We did not  
22 feel that that was appropriate to do that,  
23 because we're always wanting to give more money  
24 into Foundation Aid, other aid, to make sure that  
25 our schools are doing well, so it goes directly



1     into the classroom so that our young people have  
2     the learning opportunities that they need and  
3     deserve. We did not want to put more unfunded  
4     mandates on the school districts, and that's why  
5     it was not included.

6                     And again, I will stress that the  
7     students' rights already are protected under the  
8     law.

9                     SENATOR HOYLMAN:     Would the sponsor  
10    continue to yield?

11                    SENATOR YOUNG:     Yes.

12                    ACTING PRESIDENT GRIFFO:     The  
13    sponsor yields.

14                    SENATOR HOYLMAN:     Could the  
15    sponsor -- understanding her description of why  
16    the Governor's proposal was not included -- which  
17    I object to. I think a student's rights in fact  
18    are worth a locality's expenditures. But putting  
19    that aside for the moment, what about teachers  
20    and visitors and staff to our public school  
21    system? Why shouldn't they be included in the  
22    state's Human Rights Law, which is an  
23    anti-discrimination provision that actually  
24    provides a remedy that, for example, the Dignity  
25    For All Students Act does not.

1                   SENATOR YOUNG:   Thank you,  
2   Mr. President.   Through you.

3                   The answer is the same, that it  
4   would again open the schools up to litigation  
5   costs, and we did not feel that was appropriate.

6                   And again, I will stress that this  
7   final product is a three-way negotiated product.  
8   It was agreed to by the Assembly, the Senate, and  
9   the Governor.

10                  And by the way, I would like to  
11   point out to the Senator -- through you,  
12   Mr. President -- in a five-year period there were  
13   535 cases brought, there were two judgments and  
14   four settled.   So as you can see, the particular  
15   structure to do this would not be very effective.

16                  ACTING PRESIDENT GRIFFO:   Senator  
17   Hoylman.

18                  SENATOR HOYLMAN:   Would the sponsor  
19   continue to yield?

20                  SENATOR YOUNG:   Yes.

21                  ACTING PRESIDENT GRIFFO:   The  
22   sponsor yields.

23                  SENATOR HOYLMAN:   Why should  
24   private schools be subject to the Human Rights  
25   Law but our public schools should not be?   Why

1 should students, teachers, staff and visitors in  
2 our private schools be protected by the Human  
3 Rights Law, have those remedies at our disposal,  
4 but why do not our public schools provide the  
5 same?

6                   SENATOR YOUNG:    Thank you,  
7 Mr. President, through you. Our public schools  
8 actually have a tax levy. So they collect taxes,  
9 the taxpayers' money goes right to the public  
10 schools. The private schools do not have taxes  
11 going to their coffers.

12                  SENATOR HOYLMAN:   On the bill,  
13 Mr. President.

14                  ACTING PRESIDENT GRIFFO:   Senator  
15 Hoylman on the bill.

16                  SENATOR HOYLMAN:    I take issue  
17 strongly with the fact that we as a society, we  
18 as the watchdogs for purse strings at every level  
19 of government, do not see fit to demand that our  
20 localities protect students, teachers, and staff  
21 from discrimination. That is why we have a Human  
22 Rights Law in the State of New York. That is why  
23 this body passed the Human Rights Law. That is  
24 why we are concerned that in this state hate  
25 crimes are on the increase, in this state

1 harassment of minorities, of ethnic minorities,  
2 of people of color, of LGBT people, of women, are  
3 on the increase.

4 I think New Yorkers are looking for  
5 a remedy. The remedy is in the Human Rights Law  
6 of New York. It does not make sense that it  
7 applies only to private schools and not our  
8 public schools. In fact, one could argue that it  
9 should apply first to the public schools. If we  
10 can't do it in the public sector, why are we  
11 asking the private sector to do it?

12 I think it's so wrongheaded, so  
13 ill-conceived, so pernicious to suggest that we  
14 don't want to pay for it. Well, I would argue,  
15 Mr. President, that human rights are something  
16 that this government should be paying for, the  
17 protection of minorities. When harassment of  
18 LGBT kids accounts for 80 percent of the  
19 population -- 80 percent of LGBT kids reported  
20 they have been verbally harassed by their peers  
21 because of their sexual orientation and gender  
22 identity. Forty percent of LGBT students have  
23 been physically assaulted by peers because of  
24 their sexual orientation. Thirty percent of LGBT  
25 students report missing -- 30 percent of LGBT

1 students report missing at least one day of  
2 school.

3 So if it's not about cost, maybe  
4 it's about we want them to stay in school. Maybe  
5 we want every remedy at their disposal. Don't  
6 you think that's worth paying for?

7 Mr. President, this proposal is so  
8 unfair, is so wrongheaded, that I would urge my  
9 colleagues to vote down this portion of the  
10 budget based on this section alone.

11 Thank you.

12 ACTING PRESIDENT GRIFFO: Hearing  
13 and seeing no other Senator that wishes to be  
14 heard, debate is closed.

15 The Secretary will ring the bell.

16 (Pause.)

17 ACTING PRESIDENT GRIFFO: Senator  
18 DeFrancisco.

19 SENATOR DeFRANCISCO: Yes, I have  
20 an urgent plea that if you're not going to be in  
21 chambers while the debate's going on, can you be  
22 close so that we can get a vote and move on to  
23 the next bill and try to do this thing in an  
24 expeditious fashion?

25 Just a plea. I know I have no

1 enforcement ability other than hoping that your  
2 good nature will make it happen. Thank you.

3 Senator LaValle seconds that plea.

4 ACTING PRESIDENT GRIFFO: There is  
5 an empathetic plea to have members remain close  
6 to the chamber during the debate.

7 The Secretary will read the last  
8 section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Senator  
15 Rivera to explain his vote.

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

18 It's been a long process for all of  
19 us. It's not done yet, but we're almost there.  
20 And I find myself very kind of -- I've been  
21 disappointed in how the fact that we're four days  
22 after the first -- the day when we're supposed to  
23 have a budget. I'm also very disappointed in  
24 what the process has brought us.

25 The bill before us, unfortunately,

1 as many of my colleagues have pointed out, has  
2 had a lot of things that should be in it stripped  
3 out. To be included maybe, perhaps, at some  
4 point in the future on a, as one of my colleagues  
5 referred to it, as a Big Ugly or a Huge Ugly or a  
6 Disgustingly Big Ugly or what have you.

7           Ultimately there's too many  
8 issues -- and certainly on the one issue that  
9 we've talking about for many, many days, I cannot  
10 be assured in good conscience that what we're  
11 going to see later is acceptable. The bill that  
12 I have in front of me unfortunately has too many  
13 things stripped out that should be included in it  
14 that I think are important. My colleagues  
15 pointed out, whether it's ethics reform, on  
16 issues of protection for populations and schools,  
17 et cetera, I think that there's enough there that  
18 I cannot be supportive of this bill. And I  
19 certainly cannot be supportive of the process  
20 that brought us here.

21           I vote in the negative,  
22 Mr. President.

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

25           Announce the results.

1           THE SECRETARY:   In relation to  
2   Calendar 550, those recorded in the negative are  
3   Senators Hoylman, Rivera and Squadron.

4           Absent from voting:   Senator Díaz.  
5           Ayes, 57.   Nays, 3.

6           ACTING PRESIDENT GRIFFO:   The bill  
7   is passed.

8           The Secretary will continue.

9           THE SECRETARY:   Calendar Number  
10   551, Senate Budget Bill, Senate Print 2006C, an  
11   act to amend certain laws relating to the  
12   Education, Labor, Housing and Family Assistance  
13   Budget.

14           ACTING PRESIDENT GRIFFO:   Senator  
15   Gianaris.

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

18           Would the sponsor yield for just a  
19   few short questions?

20           SENATOR YOUNG:   Of course.

21           ACTING PRESIDENT GRIFFO:   The  
22   sponsor yields.

23           And again, I'm going to ask for some  
24   order in the house, please.   Thank you.

25           Senator Gianaris.



1                   SENATOR GIANARIS:    Thank you.

2                   This bill is the one that would  
3 normally deal with education, labor and family  
4 assistance, and I just want to get some  
5 clarification, similar to how I did earlier,  
6 because there are obviously pieces that would  
7 normally be here that are missing.

8                   So I note that, for example, the  
9 funding formula for education aid is not  
10 contained in this budget. And I would like to  
11 ask the sponsor when we might see that in the  
12 course of this budget process.

13                  SENATOR YOUNG:    Yes. Through you,  
14 Mr. President, the education piece of the budget  
15 will be included in the revenue bill, and that  
16 should be before us shortly.

17                  SENATOR GIANARIS:   Thank you.  
18 Would the sponsor continue to yield?

19                  SENATOR YOUNG:    Yes.

20                  ACTING PRESIDENT GRIFFO:    The  
21 sponsor yields.

22                  SENATOR GIANARIS:    Similarly, this  
23 bill would normally deal with housing. And I  
24 would ask again when we might expect to see the  
25 provisions dealing with the Affordable NY housing

1 program.

2 SENATOR YOUNG: Yes. Through you,  
3 Mr. President, the housing portion of the budget  
4 also will be included in said bill.

5 SENATOR GIANARIS: Thank you. If  
6 the sponsor would continue to yield.

7 SENATOR YOUNG: Yes.

8 ACTING PRESIDENT GRIFFO: The  
9 sponsor yields.

10 SENATOR GIANARIS: One more time.  
11 As it relates to higher education, the provisions  
12 dealing with possible changes to tuition  
13 assistance and the Governor's proposed Excelsior  
14 Scholarship Program, when might we see those  
15 provisions?

16 SENATOR YOUNG: Through you,  
17 Mr. President, thank you to Senator Gianaris for  
18 bringing that up, and that too will be in the  
19 revenue bill.

20 SENATOR GIANARIS: Thank you. And  
21 if the sponsor will yield for one final question.

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The  
24 sponsor yields.

25 SENATOR GIANARIS: And again, this

1 bill would normally be where we'd see things  
2 similar to -- other issues related to higher  
3 education. So I would ask the sponsor at what  
4 point in the budget process would we expect to  
5 see the DREAM Act come before us?

6 SENATOR YOUNG: Through you,  
7 Mr. President, the DREAM Act will not be included  
8 in the final budget.

9 SENATOR GIANARIS: Thank you very  
10 much.

11 ACTING PRESIDENT GRIFFO: Thank  
12 you, Senator Gianaris. Thank you, Senator Young.

13 Seeing and hearing no other Senator  
14 wishing to be heard, the debate is closed. The  
15 Secretary will ring the bell.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator  
23 Rivera to explain his vote.

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

1           Once again, we have before us a bill  
2 which is stripped of its most basic components:  
3 education, labor, and family assistance. We  
4 are -- we hear rumors that there are issues on  
5 workers' compensation which might likely be in  
6 this bill. We know that we have to do something  
7 about education, and God knows what's -- what  
8 we're going to do on that.

9           And certainly on the issue of Raise  
10 the Age, that we have talked about endlessly over  
11 the last couple of months and certainly over the  
12 last couple of days, we are assured that we will  
13 have something before us. And we have some  
14 language which is a draft. But as I've learned  
15 enough in this business up here, you do not  
16 believe it until it's in front of you. We don't  
17 have it in front of us.

18           What we have in front of us is a  
19 bill that is stripped of all the things that  
20 would make this bill a real budget bill.  
21 Instead, we have a bill that is stripped of these  
22 things, and we have this one thing in the future  
23 which God knows when we'll get it or what will be  
24 in it.

25           And specifically as relates to Raise

1 the Age I cannot again in good conscience vote  
2 for a bill that does not have it in it. And I  
3 just don't know what we're going to ultimately  
4 get. We have to vote for what's in front of us.  
5 And what's in front of us is something that is  
6 not acceptable to me, it is not enough -- there's  
7 certainly not enough here for me to make a  
8 decision in the positive as it relates to this  
9 piece of legislation.

10 I'll be voting in the negative  
11 again, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Rivera recorded in the negative.

14 Announce the results.

15 THE SECRETARY: Ayes, 59. Nays, 1.  
16 Senator Rivera recorded in the negative.

17 Senator Díaz absent from voting.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 The Secretary will continue.

21 THE SECRETARY: Calendar Number  
22 552, Senate Budget Bill, Senate Print 2008C, an  
23 act to amend certain laws related to the  
24 Transportation, Economic Development and  
25 Environmental Conservation Budget.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2 Squadron.

3                   SENATOR SQUADRON:    Thank you.   If  
4 the sponsor would yield.

5                   ACTING PRESIDENT GRIFFO:    Senator  
6 Young, do you yield?

7                   SENATOR YOUNG:    Yes.

8                   ACTING PRESIDENT GRIFFO:    Senator  
9 Squadron.

10                  SENATOR SQUADRON:    Thank you.

11                  In Part P of the bill the Executive  
12 proposed so-called design-build authorization,  
13 and I notice that it's omitted.   What is the  
14 reason for that?

15                  SENATOR YOUNG:    Thank you,  
16 Mr. President, through you.   Design-build is  
17 still under discussion.

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

20                  SENATOR YOUNG:    Yes.

21                  ACTING PRESIDENT GRIFFO:    The  
22 sponsor yields.

23                  SENATOR SQUADRON:    Should we expect  
24 to see it later -- later in the endless evening  
25 that is the budget process, whenever it is?

1                   SENATOR YOUNG:    Through you,  
2   Mr. President.  It's still being discussed.  
3   There still is not a three-way agreement on it.  
4   So we're hoping that we would have one very  
5   shortly.

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

8                   SENATOR YOUNG:    Yes.

9                   ACTING PRESIDENT GRIFFO:   The  
10   sponsor yields.

11                  SENATOR SQUADRON:   Can I use this  
12   opportunity to lobby you on behalf of my district  
13   for design-build for the New York City Department  
14   of Transportation?

15                  SENATOR YOUNG:    Mr. President, is  
16   the Senator asking a question?

17                  ACTING PRESIDENT GRIFFO:   Senator  
18   Squadron, do you have a question of the sponsor?  
19   Or are you speaking on the bill?

20                  SENATOR SQUADRON:   I'll speak on  
21   the bill.

22                  ACTING PRESIDENT GRIFFO:   Senator  
23   Squadron on the bill.

24                  SENATOR YOUNG:    Thank you.

25                  SENATOR SQUADRON:   I thank the

1 sponsor. And I do hope the sponsor and all those  
2 who are continuing to negotiate the budget to  
3 close it down here, please do listen to this.

4 Design-build I know is a proposal  
5 that has statewide consequences, citywide  
6 consequences. But, you know, sometimes those  
7 issues also have really, really serious local  
8 consequences. Design-build is one of them in my  
9 district, in a little county in a corner of the  
10 state called Kings County, the most populous  
11 county. And it affects the rebuild of the  
12 Brooklyn Queens Expressway, which is an artery  
13 that connects our southernmost county, Richmond,  
14 Staten Island, up through Brooklyn into Queens  
15 County, and then from there into Manhattan or the  
16 Bronx, you can shoot off onto the Grand Central,  
17 the LIE, and go out to Nassau or Suffolk.

18 It is a critical, critical roadway.  
19 In my district in Brooklyn Heights it has  
20 something called a triple cantilever, which we  
21 can thank the combination of Robert Moses and  
22 early neighborhood community organizing forces  
23 against Robert Moses for. And it is in desperate  
24 need of being rebuilt.

25 The reason I'm taking a moment in



1 our entire state budget to talk about it is it is  
2 going to be such dramatic impact for every person  
3 who travels on the roads of the City of New York,  
4 from Staten Island to Brooklyn to Queens to  
5 Manhattan to the Bronx and beyond. And  
6 design-build authorization for the New York City  
7 Department of Transportation would significantly  
8 shorten the length of that project and make it  
9 cheaper.

10 This is an issue we really need  
11 done. It wouldn't cut a couple of months off the  
12 BQE rehab project, it wouldn't cut a couple of  
13 quarters off the BQE project -- it would cut a  
14 couple of years off of it. Years. That's  
15 morning and afternoon commutes for hundreds of  
16 thousands of our constituents, for millions upon  
17 millions of dollars' worth of goods and services.  
18 And all we need to speed it up, make it a little  
19 bit cheaper, save some taxpayer dollars, is  
20 design-build.

21 So I urge the chair of the Finance  
22 Committee in this house, anyone else who's still  
23 part of this process as it's starting and before  
24 it completes, let's get design-build in there for  
25 New York City. Let's get the BQE project quicker

1 and cheaper, do it for all five boroughs, do it  
2 for the two counties in Long Island, do it for  
3 the northern suburbs, and please do it for my  
4 constituents along the water there in Brooklyn  
5 who are going to suffer like you wouldn't believe  
6 the quality-of-life concerns -- they're willing,  
7 because that's our job as residents of a dense  
8 city like New York, but they're going to suffer  
9 the quality-of-life concerns like you wouldn't  
10 believe for this thing. Please do not keep  
11 design-build out of this project.

12 If the sponsor would yield for a  
13 question on another topic briefly.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Young, do you yield?

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The  
18 Senator yields.

19 SENATOR SQUADRON: Thank you. Now,  
20 I know that in yesterday's budget extender that  
21 is going to be superseded over the course of this  
22 budget, or largely superseded, there was a sweep  
23 of \$65 million from the MTA -- New York City  
24 Buses & Subways, Metro-North Railroad,  
25 Long Island Railroad. Is that sweep undone in

1 this bill?

2 SENATOR YOUNG: Through you,  
3 Mr. President, no.

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

6 SENATOR YOUNG: Yes.

7 ACTING PRESIDENT GRIFFO: The  
8 sponsor yields.

9 SENATOR SQUADRON: And sort of as  
10 the follow-up question, will it be undone in a  
11 future bill through the course of this budget?

12 SENATOR YOUNG: Through you,  
13 Mr. President, no.

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

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The  
18 sponsor yields.

19 SENATOR SQUADRON: What's the  
20 rationale to cut \$65 million from the most  
21 important economic engine for the entire  
22 downstate region on which so much of the tax  
23 revenue that we use in this budget depends?

24 SENATOR YOUNG: Through you,  
25 Mr. President. Actually, the Executive made the

1 cut in his Executive Budget. And the MTA since  
2 has made the adjustments necessary to have a  
3 balanced budget.

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

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

8 SENATOR SQUADRON: You know, when  
9 the MTA makes adjustments for a balanced budget,  
10 that should give every resident of this state a  
11 little shot of fear. Because those adjustments  
12 are often delayed repairs, increased delays,  
13 reduced service, and a lack of dependability in a  
14 system we all depend on.

15 The fact that the MTA can cut  
16 \$65 million from its budget is something that we  
17 know. Whether or not the downstate region can  
18 deal with the consequences of that cut is what's  
19 unknown. And it's why we shouldn't be cutting  
20 money from the MTA.

21 You know, when we reduced the MTA  
22 payroll tax, the state committed to make up the  
23 difference. It didn't commit to make up the  
24 difference for a little while. It didn't commit  
25 to make up the difference unless other parts of

1 the MTA funding stream did a little bit better.  
2 It committed to make up the difference. That  
3 \$65 million is part of the difference.

4 It's a good thing that we reduced  
5 the MTA payroll commuter tax, but it's a very  
6 dangerous thing that we don't have another  
7 dedicated funding source for this. Senator Dilan  
8 has been a consistent advocate for the MTA and  
9 for MTA funding, for the replacement funding,  
10 here in this conference. And it's a real shame  
11 that that money got swept in a bill that was only  
12 supposed to last two months, but bus and subway  
13 riders, commuter rail riders are going to be  
14 dealing with the consequences of that cut for  
15 years to come.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Hoylman.

19 SENATOR HOYLMAN: Thank you,  
20 Mr. President. Would the sponsor yield to a few  
21 questions?

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The  
24 sponsor yields.

25 SENATOR HOYLMAN: Thank you.

1           Through you, Mr. President, could  
2     the sponsor explain why the budget proposal once  
3     again delays implementation of the Diesel  
4     Emissions Reduction Act for yet another year?

5           SENATOR YOUNG:     Through you,  
6     Mr. President.   Actually, the Senate has  
7     supported in the past and continues to support  
8     the incremental implementation of the DERA, the  
9     Diesel Emissions Reduction Act.   And since its  
10    initial passage, the Senate has provided funds in  
11    each state budget to allow for the retrofit or  
12    purchase of thousands -- and I would like to  
13    stress thousands -- of DERA-compliant vehicles  
14    with reduced emissions.

15           We are very, very happy that the  
16    current number of noncompliant DERA vehicles in  
17    state service at the Department of Transportation  
18    stands at close to 600, and at the end of 2017 it  
19    will be below 400.

20           Of the vehicles in state service at  
21    the DOT, we have now made over 80 percent of them  
22    DERA-compliant, and at the end of the year we  
23    will have 90 percent compliance.   The MTA has 187  
24    noncompliant vehicles at the end of 2016 and will  
25    have 27 noncompliant vehicles at the end of 2017.

1                   So as for the remaining vehicles, it  
2                   is estimated that if new vehicles were purchased  
3                   today, and given the supply of available  
4                   vehicles, it will take approximately two years to  
5                   completely replace all non-compliant vehicles.  
6                   And, Mr. President, the reason for that is you  
7                   have to order these vehicles, and it takes two  
8                   years for them to be built.

9                   We therefore support the use of  
10                  Volkswagen settlement funds to fully replace the  
11                  remainder of the non-DEA-compliant vehicles in  
12                  service. And I want to let you know that the  
13                  Volkswagen settlement has gone to a federal  
14                  trustee, and it will make the decision, with DEC,  
15                  on how to spend the money.

16                 So providing a two-year allowance  
17                 will allow DEC the necessary time to access and  
18                 direct settlement funds, purchase new vehicles,  
19                 and make the remainder of the state fleet  
20                 DEA-compliant. It will also ensure that there  
21                 will be no interruption in the delivery of vital  
22                 state services.

23                 So let me stress this point, because  
24                 I hear some of any colleagues sometimes say we  
25                 should just have everything DEA-compliant today.

1 If the state did that, we would have to take  
2 hundreds, hundreds, of state vehicles off the  
3 road. These are state vehicles that do  
4 snowplowing, these are state vehicles that  
5 deliver road salt, deliver food to prisons,  
6 deliver heating fuel, deliver supplies to  
7 hospitals. And I don't think any of my  
8 colleagues would like to discontinue those  
9 services. Because if the state did discontinue  
10 those services, people would be hurt and actually  
11 it could even put lives in jeopardy.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Hoylman.

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

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The  
18 sponsor yields.

19 SENATOR HOYLMAN: Well, this is the  
20 first I've heard that DERA is actually putting  
21 people's lives in jeopardy. I would have thought  
22 it was just the opposite.

23 The sponsor says that people who  
24 support the implementation of DERA want it done  
25 right away. The fact is is that this chamber --



1                   ACTING PRESIDENT GRIFFO:

2   Senator --

3                   SENATOR HOYLMAN:    -- this  
4   chamber --

5                   ACTING PRESIDENT GRIFFO:

6   Senator --

7                   SENATOR HOYLMAN:    This is a  
8   question.

9                   ACTING PRESIDENT GRIFFO:    Okay.  
10   Direct, please.

11                   SENATOR HOYLMAN:    Yes, I'm --  
12   through you, Mr. President.

13                   This chamber passed DERA in 2006 and  
14   delayed it until 2010 and have delayed it  
15   subsequently year after year after year.  So  
16   we're hearing the same thing over and over again.  
17   Mr. President --

18                   SENATOR YOUNG:    I don't hear a  
19   question.

20                   SENATOR HOYLMAN:    -- the question  
21   is, why would I believe the sponsor this year,  
22   based on the continued delay of DERA in every  
23   year previous?

24                   SENATOR YOUNG:    Through you,  
25   Mr. President.  I believe that I just gave an

1 extremely comprehensive answer to the Senator's  
2 questions. And frankly, the first answer  
3 included all the answers to his follow-up  
4 question.

5           As I said -- and I'm happy to say it  
6 again, because oftentimes I find when I'm  
7 debating budget bills I have to answer the same  
8 question over and over again. But as I said, the  
9 Senate has supported in the past, and continues  
10 to support, the implementation of DERA. We now  
11 have over 80 percent of our DOT vehicles  
12 DERA-compliant. It will be 90 percent by the end  
13 of this year.

14           And I will also point out to my  
15 colleague, through you, Mr. President, that yes,  
16 when you take snowplows off the road, when you  
17 take road salt vehicles off the road, when you  
18 take vehicles off the road that deliver supplies  
19 to hospitals, when you take vehicles off the road  
20 that deliver food to prisons, yes, you are  
21 impacting people's lives.

22           ACTING PRESIDENT GRIFFO:   Senator  
23 Hoylman.

24           SENATOR HOYLMAN:   Through you,  
25 Mr. President. I'm --

1                   ACTING PRESIDENT GRIFFO:    Do you  
2   want the sponsor to yield, or are you on the  
3   bill?

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

7                   SENATOR YOUNG:    Yes.

8                   ACTING PRESIDENT GRIFFO:    The  
9   sponsor yields.

10                  I would ask the members that if you  
11   do have a question, pose the question.  If you  
12   choose to speak on the subject itself, just speak  
13   on the bill.

14                  So Senator Hoylman, direct the  
15   question.

16                  SENATOR HOYLMAN:    Thank you.  I  
17   don't want the sponsor to have to repeat herself  
18   any longer.  But I do have a question which she  
19   did not answer -- or she did not anticipate my  
20   question, in this instance.

21                  Does the sponsor have statistics as  
22   to private contractors who are DERA-compliant?  
23   When will private contractors to localities be  
24   fully DERA-compliant?

25                  SENATOR YOUNG:    Thank you.  Through

1     you, Mr. President.  Actually, private  
2     contractors no longer have to be DERA-compliant,  
3     due to the decision make in a court case.

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

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

8                 SENATOR HOYLMAN:  I think this goes  
9     back to the questions which I asked earlier,  
10    which is:  What is worth paying for?  Is the  
11    health and safety of New Yorkers worth paying  
12    for?  With statistics involving diesel pollution  
13    as such, we have to ask ourselves, is it worth  
14    paying for?  Over 179,000 work days have been  
15    lost due to diesel pollution.  Over 39,000 asthma  
16    attacks, over 2,200 heart attacks, over  
17    1,159 premature deaths, health impacts totaling  
18    \$9.6 billion.

19                When DERA was originally passed by  
20    this chamber -- with a number of cosponsors on  
21    both sides of the aisle, including the sponsor of  
22    this bill -- the fiscal impact was described on  
23    the sponsor's memo as such:  "Any fiscal  
24    implications of retrofitting vehicles will be  
25    offset by savings in health costs attributable to

1 reductions in airborne fine-particulate matter  
2 and ozone."

3 Enough is enough. It is time to  
4 implement DERA. It is time we stopped kicking  
5 the can down the road. No more broken promises.  
6 No more "I'll see you next year" when it comes to  
7 DERA. We need to pass it -- we need to implement  
8 it. We've passed it back in 2006; we need to  
9 implement it this year.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Hearing  
12 and seeing no other Senator that wishes to be  
13 heard -- Senator Kennedy.

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

16 SENATOR KENNEDY: Apparently  
17 there's two Senator Kennedys.

18 (Laughter.)

19 SENATOR SANDERS: No, I -- my alter  
20 ego.

21 ACTING PRESIDENT GRIFFO: You are  
22 brothers from different mothers.

23 (Laughter.)

24 SENATOR KENNEDY: Thank you very  
25 much, Mr. President. Will the sponsor yield for

1 a couple of questions?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: Just as  
4 we start again, you know, we have a full house  
5 here. So please, if we can just continue to have  
6 some order, I appreciate that.

7 Senator Kennedy may continue.

8 SENATOR KENNEDY: Thank you,  
9 Mr. President.

10 I have a couple of questions  
11 regarding the Buffalo Billion initiative.  
12 Clearly this is the TEDE portion of the budget,  
13 and I recognize that. However, we're yet to see  
14 the full language in the budget.

15 Going back to what was passed  
16 through the extender bill, the extender lasts  
17 until May 31st. So that being said, as of  
18 May 31st, since we're passing the budget,  
19 assuming we're passing the full budget tonight,  
20 would this budget supersede in its entirety the  
21 extender and make the extender and the language  
22 for the Buffalo Billion -- and everything else in  
23 the extender -- null and void?

24 SENATOR YOUNG: Thank you. Through  
25 you, Mr. President. Actually, the Buffalo

1 Billion, which I strongly support also, will be  
2 in the capital portion of the budget.

3 SENATOR KENNEDY: Thank you. Will  
4 the sponsor continue to yield?

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The  
7 sponsor yields.

8 SENATOR KENNEDY: So again, just  
9 for clarification, procedurally, the extender  
10 will become null and void, the budget will  
11 supersede that in its entirety, and we will see  
12 that same exact language supportive of the  
13 Buffalo Billion Squared initiative in the capital  
14 projects portion of the budget, to the tune of  
15 \$500 million?

16 SENATOR YOUNG: So through you,  
17 Mr. President, actually there may have to be a  
18 repeal of the extender. But regardless, this  
19 budget will supersede the extender. So that the  
20 capital portion of the budget will be put in  
21 place, and the Buffalo Billion will be intact.

22 SENATOR KENNEDY: Thank you,  
23 Mr. President. On the bill.

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

1                   SENATOR KENNEDY:   Regarding the  
2 Buffalo Billion initiative, I know myself and my  
3 colleagues on both sides of the aisle have been  
4 strongly outspoken and supportive of this. While  
5 we await to see the final language, I'm very  
6 pleased to hear that this language is coming.  
7 This is transformational funding for our  
8 community out in Western New York. We're looking  
9 forward to seeing that in the final budget, and  
10 I'm voting for it accordingly.

11                   Thank you.

12                   ACTING PRESIDENT GRIFFO:   Thank  
13 you, Senator Kennedy.

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

17                   Read the last section.

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

20                   ACTING PRESIDENT GRIFFO:   Call the  
21 roll.

22                   (The Secretary called the roll.)

23                   ACTING PRESIDENT GRIFFO:   Senator  
24 Hoylman to explain his vote.

25                   SENATOR HOYLMAN:   Thank you,



1 Mr. President.

2 I just wanted to clarify something  
3 that was -- a statement of fact that was  
4 misstated earlier. Basil Seggos, the  
5 environmental conservation commissioner, has  
6 testified before this very body that contractors,  
7 private contractors, do have to comply with the  
8 Diesel Emissions Reduction Act. Not  
9 subcontractors, but contractors do.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: How do  
12 you vote, Senator Hoylman?

13 SENATOR HOYLMAN: I vote in the  
14 negative.

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

17 Announce the results.

18 Senator Squadron to explain his  
19 vote.

20 SENATOR SQUADRON: Thank you,  
21 Mr. President. I know you would never forget me.

22 I do want to just point out, we're  
23 moving through this bill -- I actually really  
24 want to thank the sponsor for being very clear  
25 with us about which items that we're not seeing

1 in the bills we're going through are still under  
2 discussion, we'll see later, or are out. That's  
3 helpful, and I think it helps us deliberate.

4 I think it is worth taking one  
5 moment to pause, though, and just realize just  
6 sort of how wacky this process is. We were here  
7 yesterday passing a bill that was a two-month  
8 extender but had a bunch of 12-month provisions.  
9 We had some one-house budget proposals before  
10 that. Now we have budget bills that are missing  
11 items that are actually going to be part of the  
12 final budget. This really is not a normal way to  
13 do this.

14 Any of you think of the three people  
15 watching at home trying to figure out why we do  
16 it this way and how we do it, they've got to be  
17 frustrated. And to them I want to say, this is  
18 not a rational way to do these things. And it is  
19 not a way that fully empowers the deliberative  
20 thoughtfulness of each of my 61 colleagues.

21 So that's where we are. It's a  
22 wacky process. I'm a yes on this bill. And I do  
23 thank the sponsor again for at least being clear  
24 with us about what we're not seeing and why we're  
25 not seeing it.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2 Squadron to be recorded in the affirmative.

3                   Announce the results.

4                   THE SECRETARY:    Ayes, 58.   Nays, 2.

5                   Senators Hoylman and Rivera recorded  
6 in the negative.   Senator Díaz absent from  
7 voting.

8                   ACTING PRESIDENT GRIFFO:    And the  
9 bill is passed.

10                  The Secretary will continue to read.

11                  THE SECRETARY:    Calendar Number  
12 553, Senate Budget Bill, Senate Print 2007B, an  
13 act to amend certain laws related to the Health  
14 and Mental Hygiene Budget.

15                  ACTING PRESIDENT GRIFFO:    Senator  
16 Rivera.

17                  SENATOR RIVERA:    Thank you,  
18 Mr. President.

19                  If the sponsor would yield for a few  
20 questions.

21                  SENATOR YOUNG:    Yes, after I stop  
22 sneezing.   Thank you.

23                  SENATOR RIVERA:    Thank you,  
24 Mr. President.   Through you.   I have a few  
25 questions about this.

1           First of all, regarding -- there is  
2     an issue that we have discussed before, during  
3     the budget hearings certainly, a problem that I  
4     refer to as the bucket problem that refers to the  
5     Executive proposal which established different  
6     funding streams for public health programs and  
7     actually started to have them compete with each  
8     other. I wanted to know, regarding that,  
9     would -- what is -- on that issue, what is on  
10    this -- on the current budget bill that we're  
11    voting on?

12           SENATOR YOUNG:    Thank you. Through  
13    you, Mr. President.

14           Actually, the issue that the Senator  
15    is referencing is in the spending bill, and this  
16    is the Article VII bill. So he may want to  
17    revisit this issue later on.

18           SENATOR RIVERA:   Through you,  
19    Mr. President, if the sponsor will continue to  
20    yield.

21           SENATOR YOUNG:    Yes.

22           ACTING PRESIDENT GRIFFO:   The  
23    sponsor yields.

24           SENATOR RIVERA:    So just to make  
25    sure that I understand your question, through

1     you, Mr. President -- I'm sorry, your answer,  
2     you're saying that it's not in here but it might  
3     be in a future bill?

4                 SENATOR YOUNG:     Through you,  
5     Mr. President, that's not what I'm saying.  What  
6     I'm saying is the issue is included in the  
7     spending bill which is upcoming, and it's not  
8     included in the Article VII bill that's before  
9     us.

10                So I'm not saying it's not going to  
11     be there.  It's going to be in another bill.

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

15                SENATOR YOUNG:     Yes.

16                ACTING PRESIDENT GRIFFO:   The  
17     sponsor yields.

18                SENATOR RIVERA:    Thank you.  On --  
19     hold on.  On the issue of capital funding for  
20     essential providers, the Executive proposal had  
21     around \$500 million for essential providers,  
22     including as well a chunk of that, about  
23     \$30 million, that would be available for  
24     community providers for capital needs for health  
25     facilities across the state.  Is that in this

1 current budget that we're looking at,  
2 Mr. President?

3 SENATOR YOUNG: Thank you,  
4 Mr. President. And through you, as I previously  
5 stated, the previous issue was in a spending  
6 bill. This isn't a spending bill. We're  
7 actually on an Article VII bill right now. So  
8 the Senator might want to reference the upcoming  
9 bill on these issues.

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

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The  
15 sponsor yields.

16 SENATOR RIVERA: It is my  
17 understanding that Part K of this budget would  
18 have language referring to this capital funding  
19 for essential providers. Am I mistaken in that?

20 SENATOR YOUNG: Through you,  
21 Mr. President. Again, this actually is an  
22 Article VII bill. And the issue that the Senator  
23 is asking about will be included in the upcoming  
24 revenue bill.

25 SENATOR RIVERA: Through you,

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

3 SENATOR YOUNG: Yes.

4 ACTING PRESIDENT GRIFFO: The  
5 sponsor yields.

6 SENATOR RIVERA: As it refers to  
7 HCRA and the funding mechanism for charity care,  
8 is there a change in the -- in this funding  
9 mechanism in this bill in front of us?

10 ACTING PRESIDENT GRIFFO: Through  
11 you, Mr. President, no.

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

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields.

18 SENATOR RIVERA: Lastly --  
19 actually, no, two more things. First,  
20 Mr. President, through you, as it refers to  
21 safety net money, I believe that there is --  
22 because we are -- there is an Aid to  
23 Localities -- in Aid to Localities we have money  
24 for enhanced safety net institutions. The  
25 question is what -- whether there is language

1 here that actually would make that money  
2 available to these institutions. Is that in this  
3 bill, Mr. President?

4 SENATOR YOUNG: Through you,  
5 Mr. President. Again, the same answer. That  
6 particular issue will be included in the upcoming  
7 spending bill, but there's no language in the  
8 Article VII bill that is before the house right  
9 at this moment.

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

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The  
15 sponsor yields.

16 SENATOR RIVERA: There has been a  
17 concern by many of us across the state, many  
18 individuals and legislators, about Planned  
19 Parenthood and the services that they provide to  
20 different -- to many individuals across the  
21 state, to many women across the state,  
22 particularly women in -- working-class and poor  
23 women in different parts of the state.

24 There is a concern that there might  
25 be some cuts that happen at the federal level,



1 and concerning the services that they provide  
2 that are completely besides the abortion  
3 services, there are many services they provide  
4 which are basic healthcare services to women. Is  
5 there -- there has been a conversation about  
6 potentially including contingency funding for  
7 Planned Parenthood should there be cuts at the  
8 federal level so that they can continue to offer  
9 these services to working-class and poor women  
10 across the State of New York. Is that in this  
11 particular piece of legislation?

12 SENATOR YOUNG: Through you,  
13 Mr. President, same answer.

14 SENATOR RIVERA: Through you,  
15 Mr. President, if the sponsor will continue to  
16 yield for one final question.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Young, do you yield to a final question?

19 SENATOR YOUNG: Yes.

20 ACTING PRESIDENT GRIFFO: The  
21 Senator yields.

22 SENATOR RIVERA: Thank you,  
23 Mr. President. Through you. If -- in other  
24 instances in other budget years, would any of the  
25 things that I've mentioned be included in this

1 bill?

2                   SENATOR YOUNG:   Through you,  
3 Mr. President, no. Because it's all spending.  
4 So it's in the spending bill, it's not in the  
5 Article VII bill, as I've previously stated  
6 several times.

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

10                  SENATOR YOUNG:   Yes.

11                  ACTING PRESIDENT GRIFFO:   The  
12 sponsor yields.

13                  SENATOR RIVERA:   To clarify my  
14 question, would there be any language referring  
15 to -- give me one second, Mr. President.

16                  I'm sorry, Mr. President, the term  
17 that I was looking for was implementing language.  
18 Under normal circumstances, would implementing  
19 language for any of these expenditures be in the  
20 bill before us?

21                  SENATOR YOUNG:   Through you,  
22 Mr. President, if there were an Article VII bill  
23 related to the spending that made changes or  
24 whatever, outlined anything, then yes, it would  
25 be.

1                   SENATOR RIVERA:    Mr. President, if  
2 she could -- if the sponsor could repeat her  
3 answer. I'm sorry, I didn't hear too well.

4                   SENATOR YOUNG:    Through you,  
5 Mr. President, yes, if there were an Article VII  
6 bill that was related to the spending, then it  
7 could be included in there.

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

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

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

14                         So as I've made the case a couple of  
15 times already on the floor of the Senate, we are  
16 faced with a number of bills which are stripped  
17 of some of the more basic things that should be  
18 included in there. In this case -- and to be  
19 completely honest, the bill that we're looking at  
20 in front of us is not necessarily harmful, as  
21 many of the bills that we've looked at, you  
22 couldn't really point to any of them and say that  
23 they're terrible bills.

24                         However, in all of them you could  
25 say that there's many things which are either

1 still up for discussion, as the sponsor has  
2 admitted more than a few times on a few issues --  
3 which is kind of wacky, to use the terminology  
4 that my colleague used before. Since we are  
5 currently voting on budget bills, you'd think  
6 that a lot of this stuff would have been already  
7 determined.

8 But more importantly, on many of  
9 these bills, things that would be essential for  
10 us to consider are promised as potentially in  
11 future pieces of legislation, whether it's the --  
12 what I have often referred to as the bucket  
13 problem, which just is an Executive proposal  
14 which has existed for the last couple of years --  
15 has been attempted for the last couple of years,  
16 to take public health programs and split them up,  
17 as opposed to line-item them in the budget, then  
18 make them compete against each other on top of  
19 having a cut on top of it. Which is -- might  
20 happen or it might not happen in the future.

21 Whether it's the \$500 million which  
22 was allocated -- or originally in the Executive  
23 proposal related to capital improvements for  
24 essential providers across the state, including a  
25 \$30 million chunk of it which would be for

1 community providers -- we don't know whether  
2 that's going to happen. Whether it has to do  
3 with funding mechanisms through charity care and  
4 fixing that methodology, which we all recognize  
5 or many of us recognize -- certainly a letter  
6 that this conference sent to the majority kind of  
7 outlines the concerns that we have for many of  
8 these providers and whether there's a change in  
9 methodology that's necessary so that the money  
10 actually follows the people that need the most  
11 care and the facilities that provide such care.

12 In any and all these instances,  
13 unfortunately, we don't have enough information.  
14 It might be in the future. It might be in a  
15 future bill, it might not be in a future bill.  
16 It again points to this wacky process, for lack  
17 of a better term, that really certainly has  
18 excluded us for most of it, and now we're faced  
19 with having to vote with what's in front of us.

20 Unfortunately, while I certainly  
21 would want to be a positive vote on any of these  
22 bills, and on all these bills, I just can't in  
23 good conscience continue to say that this is just  
24 the way it needs to be. And I can't bring myself  
25 to vote on something which should have been --

1 not only should we have been more involved in  
2 putting it together, but certainly what we have  
3 in front of us is not enough for us to make a  
4 determination of what potentially might be in the  
5 future. Things that are going to impact our  
6 constituencies are just not included in here.

7 I have to vote in the negative  
8 again, Mr. President, and say that we have to do  
9 better. This is not the way that we should be  
10 doing this process. And I'm hoping -- you know,  
11 hope against hope -- that we'll get it right at  
12 some point.

13 I vote in the negative,  
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Kaminsky.

17 SENATOR KAMINSKY: Thank you.  
18 Would the sponsor yield for some questions about  
19 water quality?

20 ACTING PRESIDENT GRIFFO: Will the  
21 sponsor yield?

22 SENATOR YOUNG: Yes.

23 ACTING PRESIDENT GRIFFO: The  
24 sponsor will yield.

25 SENATOR KAMINSKY: Thank you. Can

1 the chairperson please tell us what specifically  
2 is mentioned about the contaminant 1,4-dioxane in  
3 this document?

4 SENATOR YOUNG: Mr. President,  
5 could --

6 ACTING PRESIDENT GRIFFO: Senator  
7 Kaminsky, could you repeat the question, please?

8 SENATOR KAMINSKY: Yes. Can you  
9 please explain how this budget deals with the  
10 contaminant 1,4-dioxane? I know it's mentioned a  
11 few times, but I just want to get clarity on --  
12 water clarity, Your Honor {sic}.

13 SENATOR YOUNG: Mr. President, I'd  
14 like to defer to Senator Hannon, who's chair of  
15 the Health Committee.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Hannon has not spoken. So without objection, I  
18 so recognize Senator Hannon.

19 Senator Hannon.

20 SENATOR HANNON: One of the things  
21 that's done in this legislation is the creation  
22 of a water council that would provide  
23 recommendations to the Department of Health --  
24 and very strong recommendations -- based on  
25 public input, public hearings, use of the experts

1 on the council. And specifically on that list  
2 that has to be recommended to the department,  
3 there's three things, and one of them is  
4 1,4-dioxane.

5 SENATOR KAMINSKY: Will the sponsor  
6 continue to yield?

7 SENATOR HANNON: Yes.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Hannon yields.

10 SENATOR KAMINSKY: Mr. President,  
11 can the sponsor further elaborate what powers  
12 that council would have, whether those powers are  
13 binding, and of whom that council would comprise?

14 SENATOR HANNON: Well, we had  
15 actually wanted it to have binding -- but there's  
16 a very powerful public process to -- unlike what  
17 we've had in the past, so that our thought is  
18 that once it becomes a public process, that has  
19 the imperative of being adopted by the Department  
20 of Health.

21 People on the council, there would  
22 be 12 members. The Department of Health and DEC  
23 commissioners, and various experts that would be  
24 in the field so that they would bring that  
25 expertise to making the recommendations. It's



1 not just those three elements that are named, but  
2 there's a whole list of things that they have to  
3 consider, including the list from the four UCMR  
4 lists that the EPA has come up with, other  
5 elements that other states have found to be  
6 useful to flag for testing, pesticides as well as  
7 microbiological contaminants.

8 SENATOR KAMINSKY: Will the sponsor  
9 continue --

10 SENATOR HANNON: Which --  
11 microbiological contaminants sound pretty  
12 strange, but we found it on Long Island, and the  
13 Finger Lakes. It's called algae, blue algae,  
14 which pollutes the water supply.

15 SENATOR KAMINSKY: Will the sponsor  
16 continue to yield?

17 SENATOR HANNON: Yes.

18 ACTING PRESIDENT GRIFFO: The  
19 Senator yields.

20 SENATOR KAMINSKY: Mr. President,  
21 can the sponsor give us his best guidance on how  
22 and whether a maximum contaminant level of  
23 1,4-dioxane will be set and the process by which  
24 we're going to get there.

25 SENATOR HANNON: I don't have it

1     foreseeable in the future. There are water  
2     suppliers in this state and on Long Island who  
3     have found high concentrations in their water,  
4     enough that without guidance -- because we don't  
5     have guidance from the federal government, where  
6     we have looked for it, because this is a  
7     contaminant that's on the list that the EPA puts  
8     out, but they have not adopted a guidance.

9                 So that in the foreseeable future,  
10    we would hope to do it. As well as when -- just  
11    before the day we had a hearing on Long Island  
12    last year for water, out in Hauppauge, and that  
13    day DEC announced approval of an expensive  
14    process to take 1,4-dioxane out of the water  
15    supply. Hopefully that will be a successful  
16    process, and reduced in cost, because it's pretty  
17    expensive right now.

18                SENATOR KAMINSKY: Will the sponsor  
19    continue to yield?

20                ACTING PRESIDENT GRIFFO: The  
21    sponsor yields.

22                SENATOR HANNON: Yes.

23                SENATOR KAMINSKY: I think we're on  
24    the same page. Does the budget mention any more  
25    funding about that specific pilot process?

1                   SENATOR HANNON:     The budget does  
2     not, in regard to anything specific.   But our  
3     thought was, as we began this budget process, we  
4     had to identify elements, contaminants, and a  
5     process to bring that forward.   We wanted, as I  
6     said before, to have a water institute with a lot  
7     more powers.   But we also knew that unless you  
8     had money to clean things up, you were going to  
9     get nowhere.

10                   Now, we proposed -- and it was in  
11     our one-house budget -- that we have a bond issue  
12     of \$5 billion, but that was not in the three-way  
13     negotiations.   Except that on the other hand, we  
14     took the \$2 billion that was proposed by the  
15     Executive, got it raised to \$2.5 billion.

16                   And there are a number of different  
17     approaches to dealing with infrastructure water,  
18     polluted water, et cetera, that I think would be  
19     able to be applied to the districts that have  
20     1,4-dioxane, but also have -- we need septic  
21     systems addressed, we need the blue algae  
22     addressed, a number of different projects  
23     throughout the state.   Road salt, animal  
24     runoff -- I mean, it goes in an ever-expanding  
25     fashion.

1                   SENATOR KAMINSKY:   Thank you.   Will  
2   the sponsor continue to yield?

3                   SENATOR HANNON:    Yes.

4                   ACTING PRESIDENT GRIFFO:   The  
5   sponsor yields.

6                   SENATOR KAMINSKY:   It was in the  
7   previous draft I saw over the weekend, but I did  
8   believe I saw a million dollars again, to Stony  
9   Brook for the advanced oxidation process pilot  
10   program for 1,4-dioxane.  Did that make it into  
11   the final document?

12                  SENATOR HANNON:    I saw that in a  
13   press release, but I don't recall that we have it  
14   specific.  They do have expertise.  It's possible  
15   under some of the funding structure, they could  
16   be a recipient.  That would be appropriate.  But  
17   I don't -- there's nothing specific for  
18   Stony Brook.

19                  SENATOR KAMINSKY:   Okay.  Will the  
20   sponsor continue to yield for a few more  
21   questions?

22                  SENATOR HANNON:    Yes.

23                  ACTING PRESIDENT GRIFFO:   The  
24   sponsor yields.

25                  SENATOR KAMINSKY:   Can you -- in

1 terms of the council, can you give us an example  
2 of how it's supposed to work so it would be able  
3 to detect environmental hazards going forward,  
4 and how that might have worked in the past to  
5 have gotten us ahead of some of the problems we  
6 witnessed throughout the state?

7           SENATOR HANNON: I don't think  
8 there was a formal process. I don't think we had  
9 a sufficient universe established so that you  
10 would look at what there might be as a  
11 contaminant. It would go to the county water  
12 supplier of the public water supply and then get  
13 reported to the state.

14           Certainly there have been enough  
15 actions at different times by the state to remedy  
16 that. But what we've done is establish this  
17 process. Hopefully the water council will  
18 identify, the water council will report and  
19 recommend to DOH, and DOH will be left with,  
20 okay, now we know what's on there.

21           And the universe is pretty big, so  
22 it's a question of what time do you have and what  
23 monies do you have. But we think we've provided  
24 those resources.

25           SENATOR KAMINSKY: Will the sponsor

1 continue to yield for one more question?

2 SENATOR HANNON: Yes.

3 ACTING PRESIDENT GRIFFO: The  
4 sponsor yields.

5 SENATOR KAMINSKY: And where do you  
6 believe after today this leaves us with respect  
7 to our challenges confronting water quality in  
8 New York?

9 SENATOR HANNON: That we have made  
10 a major step forward, and we have a long set of  
11 steps to go. And we'll be proposing further  
12 development of where we are and what we've  
13 learned, and we'll be proposing further funding.

14 SENATOR KAMINSKY: Thank you.

15 On the bill, Mr. President.

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

18 SENATOR KAMINSKY: Thank you. I  
19 appreciate the chairman's comments and efforts on  
20 both sides of the aisle on this incredibly  
21 important issue. This obviously stretches from  
22 the tip of Long Island all the way through the  
23 rest of New York, having clean water.

24 You know, when the cover of Newsday  
25 says "High levels of contaminant found all over

1 Long Island with respect to 1,4-dioxane," people  
2 get very scared. Especially when you grow up  
3 being told by your teachers that there's a  
4 greater incidence of cancer where you live  
5 because there's something in the water. It gives  
6 you pause before you go to the water fountain,  
7 like I did in fourth grade when I was told that  
8 by Mrs. Sanders.

9 This is scary. And I believe we've  
10 seen challenges throughout the nation and  
11 throughout other parts of our state, or what  
12 happens when we don't get in front of this. So  
13 this is incredibly important, and I believe that  
14 this bill is taking incredibly important steps to  
15 address those issues.

16 I hope this council has teeth  
17 attached to it and is able to have force with its  
18 guidance with respect to the Department of  
19 Health. I don't think we can expect our federal  
20 government to be getting in the clean water  
21 business any time soon. In fact, the previous  
22 administration did nothing when it came to  
23 1,4-dioxane advisories either.

24 So we have to be aggressive. I hope  
25 that the money in the budget and these new

1 guidelines and this council, which I know have  
2 been set up over many months with many hearings  
3 throughout the state, I think this is a good step  
4 forward. We have to do more. We have to be  
5 vigilant. And I appreciate the sponsor and all  
6 the members on both sides of the aisle that  
7 contributed to making water an important issue  
8 and a centerpiece of this budget.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Sanders.

12 SENATOR SANDERS: Thank you,  
13 Mr. President. Will the sponsor yield for some  
14 brief questions?

15 ACTING PRESIDENT GRIFFO: Senator  
16 Hannon, do you yield?

17 SENATOR HANNON: Yes.

18 ACTING PRESIDENT GRIFFO: The  
19 Senator yields.

20 SENATOR SANDERS: There is an  
21 incredible confusion in Washington, D.C., over  
22 healthcare. We're seeing people not happy with  
23 what is called Obamacare and the ill-fated  
24 Trumpcare. These things are going to spill over  
25 and have impact on New York State.



1           The Governor, of course, is  
2 attempting to address this with these bills. But  
3 one of his ways of addressing it, some say -- and  
4 I would say -- unilaterally moves the power to  
5 his office. I'm glad that in the last  
6 manifestation of this legislation, it's not  
7 there.

8           However, this question still  
9 remains: What are we putting in place to ensure  
10 that whatever comes out of Washington, D.C., New  
11 York State will be held harmless and our  
12 healthcare will be at its highest order?

13           SENATOR HANNON: I appreciate your  
14 concern and the fact that it's actually a  
15 question. And we do have that as a concern. But  
16 since we don't have any concrete action by  
17 Congress, the House of Representatives or the  
18 U.S. Senate, we're not able to right now provide  
19 in any direct way, except to remain concerned  
20 about what will happen.

21           SENATOR SANDERS: Thank you.  
22 Mr. President, will the sponsor yield for another  
23 question?

24           SENATOR HANNON: Yes.

25           SENATOR SANDERS: This one on

1       mental health, sir. Not my own.

2                   Funding for direct care workers, of  
3       course. The Executive Budget, in a three-way  
4       agreement, includes \$255 million to fund the  
5       minimum wage for the workers in health and human  
6       services. However, the Executive's proposed  
7       budget includes no extra funding for direct care  
8       workers to keep their salaries competitive with  
9       the minimum wage.

10                   Two questions on this one, sir. One  
11       is how -- what will this actually do? How much  
12       will the average direct care worker receive?

13                   SENATOR HANNON: I don't think that  
14       information has been made available.

15                   I also know that when we look at  
16       different funding levels for different healthcare  
17       providers and behavioral healthcare providers,  
18       that it gets more than a little complicated when  
19       we're dealing with jurisdiction because of  
20       certain things such as minimum wage, prevailing  
21       wage, living wage.

22                   What we feel is that the advocates  
23       for this direct care worker increase will be  
24       pretty vigilant in making sure that the money  
25       gets to the people who need it.

1                   SENATOR SANDERS:    Thank you.  If  
2   the sponsor will yield for one last question.

3                   SENATOR HANNON:    Yes.

4                   ACTING PRESIDENT GRIFFO:    The  
5   Senator yields.

6                   SENATOR SANDERS:    A simple  
7   question.  Why do we have to wait until  
8   January the 1st to begin this process, if these  
9   people deserve this money?  Why can't we begin  
10   now?  Is this just some budget -- well, is this a  
11   budget game or is there some serious reason why  
12   we have to wait till January 1st to make these  
13   workers whole?

14                  SENATOR HANNON:    Two things.  One  
15   is, there is lead time, simple lead time to get  
16   things up and running.  This is not direct state  
17   employees, these are people who we're funding  
18   through the not-for-profits, et cetera.

19                  The second thing is, as the rest of  
20   this budget offers us a set of hard choices, we  
21   have to make decisions as to how do we allocate  
22   the available revenues.

23                  SENATOR SANDERS:    Thank you.  
24   Mr. President, I'd like to thank the sponsor and  
25   I'd like to thank you for this time.  Thank you.

1                   ACTING PRESIDENT GRIFFO:   Seeing  
2   and hearing no other Senator that wishes to be  
3   heard, debate is closed and the Secretary will  
4   ring the bell.

5                   Read the last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9   roll.

10                  (The Secretary called the roll.)

11                  ACTING PRESIDENT GRIFFO:   Senator  
12   Brooks to explain his vote.

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

15                  To the question of the caseworkers  
16   involved in this particular budget, many of you,  
17   like myself in recent weeks, have been visited by  
18   the caregivers as well as some of the people they  
19   service in the various facilities.  And you heard  
20   the challenges that they have in terms of hiring  
21   and retaining these people and the competition  
22   they face with regard to the salaries in some of  
23   the fast food facilities in the areas within the  
24   given communities.

25                  Thankfully, in this proposal of the

1 budget, funding was provided to assist in the  
2 wages we are providing these people. But on a  
3 long-range basis, it's critical that we recognize  
4 that we must provide to these people a living  
5 wage, particularly when you look at the plans in  
6 this area for the continued expansion of some of  
7 these facilities.

8 With the adjustments that were made  
9 in the wages in this proposal, I vote aye on this  
10 bill. Thank you.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Brooks to be recorded in the affirmative.

13 Senator Kaminsky to explain his  
14 vote.

15 SENATOR KAMINSKY: Thank you,  
16 Mr. President.

17 I just want to offer praise to  
18 former Assemblyman Harvey Weisenberg, who spent  
19 his career, although he's not serving now, to get  
20 to the very moment that we are about to vote on.

21 Many people in this body on both  
22 sides of the aisle pushed this over the goal line  
23 very admirably, but it was Harvey Weisenberg for  
24 years, sometimes by himself, who carried this all  
25 the way down the field.

1           Some of you know former Assemblyman  
2 Harvey Weisenberg has a developmentally disabled  
3 son, and he talks to direct care workers almost  
4 every year. He watches them change diapers, he  
5 watches them give showers, change bedding and do  
6 all the other tasks that no one else wants to do.  
7 And yet it has become more lucrative and  
8 desirable for people to flip hamburgers in fast  
9 food restaurants.

10           Harvey was talking about this when  
11 no one else was. And I've been in rooms where  
12 people, not knowing my relationship to Harvey  
13 Weisenberg -- and by the way, he's the reason I'm  
14 standing here today -- have said things like,  
15 Harvey seems like a good guy, but he only cares  
16 about that disability issue. That's like saying  
17 Gandhi, that guy only cares about peace. George  
18 Washington, he only cared about beginning a  
19 country. It's crazy.

20           Harvey Weisenberg has been the voice  
21 of people who for so long had no voice, and this  
22 is the measure he pushed for. And by the way, in  
23 his retirement, this is all he thinks about,  
24 cares about, and advocates for.

25           So to all of us here today who

1       helped push this over the goal line, this is a  
2       great thing. To Harvey Weisenberg, wherever you  
3       are -- I actually know where he is, but back in  
4       Long Beach --

5                       (Laughter.)

6                       SENATOR KAMINSKY:    -- thank you so  
7       much for your hard work. It is incredible. We  
8       are all in your debt.

9                       I vote aye, Mr. President.

10                      ACTING PRESIDENT GRIFFO:    Senator  
11       Kaminsky to be recorded in the affirmative.

12                      Senator Hoylman to explain his vote.

13                      SENATOR HOYLMAN:    Thank you,  
14       Mr. President. I wanted to thank both sides of  
15       the aisle for their work on improving water  
16       quality in New York.

17                      I did want to point out one  
18       deficiency and lament the fact that it wasn't  
19       included in the final budget proposal, even  
20       though the Executive and the Assembly supported  
21       it. Unfortunately, this house did not. And that  
22       is a legal requirement that private drinking  
23       wells be tested for either regulated or  
24       unregulated contaminants.

25                      You know, it's estimated that there

1 are 6.5 million New Yorkers, a third of the  
2 state, who use private wells which are not  
3 currently required to be tested for water  
4 contaminants. And that's 60 percent of  
5 New Yorkers living outside of New York City. I  
6 think we owe it to them, owe it to everyone who  
7 uses a private well to make certain that in the  
8 future we pass legislation that ensures that  
9 these wells be tested for contaminants.

10 We have seen in Hoosick Falls and  
11 Newburgh and elsewhere that water quality can be  
12 disrupted overnight. And we must make sure that  
13 people who use private wells have the protections  
14 that everyone else does in the State of New York.

15 I'll be voting aye. Thank you,  
16 Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Hoylman to be recorded in the affirmative.

19 And Senator Kennedy to explain his  
20 vote.

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

23 I am very pleased to support this  
24 portion of the budget that enables those  
25 individuals, those direct care workers on the



1 front lines working with our most vulnerable  
2 citizens, it enables those individuals to get  
3 paid a fair wage, to get paid a living wage.

4           You know, the individuals, the  
5 direct care workers, those folks that are out  
6 there every single day, have been sacrificing so  
7 much for our family members, for our friends, for  
8 our neighbors, for our community, those  
9 individuals with disabilities -- and they deserve  
10 to be paid accordingly. And the language in this  
11 portion of the budget allows that to happen.

12           As an occupational therapist,  
13 someone that has seen direct service  
14 professionals on the front lines, sacrificing  
15 every day for little pay and oftentimes never  
16 being thanked, I'm proud to support this piece of  
17 legislation. It definitely, definitely will go a  
18 long way to providing not only a little bit more  
19 funding in the pockets of those professionals  
20 that are working with the vulnerable population  
21 in New York, but it will provide them with the  
22 respect that they've earned throughout the years  
23 and the respect that they earn every single day  
24 working with that population.

25           Thank you, Mr. President. I vote

1 aye.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Kennedy to be recorded in the affirmative.

4 Senator Boyle to explain his vote.

5 SENATOR BOYLE: Mr. President, to  
6 explain my vote.

7 I join my colleagues. I too have  
8 been visited by many advocates, many caregivers,  
9 direct care workers and their patients and those  
10 disabled. And I want to thank the leadership for  
11 bringing this about. It's long overdue. We need  
12 to pay direct care workers their fair share, what  
13 they should be earning.

14 And I also want to thank my friend  
15 and colleague Senator Rob Ortt for his leadership  
16 on this issue.

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

19 Senator Hannon to explain his vote.

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

22 I just want to address myself to the  
23 topic that Senator Hoylman raised. He didn't  
24 raise it as questions, but he did raise it in  
25 explaining his vote, and that's in regard to

1 private water.

2           What we did is we vastly expanded  
3 the amount of public water supply systems that  
4 have to be testing. We did not address yet the  
5 private water, because we don't have standards  
6 and we don't even have available laboratories.  
7 So for the -- with costs.

8           So we've given that task to the  
9 council, we've given that task to explore it  
10 further. And we thought it was very important to  
11 address public water supplies first because  
12 they're responsible for the water supplies of  
13 others, whereas in regard to privates, they're  
14 responsible for themselves.

15           But this is an evolving measure. As  
16 I said before, there's more to be done. And I  
17 think this bill is a major step forward for  
18 things that are not now in law.

19           Thank you.

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

22           Announce the results.

23           THE SECRETARY:    Ayes, 59.   Nays, 1.

24           Senator Rivera recorded in the  
25 negative.   Senator Díaz absent from voting.

1           ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3           Senator DeFrancisco, that completes  
4   the controversial reading of tonight's Senate  
5   Supplemental Calendar 32A.

6           SENATOR DeFRANCISCO:    If anybody  
7   would like to -- we don't have a program, so if  
8   you want to hear the program now, it will give  
9   you an idea where we're at.

10           What we're going to be doing is  
11   breaking till 11 o'clock, a Finance Committee  
12   meeting, at which time there will be two bills  
13   ready, Legislative and Judicial and Aid to  
14   Localities. And then we'll come back after  
15   Finance and deal with those bills.

16           Then there's three additional bills,  
17   the capital, state operations, and revenue -- or  
18   in this year's parlance, the Big Ugly. So we're  
19   moving along quite well.

20           And if everyone who's on Finance can  
21   be at Finance at 11 o'clock.

22           And I'd like for you to please call  
23   on Senator Gianaris.

24           ACTING PRESIDENT GRIFFO:    There  
25   will be a Finance Committee meeting at 11:00 p.m.

1 in Room 332.

2 Senator Gianaris.

3 SENATOR GIANARIS: Thank you.

4 Mr. President, there will be a very  
5 brief Democratic conference immediately in our  
6 conference room before the Finance Committee  
7 meeting.

8 ACTING PRESIDENT GRIFFO: There  
9 will be an immediate meeting of the Democrat  
10 Conference in the Democrat Conference Room.

11 And a reminder that the Senate  
12 Finance Committee will meet at 11:00 p.m. in  
13 Room 332.

14 The Senate will stand temporarily at  
15 ease.

16 (Whereupon, the Senate stood at ease  
17 at 10:43 p.m.)

18 (Whereupon, the Senate reconvened at  
19 11:05 p.m.)

20 ACTING PRESIDENT AMEDORE: Senator  
21 DeFrancisco.

22 SENATOR DeFRANCISCO: Yes, we're now  
23 ready for the Finance Committee meeting in  
24 Room 332. Please go there immediately if you're  
25 a member of the committee so that we can continue

1 our movement in the budget process. Room 332,  
2 Finance, right now.

3 Thank you.

4 ACTING PRESIDENT AMEDORE: There  
5 will be a Finance Committee meeting in Room 332.  
6 Please all attend who is a member of the  
7 committee.

8 The Senate will stand at ease.

9 (Whereupon, the Senate stood at ease  
10 at 11:06 p.m.)

11 (Whereupon, the Senate reconvened at  
12 11:32 p.m.)

13 ACTING PRESIDENT GRIFFO: The  
14 Senate will come to order.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Yes, is there  
17 a report of the Finance Committee at the desk?

18 ACTING PRESIDENT GRIFFO: There is  
19 a Finance Committee report at the desk.

20 SENATOR DeFRANCISCO: By unanimous  
21 consent, I would like to send that report, along  
22 with the two bills it dealt with, back to the  
23 Finance Committee.

24 ACTING PRESIDENT GRIFFO: Without  
25 objection, so ordered.

1                   SENATOR DeFRANCISCO:    We have to  
2 stand at ease for a few moments.

3                   ACTING PRESIDENT GRIFFO:    The  
4 Senate will temporarily stand at ease.

5                   (Whereupon, the Senate stood at ease  
6 at 11:33 p.m.)

7                   (Whereupon, the Senate reconvened at  
8 11:51 p.m.)

9                   ACTING PRESIDENT GRIFFO:    The  
10 Senate will return to order.

11                   Senator DeFrancisco.

12                   SENATOR DeFRANCISCO:    Yes, I move  
13 that we continue this day beyond 12:00 midnight  
14 to go as far as we can go with the budget bills.

15                   ACTING PRESIDENT GRIFFO:    In  
16 accordance with the rules of the Senate, all in  
17 favor signify by saying aye.

18                   (Response of "Aye.")

19                   ACTING PRESIDENT GRIFFO:    Opposed?

20                   (No response.)

21                   ACTING PRESIDENT GRIFFO:    The  
22 Senate will continue in session.

23                   SENATOR DeFRANCISCO:    Now, I  
24 probably am going to regret saying this, okay,  
25 but I want to give everybody an idea of where

1 things are at the moment.

2 These amendments should be here  
3 quickly -- soon, we're told. And we'll go to  
4 another Finance meeting and get those out --  
5 excuse me, yeah, Finance meeting, and bring them  
6 to the floor and then debate those two bills.  
7 And then the current plan is to call it a day.  
8 That's the current plan.

9 (Reaction from members.)

10 SENATOR DeFRANCISCO: I'm moaning  
11 more than anybody is. I know Diane Savino is  
12 extremely happy, because when you get her age,  
13 you can't stay up late. Okay?

14 (Groaning.)

15 SENATOR DeFRANCISCO: So in any  
16 event, this is what we're planning at the moment.  
17 And if anybody has any questions, they can ask  
18 Senator Gianaris.

19 (Laughter.)

20 SENATOR DeFRANCISCO: As soon as  
21 the Finance Committee is ready, we will call it.

22 ACTING PRESIDENT GRIFFO: The  
23 Senate will stand at ease.

24 (Whereupon, the Senate stood at ease  
25 at 11:52 p.m.)



1                   (Whereupon, the Senate reconvened at  
2 12:31 a.m.)

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

5                   Senator DeFrancisco.

6                   SENATOR DeFRANCISCO:    Yes, I'd like  
7 to call an immediate meeting of the Finance  
8 Committee in Room 332.

9                   ACTING PRESIDENT GRIFFO:    Immediate  
10 meeting of the Finance Committee in Room 332.  
11 Immediate meeting of the Finance Committee in  
12 Room 332.

13                   The Senate will stand at ease.

14                   (Whereupon, the Senate stood at ease  
15 at 12:31 a.m.)

16                   (Whereupon, the Senate reconvened at  
17 12:38 a.m.)

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

20                   Senator DeFrancisco.

21                   SENATOR DeFRANCISCO:    Do you have a  
22 report of the Finance Committee at the desk?

23                   ACTING PRESIDENT GRIFFO:    There is  
24 a report of the Finance Committee at the desk,  
25 and the Secretary will read.

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

4                   Senate Print 2001, Senate Budget  
5   Bill, an act making appropriations for the  
6   support of government:   Legislative and Judiciary  
7   Budget.

8                   Senate Print 2003D, Senate Budget  
9   Bill, an act making appropriations for the  
10   support of government:   Aid to Localities Budget.

11                  Both bills reported direct to third  
12   reading.

13                  SENATOR DeFRANCISCO:   I move to  
14   accept the report of the Finance Committee.

15                  ACTING PRESIDENT GRIFFO:   All in  
16   favor of accepting the report of the Finance  
17   Committee signify by saying aye.

18                  (Response of "Aye.")

19                  ACTING PRESIDENT GRIFFO:   Opposed?

20                  (No response.)

21                  ACTING PRESIDENT GRIFFO:   The  
22   Finance Committee report has been accepted and is  
23   before the house.

24                  Senator DeFrancisco.

25                  SENATOR DeFRANCISCO:   Can we now

1 take up the noncontroversial reading of Senate  
2 Supplemental Calendar 32B.

3 ACTING PRESIDENT GRIFFO: The  
4 Secretary will begin the noncontroversial reading  
5 of Senate Supplemental Calendar Number 32B.

6 THE SECRETARY: Calendar Number  
7 554, Senate Budget Bill, Senate Print 2001, an  
8 act making appropriations for the support of  
9 government: Legislature and Judiciary Budget.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

12 THE SECRETARY: Section 5. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 555, Senate Budget Bill, Senate Print 2003D, an  
22 act making appropriations for the support of  
23 government: Aid to Localities Budget.

24 ACTING PRESIDENT GRIFFO: I'll  
25 entertain a motion on the message. Senator

1 DeFrancisco, there is a message present at the  
2 desk.

3 SENATOR DeFRANCISCO: Oh, it is? I  
4 didn't know that. I would move to accept that  
5 message.

6 ACTING PRESIDENT GRIFFO: All in  
7 favor of accepting the message of necessity  
8 indicate by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (Response of "Nay.")

12 ACTING PRESIDENT GRIFFO: The  
13 message of necessity has been accepted, and the  
14 bill is before the house.

15 SENATOR GIANARIS: Lay it aside.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is laid aside.

18 The Secretary will ring the bell.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number  
21 555, Senate Budget Bill, Senate Print 2003D, an  
22 act making appropriations for the support of  
23 government: Aid to Localities Budget.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Gianaris.

1                   SENATOR GIANARIS:    Mr. President, I  
2   believe there's an amendment at the desk.  I ask  
3   that the reading be waived and that Senator  
4   Persaud be heard on the amendment.  And if you  
5   find it not germane, that Senator Persaud be  
6   heard appealing your ruling.

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

9                   I reviewed your amendment, in  
10  accordance with Senate Rule VII, and I have ruled  
11  that the amendment is not germane.  And I will  
12  call on Senator Persaud to be heard on that  
13  appeal of the chair.

14                  Senator Persaud.

15                  SENATOR PERSAUD:    Thank you,  
16  Mr. President.

17                  The amendment I propose today  
18  creates a \$20 million contingency fund that will  
19  be available to replace any federal funding cuts  
20  to family planning services.

21                  Family planning services are  
22  currently funded through different federal and  
23  state funding streams as follows:  \$50 million in  
24  federal/state Medicaid, of which \$26 million are  
25  funded by New York State; \$45.8 million in family

1 planning grants, of which \$28.4 million is from  
2 New York State funding for family planning  
3 grants; and \$20.49 million in comprehensive adult  
4 pregnancy prevention grants. These grants pay  
5 for a range of services, including direct medical  
6 care, community outreach, education, patient  
7 counseling, and programming directed at specific  
8 communities. The grant funding allows Planned  
9 Parenthood to charge patients on a sliding scale  
10 based on income.

11           While Planned Parenthood isn't the  
12 only provider of family planning in New York  
13 State, they serve more than half of all family  
14 planning patients in New York. Federal defunding  
15 may take away Planned Parenthood's eligibility  
16 for federal grants as well as eligibility through  
17 Medicaid. This would essentially gut their  
18 ability to offer services, as these grants and  
19 Medicaid funding are their main sources of  
20 revenue.

21           There is already a ban on federal  
22 taxpayer funding of abortions under the Hyde  
23 amendment. New York currently pays the federal  
24 share for medically necessary abortions. Any  
25 defunding of Planned Parenthood would not affect

1 these services but instead would take away health  
2 services such as cancer screening, STD treatment  
3 and contraception.

4 This contingency fund would ensure  
5 that essential health services would continue.  
6 Planned Parenthood served approximately  
7 180,000 patients in 2015, with over 320,000  
8 visits; 57 percent of patients who were served  
9 were covered by Medicaid. Planned Parenthood  
10 also provided over 400,000 screenings for STDs,  
11 among other critical services for thousands of  
12 individuals.

13 Mr. President, it is clear that  
14 Planned Parenthood provides critical services to  
15 a high-needs population and cutting federal funds  
16 would devastate healthcare for thousands of  
17 New Yorkers. That is why we must stand up for  
18 Planned Parenthood and offer this contingency  
19 funding in today's budget.

20 Thank you, Mr. President.

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

23 So the question before the house is  
24 on a procedural vote relative to the ruling of  
25 the chair. All in favor of overturning --

1                   SENATOR GIANARIS:    Show of hands,  
2    please.

3                   ACTING PRESIDENT GRIFFO:    A show of  
4    hands has been requested and so directed.

5                   Announce the results.

6                   THE SECRETARY:    Ayes, 20.

7                   ACTING PRESIDENT GRIFFO:    The  
8    ruling of the chair is affirmed.

9                   The bill is before the house.

10                  Read the last section.

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

13                  ACTING PRESIDENT GRIFFO:    Call the  
14    roll.

15                  (The Secretary called the roll.)

16                  ACTING PRESIDENT GRIFFO:    Senator  
17    Hoylman to explain his vote.

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

20                  I'll be voting no, really as a  
21    matter of process.  I was just handed this  
22    electronically, this bill, at 12:30 this morning.  
23    I've managed to get through 257 pages just  
24    scanning it, of the 961 pages.  But we haven't  
25    thoroughly reviewed this bill.  And frankly, I



1 don't know how any of us are voting on it, having  
2 not read it.

3 So I'll be the voting in the  
4 negative.

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

7 Senator Squadron to explain his  
8 vote.

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

11 Yeah, I do think we're seeing some  
12 of the consequences of our new constitutional  
13 provision to not have the bills printed. They go  
14 in electronically, sometimes they don't come out.

15 I would point out this bill does  
16 have some somewhat positive provisions -- a  
17 bipartisan tradition is to support Nurse Family  
18 Partnership, an evidence-based home maternal home  
19 visiting program that makes a huge difference in  
20 people's lives well beyond the early years that  
21 it serves them. Fifteen years later, parents and  
22 their kids are -- moms and their kids are  
23 50 percent less likely to be involved in the  
24 criminal justice system. It seems like a  
25 relevant program today. We increased funding

1 over the Governor's proposal by about a half a  
2 million dollars.

3 We have again restored funding for  
4 settlement houses, which are comprehensive  
5 cradle-to-old-age programs that aren't just  
6 programmatic but serve what communities need when  
7 they need it.

8 Not in this bill, but apparently in  
9 a future bill, so hopefully coming, we've  
10 increased funding for NORCs, naturally occurring  
11 retirement communities, that are a big support  
12 and save money by letting folks age in place and  
13 have strong communities when they do. We'll have  
14 to wait with bated breath for that future bill.

15 And importantly, we've restored  
16 \$27 million in Title XX funding, 17 of which  
17 New York City can now again use for senior  
18 centers.

19 Up to 65 senior centers in New York  
20 City were threatened by the redirection of  
21 Title XX money. In my district I organized with  
22 senior centers and senior citizens who get the  
23 kind of lunch programs, community services,  
24 health services, social services that these  
25 programs provide -- much more than just a meal,

1       although also nutrition and meals folks need.

2                       We got over 900 signatures in our  
3       district. I know that the work of those  
4       organizations and those seniors made a  
5       difference, as did the organizing and the support  
6       in districts across the city and the state.

7                       This is one bill, which based on our  
8       understanding of it, does seem to have had some  
9       bipartisanship and some improvements that folks  
10      needed. I can only hope that in those other  
11      provisions, they went -- it went just as well.

12                      So I will be voting yes,  
13      Mr. President, and I do appreciate Senator  
14      Gallivan, Senator Savino, and others who have  
15      joined in a tripartisan way on a number of these  
16      issues I've raised.

17                      Thank you.

18                      ACTING PRESIDENT GRIFFO:     Senator  
19      Squadron to be recorded in the affirmative.

20                      Announce the results.

21                      THE SECRETARY:     In relation to  
22      Calendar 555, those recorded in the negative are  
23      Senators Croci, Hoylman and Rivera.

24                      Ayes, 57.   Nays, 3.

25                      Senator Díaz absent from voting.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   Senator DeFrancisco, that completes  
4   the controversial reading of Senate Supplemental  
5   Calendar 32B.

6                   SENATOR DeFRANCISCO:    Okay.   May we  
7   stand at ease while I talk to the floor leaders  
8   for a couple of minutes.

9                   ACTING PRESIDENT GRIFFO:    The  
10   Senate will stand temporarily at ease.

11                   (Whereupon, the Senate stood at ease  
12   at 12:49 a.m.)

13                   (Whereupon, the Senate reconvened at  
14   12:52 a.m.)

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

17                   Senator DeFrancisco.

18                   SENATOR DeFRANCISCO:    Yes.   Rather  
19   than continuing to through the wee hours, we're  
20   going to adjourn till tomorrow morning at  
21   10:00 a.m.   Republican conference at 9:00.

22                   ACTING PRESIDENT GRIFFO:    Senator  
23   Gianaris.

24                   SENATOR GIANARIS:    And the  
25   Democratic conference tomorrow morning will be at

1 8:30 a.m.

2 (Reaction from members.)

3 ACTING PRESIDENT GRIFFO: So  
4 tomorrow morning there will be a Democrat  
5 conference at 8:30 a.m. in the Democrat  
6 Conference Room.

7 There will be a Republican  
8 conference at 9:00 a.m. in Room 332.

9 SENATOR DeFRANCISCO: Hold up,  
10 please.

11 ACTING PRESIDENT GRIFFO: Yes.

12 SENATOR DeFRANCISCO: Can we  
13 un-adjourn for a moment?

14 ACTING PRESIDENT GRIFFO: We did  
15 not adjourn yet.

16 SENATOR DeFRANCISCO: Okay, good,  
17 because I just got a phone call.

18 Excuse me.

19 ACTING PRESIDENT GRIFFO: Senator  
20 DeFrancisco, there is no further business at the  
21 desk, so now I return to you.

22 SENATOR DeFRANCISCO: So rather  
23 than adjourn, we are going to stand at ease until  
24 10:00 a.m. tomorrow morning.

25 ACTING PRESIDENT GRIFFO: So the

1 Senate will stand at ease --

2 SENATOR DeFRANCISCO: This morning.

3 This morning. Ten a.m.

4 ACTING PRESIDENT GRIFFO: So can I  
5 have some order, please, in the house so everyone  
6 knows what they're doing tomorrow.

7 Democrat conference at 8:30 a.m. in  
8 the Democrat Conference Room. Republican  
9 conference at 9:00 a.m. in Room 332.

10 The Senate will stand at ease until  
11 10:00 a.m. later this morning, April 5th.

12 The Senate stands at ease.

13 (Whereupon, the Senate stood at ease  
14 at 12:54 a.m.)

15 (Whereupon, the Senate reconvened at  
16 1:03 a.m.)

17 ACTING PRESIDENT BOYLE: Mr. Floor  
18 Leader.

19 SENATOR DeFRANCISCO: Yes,  
20 Mr. President, we had earlier announced that we  
21 were in recess until 10:00 a.m. tomorrow. We  
22 will be in recess till 10:30 tomorrow morning.  
23 And I would like --

24 ACTING PRESIDENT BOYLE: At ease?

25 SENATOR DeFRANCISCO: At ease till

1 10:30 in the morning.

2 And I just wanted to make sure the  
3 record was clear on that.

4 ACTING PRESIDENT BOYLE: Yes, the  
5 Senate stands at ease until 10:30 this morning.

6 SENATOR DeFRANCISCO: Thank you.

7 (Whereupon, the Senate stood at ease  
8 at 1:03 a.m.)

9 (Whereupon, the Senate reconvened at  
10 8:02 p.m.)

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

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes,  
15 Mr. President. First of all, are there any  
16 messages of necessity at the desk?

17 ACTING PRESIDENT GRIFFO: There are  
18 no messages at the desk.

19 SENATOR DeFRANCISCO: Is there any  
20 business at the desk?

21 ACTING PRESIDENT GRIFFO: There is  
22 no business that has been presented before the  
23 desk.

24 SENATOR DeFRANCISCO: Okay, can we  
25 go to motions and resolutions.

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

3           SENATOR DeFRANCISCO:    Would you  
4   please recognize Senator Valesky.

5           ACTING PRESIDENT GRIFFO:    Senator  
6   Valesky.

7           SENATOR VALESKY:    Thank you,  
8   Mr. President.

9           On behalf of Senator Avella, I move  
10   that the following bill be discharged from its  
11   respective committee and be recommitted with  
12   instructions to strike the enacting clause:  
13   Senate Bill 1507.

14          ACTING PRESIDENT GRIFFO:    It is so  
15   ordered.

16          Senator DeFrancisco.

17          SENATOR DeFRANCISCO:    Now,  
18   Mr. President, I just would like to explain what  
19   we're doing here today. And I first want to  
20   thank all the majority members, the Independent  
21   Democrat Conference, the minority conference. We  
22   were really working efficiently last night. I  
23   mean, very efficiently. We cooperated on every  
24   single bill. Things that had to be said were  
25   said, extraneous things were not said, and we



1 kept moving it, everything, until about a quarter  
2 to 1:00 in the morning.

3 When we found out that there were  
4 really no other bills that were available to do  
5 any work, and there was questions about education  
6 funding and the like that we couldn't answer, we  
7 agreed to adjourn until this morning at 10:30,  
8 hoping full well that other bills would be closed  
9 out, printed, and we could continue on working  
10 efficiently towards a budget.

11 Well, that didn't happen. Nothing  
12 was closed down. And the closest thing to an  
13 agreement was one of the three bills, for  
14 capital. And that capital bill had some things  
15 in it that weren't agreed to, and I requested  
16 that we take those out, print the bill again,  
17 resubmit it, and continue going so we could have  
18 another bill available.

19 Now, this process started about  
20 3 o'clock this afternoon. And we actually called  
21 a Finance Committee meeting for 6:30. Lo and  
22 behold, it was late. We couldn't do it. So we  
23 ended up adjourning it until 7:30.

24 No bill was ever agreed to. In  
25 fact, we were informed that the budget director

1 refused to sign off on the bill and resubmit it  
2 so it would be ready to go to a Finance Committee  
3 meeting and come to the floor for a vote so we  
4 can continue expeditiously.

5 We have nothing to do right now.  
6 There's open issues. And we think it's not  
7 prudent and we also think it's costly to the  
8 taxpayer to pay per diems for legislators for  
9 sitting around on this particular -- in this  
10 particular fashion.

11 Staff is exhausted. They've been  
12 here two weeks, all night long -- and that's all  
13 staffs, from all the -- from the Independents,  
14 the Democratic Conference and our conference.  
15 Exhausted. And it's unfair to them to play the  
16 games that have been played.

17 That being said, there being no  
18 further business at the desk, I move to adjourn  
19 at the -- until a time at the call of the  
20 Temporary President of the Senate, intervening  
21 days being legislative days.

22 Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: On  
24 motion, the Senate will stand adjourned upon call  
25 of the Temporary President, intervening days

1 being legislative days.

2                   So the Senate is adjourned at the  
3 call of the Temporary President.

4                   The Senate is adjourned.

5                   (Whereupon, at 8:06 p.m., the Senate  
6 adjourned.)

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