

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 29, 2018

11 2:16 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise and  
5 join with me as we recite the Pledge of  
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the  
10 absence of clergy, I ask all present to please  
11 bow your head in a moment of silent reflection  
12 and/or prayer as we reflect on 2 Corinthians: So  
13 now finish doing it as well so that your  
14 readiness in desiring it may be matched by your  
15 completing it out of what you have.

16 SENATOR DeFRANCISCO: Thank you,  
17 Mr. President, for reciting that in English.

18 (Laughter.)

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

21 THE SECRETARY: In Senate,  
22 Wednesday, March 28th, the Senate met pursuant to  
23 adjournment. The Journal of Tuesday, March 27th,  
24 was read and approved. On motion, Senate  
25 adjourned.

1           ACTING PRESIDENT GRIFFO:   Without  
2   objection, the Journal stands approved as read.

3           Presentation of petitions.

4           Messages from the Assembly.

5           Messages from the Governor.

6           Reports of standing committees.

7           Reports of select committees.

8           Communications and reports of state  
9   officers.

10          Motions and resolutions.

11          Senator DeFrancisco.

12          SENATOR DeFRANCISCO:   Yes, there's  
13   a March 29th Resolution Calendar on the desks. I  
14   move to adopt it.

15          ACTING PRESIDENT GRIFFO:   The  
16   Resolution Calendar is before the house. All in  
17   favor of adopting the Resolution Calendar signify  
18   by saying aye.

19          (Response of "Aye.")

20          ACTING PRESIDENT GRIFFO:   Opposed?

21          (No response.)

22          ACTING PRESIDENT GRIFFO:   The  
23   Resolution Calendar has been adopted.

24          Senator DeFrancisco.

25          SENATOR DeFRANCISCO:   The Senate

1 will stand at ease.

2 ACTING PRESIDENT GRIFFO: The  
3 Senate will stand at ease until further notice.

4 (Whereupon, the Senate stood at ease  
5 at 2:17 p.m.)

6 (Whereupon, the Senate reconvened at  
7 11:13 p.m.)

8 ACTING PRESIDENT GRIFFO: The  
9 session will come to order. Session is returned  
10 to order.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: If anyone  
13 would desire to go home at an unreasonable hour  
14 rather than an impossible hour, why don't we  
15 start.

16 There'll be an immediate meeting of  
17 the Finance Committee in Room 332.

18 ACTING PRESIDENT GRIFFO: There is  
19 an immediate meeting of the Finance Committee in  
20 Room 332, an immediate meeting of the Finance  
21 Committee in Room 332.

22 The Senate is at ease temporarily.

23 (Whereupon, the Senate stood at ease  
24 at 11:14 p.m.)

25 (Whereupon, the Senate reconvened at

1 11:28 p.m.)

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

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO:

6 Mr. President, is there a report from the Finance  
7 Committee at the desk?

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

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

14 Senate Print 7501, Senate Budget  
15 Bill, an act making appropriations for the  
16 support of government: LEGISLATURE AND JUDICIARY  
17 BUDGET;

18 Senate 7505C, Senate Budget Bill,  
19 PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET;

20 Senate 7506B, Senate Budget Bill,  
21 EDUCATION, LABOR, HOUSING AND FAMILY ASSISTANCE  
22 BUDGET.

23 All bills reported direct to third  
24 reading.

25 SENATOR DeFRANCISCO: I move to

1 accept the report of the Finance Committee.

2 ACTING PRESIDENT GRIFFO: All in  
3 favor of accepting the Committee on Finance  
4 report say aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO: Opposed?

7 (No response.)

8 ACTING PRESIDENT GRIFFO: The  
9 Finance Committee report is accepted and before  
10 the house.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Now we have  
13 Senate Supplemental Calendar 28A, and the first  
14 bill on the calendar is Calendar Number 732,  
15 Print 7501. Can we call that one up.

16 ACTING PRESIDENT GRIFFO: The  
17 Secretary will read.

18 THE SECRETARY: Calendar Number  
19 732, Senate Budget Bill, Senate Print 7501, an  
20 act making appropriations for the support of  
21 government: LEGISLATURE AND JUDICIARY BUDGET.

22 SENATOR GIANARIS: Lay it aside.

23 ACTING PRESIDENT GRIFFO: Lay the  
24 bill aside.

25 The Secretary will continue.

1           THE SECRETARY:   Calendar Number  
2   733, Senate Budget Bill, Senate Print 7505C,  
3   PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET.

4           ACTING PRESIDENT GRIFFO:   Senator  
5   DeFrancisco.

6           SENATOR DeFRANCISCO:   Is there a  
7   message of necessity at the desk?

8           ACTING PRESIDENT GRIFFO:   There is  
9   a message at the desk.

10          SENATOR DeFRANCISCO:   Can we take  
11   up that message.

12          ACTING PRESIDENT GRIFFO:   All in  
13   favor of accepting the message of necessity at  
14   the desk signify by saying aye.

15                 (Response of "Aye.")

16          ACTING PRESIDENT GRIFFO:   Opposed?

17                 (No response.)

18          ACTING PRESIDENT GRIFFO:   The  
19   message is accepted.

20                 The bill is before the house.

21          SENATOR GIANARIS:   Lay it aside.

22          ACTING PRESIDENT GRIFFO:   The bill  
23   is laid aside.

24           THE SECRETARY:   Calendar Number  
25   734, Senate Budget Bill, Senate Print 7506B,

1 EDUCATION, LABOR, HOUSING AND FAMILY ASSISTANCE  
2 BUDGET.

3 ACTING PRESIDENT GRIFFO: Senator  
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Is there a  
6 message of necessity at the desk?

7 ACTING PRESIDENT GRIFFO: There is  
8 a message at the desk.

9 SENATOR DeFRANCISCO: Can we take  
10 that message up.

11 ACTING PRESIDENT GRIFFO: All in  
12 favor of accepting the message of necessity at  
13 the desk signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: The  
18 message of necessity is accepted.

19 SENATOR GIANARIS: Lay it aside.

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

22 SENATOR DeFRANCISCO: Can we now  
23 take up the controversial reading of that  
24 calendar.

25 ACTING PRESIDENT GRIFFO: The



1 Secretary will ring the bell.

2 The Secretary will read Calendar  
3 Number 732.

4 THE SECRETARY: Calendar Number  
5 732, Senate Budget Bill, Senate Print 7501, an  
6 act making appropriations for the support of  
7 government: LEGISLATURE AND JUDICIARY BUDGET.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Krueger.

10 SENATOR KRUEGER: Thank you.

11 If the sponsor would please yield to  
12 some questions.

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

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields.

18 SENATOR KRUEGER: Thank you. So  
19 this is the first budget bill we are dealing with  
20 on the floor. So according to Section 16,  
21 Chapter 1 of the Laws of 2007 --

22 SENATOR YOUNG: Mr. President,  
23 could I just correct something?

24 SENATOR KRUEGER: Certainly.

25 SENATOR YOUNG: This is the second

1 budget bill that we're considering.

2 SENATOR KRUEGER: Thank you. This  
3 is the second budget bill we are taking up this  
4 year. Thank you, Senator Young.

5 And relating to Section 16 of  
6 Chapter 1 of the Laws of 2007, it requires, prior  
7 to a vote on the budget bills, a summary report  
8 to be placed on the desks of its members that  
9 itemizes the impact of proposed budget changes  
10 and, where practical, impacts on local  
11 governments, the state workforce, and All Funds  
12 spending.

13 Is this report on our desks?

14 SENATOR YOUNG: Through you,  
15 Mr. President, no, it's not.

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

19 SENATOR YOUNG: Yes.

20 ACTING PRESIDENT GRIFFO: The  
21 sponsor yields.

22 SENATOR KRUEGER: Since it's not on  
23 our desks, does the sponsor know when we should  
24 be expecting this report and why we're not  
25 getting it now?

1                   SENATOR YOUNG:    Through you,  
2   Mr. President.  Actually these are the printed  
3   bills that are ready to be passed.  And so you  
4   have all of the background information on these  
5   particular bills, and you will be getting the  
6   rest of the report very shortly.

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

10                  SENATOR YOUNG:    Yes.

11                  ACTING PRESIDENT GRIFFO:    The  
12   sponsor yields.

13                  SENATOR KRUEGER:    Thank you.

14                  So we don't have the report, but I  
15   believe we do know that there's a \$4.4 billion  
16   deficit for the fiscal year starting April 1st,  
17   with the Governor proposing almost a billion  
18   dollars in revenue proposals.  Do we know if  
19   there's a financial plan for a three-way  
20   agreement that might be coming to us any time  
21   soon?

22                  SENATOR YOUNG:    Through you,  
23   Mr. President, yes, I have details on a financial  
24   plan, and I would be happy to answer any  
25   questions that Senator Krueger may have.

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

4                   SENATOR YOUNG:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6   sponsor yields.

7                   SENATOR KRUEGER:    Thank you.

8                   So there's a three-way agreement to  
9   close the \$4.4 billion financial gap.

10                  SENATOR YOUNG:    Correct.

11                  SENATOR KRUEGER:    But we don't have  
12   a report on our desks showing us any numbers.

13                  SENATOR YOUNG:    Through you,  
14   Mr. President, I've already answered that  
15   question.

16                  SENATOR KRUEGER:    Through you,  
17   Mr. President, the sponsor has offered to answer  
18   any questions on the financial plan that we do  
19   not yet have on our desks. Can she give us an  
20   outline of what that three-way financial plan  
21   might be?

22                  SENATOR YOUNG:    Sure. The enacted  
23   budget is a fiscally responsible budget that will  
24   promote economic growth by rejecting tax  
25   increases, controlling spending, and making

1 targeted, sound investments. State Operations  
2 Funds spending, which excludes capital, increases  
3 by 2 percent from 98.1 billion to 101.1 billion,  
4 an increase of \$2 billion. All Funds spending  
5 increases -- excuse me. In addition, the Senate  
6 budget includes \$400 million in additional  
7 program spending, excluding direct school aid,  
8 and there also is new capital money included.

9           So the enacted budget is funded as  
10 follows: \$750 million in additional tax revenue  
11 agreed upon by the Executive and both houses, and  
12 this is used to offset the cost of the tax  
13 package; \$112 million in available additional  
14 spending under the 2 percent State Operating  
15 Funds spending cap; \$400 million in agreed-upon  
16 table targets, adjustments and reestimates in the  
17 spending base to finance other initiatives.

18           SENATOR KRUEGER: Through you,  
19 Mr. President, if the sponsor would please  
20 continue to yield.

21           SENATOR YOUNG: Yes.

22           ACTING PRESIDENT GRIFFO: The  
23 sponsor yields.

24           SENATOR KRUEGER: So I do  
25 understand that we're in a complicated situation

1 because we're here at 11:30 p.m. moving some of  
2 the bills because they were ready to go with  
3 messages of necessity. Unfortunately, we do not  
4 have a fully fleshed-out financial plan or budget  
5 report.

6 And I appreciate the sponsor's  
7 answers to my questions, and I'm not going to  
8 bring them up on each of the three bills that we  
9 do tonight. But in the absence of any real  
10 detail at this point on any individual bills, can  
11 the sponsor commit to me that prior to doing  
12 bills beyond these three bills, we will be able  
13 to see the full financial plan as the Budget  
14 Reform Act requires?

15 SENATOR YOUNG: Through you,  
16 Mr. President, yes.

17 SENATOR KRUEGER: Great. Thank  
18 you, Mr. President.

19 And one additional question, through  
20 you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Will the  
22 sponsor continue to yield?

23 The sponsor yields.

24 SENATOR KRUEGER: Thank you.

25 Can the sponsor estimate for me --

1 and for each of the bills, I'll just ask all  
2 three now -- what the estimated fiscal impact of  
3 each of the three bills we are dealing with  
4 tonight are? Either is or are, Mr. President.

5 SENATOR YOUNG: Through you,  
6 Mr. President, \$100 billion of State Operating  
7 Funds, which is equivalent to a 2 percent  
8 increase.

9 SENATOR KRUEGER: I'm sorry,  
10 Mr. President, perhaps I didn't ask the question  
11 right. The three bills we're taking up tonight  
12 that are Article VII bills, there's a \$100  
13 billion fiscal cost for these three bills in  
14 total? Excuse me, one approp and two Article  
15 VIIs.

16 SENATOR YOUNG: Through you,  
17 Mr. President, just to answer Senator Krueger's  
18 question, we calculate the entire fiscal impact  
19 of the -- we don't break it out by bills. It's  
20 not broken out by bills. We look in the context  
21 of the entire budget.

22 SENATOR KRUEGER: So the answer for  
23 the entire budget is -- if I could ask you to  
24 repeat the number. Through you, Mr. President.

25 SENATOR YOUNG: Through you,

1 Mr. President, \$100 billion in State Operating  
2 Funds, which is equivalent to a 2 percent  
3 increase.

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

6 ACTING PRESIDENT GRIFFO: Thank  
7 you.

8 Is there any Senator that wishes to  
9 be heard?

10 Seeing none, hearing none, the  
11 debate is closed.

12 The Secretary will ring the bell.

13 Read the last section.

14 THE SECRETARY: Section 5. 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, 60.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 The Secretary will continue. The  
23 bell has been rung; we're on the controversial  
24 calendar.

25 THE SECRETARY: Calendar Number



1 733, Senate Budget Bill, Senate Print 7505C,  
2 PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Gianaris.

5 SENATOR GIANARIS: Mr. President, I  
6 believe there's an amendment at the desk. I ask  
7 that the reading of the amendment be waived and  
8 that Senator Hoylman be heard on the amendment.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Gianaris, in accordance with Article VII, Section  
11 4B, I have reviewed the amendment and I rule it  
12 nongermane and out of order.

13 SENATOR GIANARIS: I appeal from  
14 your decision, Mr. Chair, and ask that Senator  
15 Hoylman be heard on the appeal.

16 ACTING PRESIDENT GRIFFO: The  
17 appeal is so noted, and Senator Hoylman is  
18 recognized on the appeal.

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

21 This budget bill, as we know, is  
22 about public protection and good government  
23 {sic}. And quite simply, the public protection  
24 and general government bill -- the amendment that  
25 I'm offering would protect the public by flushing

1 out potentially thousands of child sex abusers  
2 who are still at large and in contact with kids.

3 We have, Mr. President, failed the  
4 survivors of child sexual abuse and our own  
5 children. We have failed them at the expense of  
6 monsters, monsters and money monsters. Now, the  
7 monsters are the 40,000 predators estimated still  
8 at large in the State of New York -- 40,000  
9 predators who still could have contact with any  
10 of our children or grandchildren in this chamber.

11 And the money monsters,  
12 Mr. President? Well, I know some of my  
13 colleagues think that we've been doing the  
14 bidding of religious groups or youth  
15 organizations by stalling the Child Victims Act  
16 for the last decade, and particularly this  
17 session, after it was included in the Governor's  
18 Executive Budget.

19 But the truth is the money monsters  
20 are the financial interests. The truth is the  
21 money monsters are the insurance companies. The  
22 American Insurance Association, a trade group  
23 representing more than 320 insurance companies,  
24 spent \$130,000 on lobbying, including opposing  
25 the Child Victims Act and lifting the statute of

1 limitations. These are the money monsters.

2 The monsters, Mr. President, are  
3 those predators who, if not for the Child Victims  
4 Act being passed this session, now have continued  
5 free rein, continued free rein to stalk their  
6 victims.

7 I'll mention one victim, a survivor  
8 named Kat Sullivan, who was molested in 1998 at  
9 the Emma Willard school by a man that was her  
10 history professor and her soccer coach. She  
11 writes: "Here's what I want you to know. I was  
12 not the first student that my molester harmed in  
13 his teaching and coaching career. I was also not  
14 the last student he abused. I want you to know  
15 that I told four top school administrators at the  
16 Emma Willard School in Troy that I had been raped  
17 by one of their peers within 30 hours."

18 Instead of calling the nurse or 911  
19 or her parents, they chose to interrogate Kat  
20 Sullivan for hours. "After that," she writes,  
21 "they interrogated my friends. After that, they  
22 gaslit me for hours to convince me that I had  
23 misunderstood my molestation."

24 She writes: "Too many children are  
25 hurt by sexual assault. My rapist," she says,

1 "is a member of the Historical Commission of  
2 South Hadley, Massachusetts." He still coaches  
3 soccer. And she has no legal recourse.

4           These are the stories we've all  
5 heard in this chamber from survivors time and  
6 time again. By omitting, by intentionally  
7 omitting the Child Victim Act for consideration,  
8 we've aided and abetted these predators. Maybe  
9 we're accomplices to these crimes, to the worst  
10 crimes imaginable, taking the innocence away from  
11 a child.

12           Mr. President, it's these monsters  
13 and it's the insurance companies, it's  
14 Wall Street that is concerned about the  
15 policyholders. Yes, it is the church. Yes, it's  
16 youth groups. Yes, it's public schools. But  
17 they're concerned about the bottom line.

18           And that's why you get quotes like  
19 from Maggie Seidel, who's a spokesperson for the  
20 industry. She says that while the group supports  
21 the idea of expanding the statute of limitations  
22 for future acts of sex abuse, she's concerned,  
23 she's concerned -- thank you, Maggie -- about the  
24 one-year lookback period so victims can file  
25 lawsuits that were previously forbidden by the

1 old statute of limitations. This is being  
2 reported tonight by NBC News.

3           These are the money monsters. So,  
4 Mr. President, we have failed miserably, failed  
5 miserably in our responsibility to protect our  
6 children with the Child Victims Act, failed  
7 miserably, Mr. President, in our solemn duty to  
8 identify predators, failed miserably,  
9 Mr. President, in holding the financial interests  
10 accountable.

11           So I urge my colleagues to vote with  
12 me on this amendment. Thank you.

13           ACTING PRESIDENT GRIFFO: The  
14 question before the house is on the procedures of  
15 the house and the ruling of the chair.

16           All those in favor of overruling the  
17 ruling of the chair say aye.

18           SENATOR GIANARIS: Show of hands,  
19 please, Mr. President.

20           ACTING PRESIDENT GRIFFO: A show of  
21 hands has been requested and so ordered.

22           THE SECRETARY: Ayes, 28.

23           ACTING PRESIDENT GRIFFO: The  
24 ruling of the chair stands.

25           Senator Gianaris.

1                   SENATOR GIANARIS:   Hello again,  
2   Mr. President.

3                   I believe there's another amendment  
4   at the desk. I ask that the reading of that  
5   amendment be waived and that Senator Bailey be  
6   heard on the amendment.

7                   ACTING PRESIDENT GRIFFO:   Senator  
8   Gianaris, upon review of the amendment before the  
9   house, in accordance again with Article VII,  
10   Section 4B, I rule it nongermane and out of  
11   order.

12                  SENATOR GIANARIS:   I would like to  
13   appeal your ruling, Mr. President, and ask that  
14   Senator Bailey be heard.

15                  ACTING PRESIDENT GRIFFO:   The  
16   appeal has been so noted. And, Senator Bailey,  
17   you may be heard.

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

20                  I would really like all of my  
21   colleagues to understand why this amendment is so  
22   important. Because we get here because -- before  
23   I get to that, let's talk about some statistics  
24   and about why this amendment is so comprehensive  
25   and it's so appropriate to be able to fix our

1 broken election system within the state.

2           So one, early voting. Over 35  
3 states have early voting. It simply makes sense  
4 that we do not restrict the folks in our state  
5 who want to make a difference in our democracy to  
6 be able to vote on one Tuesday or, in this case,  
7 Thursday, Primary Day, and another Tuesday in  
8 November to decide the fate of our cities,  
9 municipalities, state and our country. We should  
10 be able to vote early.

11           With the Senate Democratic  
12 Conference's Voter Empowerment Act, we want to  
13 modernize our voter registration system. In the  
14 day and age of smartphones and being able to get  
15 information at the blink of an eye, our Boards of  
16 Elections and our municipalities should be able  
17 to get people registered faster. And that's what  
18 we aim to do.

19           We also want automatic voter  
20 registration, Mr. President, for eligible  
21 citizens at designated government agencies. And  
22 we want people to start registering early. At  
23 the age 16 and 17, we want you to be able to  
24 preregister to vote.

25           You know, I recall being 18 years

1 old -- and I mentioned this last year during my  
2 hostile amendment on voter registration. I was  
3 given a lottery ticket in one hand, when I turned  
4 18, and a voter registration in the other. I  
5 lost on the lottery ticket, but I won with the  
6 voting registration card. Because that is how I  
7 change my communities. That is how we change our  
8 communities, Mr. President. And I believe that  
9 we should have that opportunity to do so even  
10 earlier.

11 We also want to change party  
12 enrollment. A change of enrollment would take  
13 25 days after such changes were applied for.  
14 Right now, if you want to change your party  
15 enrollment to get involved in voting for whatever  
16 candidate it is that spurs you on to vote, you  
17 can't change your party if you want to vote with  
18 them, Mr. President.

19 That seems -- in a day where we can  
20 get so much data so quickly, that seems rather  
21 arcane in a state that in my opinion is number  
22 one. But why are we number 41, Mr. President, in  
23 voter turnout? Why? Because we don't have early  
24 voting. Because we disenfranchise people.

25 If you are a person who works,



1 Mr. President, and you work at 4 a.m. to go to  
2 your job and you arrive at 6 a.m. -- sometimes  
3 you're working a single shift, but if you have to  
4 pay the bills, you may work a double that day,  
5 Mr. President. And after you work that double  
6 that day, you might have to go pick up your kids.  
7 And it's not that you don't want to participate  
8 in democracy, Mr. President. It's that you can't  
9 because you have to feed your children. You have  
10 to go to work.

11 So we're making people choose  
12 between choosing their fate and who represents  
13 them and choosing to live. It's not a fair  
14 choice, Mr. President.

15 We're talking about early voting, we  
16 talk about our friends and colleagues in red  
17 states or blue states or purple states --  
18 whatever color states you want to call them, they  
19 have early voting. My friends in the South, they  
20 call it getting their souls to the polls. You  
21 get fed spiritually on Sunday at church, and then  
22 you to go to vote for your candidate of choice.

23 Because what if you have that  
24 situation that I mentioned earlier,  
25 Mr. President, where you are unable to vote? Not

1 because of lack of desire or a lack of  
2 willingness to participate in the process.  
3 Because you can't. Because life is happening  
4 around you, Mr. President.

5 Forty-one. Forty-one. I don't know  
6 about you, Mr. President; I think everybody in  
7 this chamber should believe that New York State  
8 is number one. I want to come back to that  
9 central point. But the only way we can be number  
10 one, my colleagues, is if we get voter reform.  
11 Early voting, automatic registration.

12 Mr. President, I will not belabor  
13 the point any further. I would encourage all of  
14 my colleagues to vote against -- respectfully  
15 vote against your amendment and vote in favor of  
16 what I'm saying right now. Thank you. In favor  
17 of the amendment.

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: You had  
20 an outstanding rap earlier this evening, too,  
21 Senator Bailey.

22 SENATOR BAILEY: It's budget time,  
23 Mr. President.

24 (Laughter.)

25 ACTING PRESIDENT GRIFFO: Will

1 Smith would be proud.

2 The question before the house is on  
3 the procedures of the house and the ruling of the  
4 chair.

5 All those in favor of overruling --  
6 SENATOR GIANARIS: Show of hands,  
7 please.

8 ACTING PRESIDENT GRIFFO: -- the  
9 ruling of the chair say aye.

10 SENATOR GIANARIS: Show of hands.

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

13 THE SECRETARY: Ayes, 28.

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

16 Senator Gianaris.

17 SENATOR GIANARIS: Mr. President, I  
18 believe there is another amendment at the desk.  
19 I ask that the reading be waived and that  
20 Senator Kavanagh be heard.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Gianaris, the amendment before the desk has been  
23 reviewed and, in accordance with Article VII,  
24 Section 4B, is ruled nongermane and out of order.

25 SENATOR GIANARIS: I appeal from

1 your decision, Mr. Chair, and I ask that Senator  
2 Kavanagh be heard on the appeal.

3 ACTING PRESIDENT GRIFFO: The  
4 appeal is so noted.

5 And Senator Kavanagh, you may be  
6 heard.

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

9 We're about to debate the Public  
10 Protection and General Government bill, and  
11 frankly nothing gets more general government than  
12 the most basic questions about how we run our  
13 elections and how we run our campaigns.

14 The truth is that there are many,  
15 many ways we need to update our electoral  
16 process. My colleague Senator Bailey has already  
17 spoken very eloquently about some of them, and I  
18 won't take time eulogizing the amendment that the  
19 Majority of this house just saw fit to avoid  
20 considering on the merits here.

21 But over the last few months, we've  
22 really seen a groundswell of support throughout  
23 New York State for the notion that we need to let  
24 New Yorkers vote in fair and open elections. And  
25 Senator Bailey has already spoken about the ways

1 we need to modernize the election administration  
2 itself. Early voting has been a central piece of  
3 that campaign around the state, and I applaud him  
4 for bringing that amendment forward.

5           However, there's another really  
6 basic aspect of our elections that is long  
7 overdue for us to address and ought to be  
8 addressed in this bill, and that is the manner in  
9 which our campaigns are financed. And I know I  
10 have a colleague who was a predecessor here who  
11 spoke a number of times on this measure -- and I  
12 spoke about it in the other house on a number of  
13 occasions, and that house had passed it -- and  
14 that is the closing of the LLC loophole. And  
15 this amendment would address that by closing the  
16 loophole.

17           It's very hard to understand -- with  
18 all great respect for the chair, it's very hard  
19 to understand how this amendment would not be  
20 germane to this bill. This is the bill in which  
21 we have the opportunity to make changes to our  
22 campaign finance system. This is a bill in which  
23 the Governor has put language on this issue  
24 before. And it is in a context in which we are  
25 passing a budget of nearly \$170 billion.

1           It is extraordinarily important that  
2     we take steps tonight, as part of the process of  
3     passing this budget, to restore people's faith  
4     that we are all here just for the interests of  
5     our voters and our constituents and not for some  
6     of the monied interests that have far too many  
7     ways to pour campaign cash in, in almost  
8     unlimited ways, and largely anonymously. The LLC  
9     loophole is the best example of that,  
10    Mr. President.

11           The LLC loophole, as many of you  
12    know, my colleagues, allows people to create LLCs  
13    and have those LLCs be treated as if they were  
14    totally separate contributors, not subject to the  
15    normal limits that apply to contributors. They  
16    are not subject to -- if I create an LLC, they  
17    are not subject to the limits that apply to me,  
18    they are not subject to some of the disclosure  
19    requirements. It's often very difficult to  
20    determine who controls an LLC. And more than  
21    that, they're not subject to the limitations that  
22    apply to corporations.

23           And we had some scandals in this  
24    chamber and the other chamber that rocked Albany  
25    to its core a few years ago where the leaders of

1 both houses of the Legislature left after some  
2 very serious charges were leveled against them.  
3 And in both of those scandals, there was an  
4 entity that was responsible for abusing the LLC  
5 loophole in such a way they were able to  
6 contribute millions and million of dollars in  
7 that election cycle through 50 separate entities  
8 controlled by basically a handful of people.

9           That situation left many in New York  
10 wondering whether this legislative body and the  
11 other legislative body on the other side of this  
12 house were really willing to take seriously the  
13 question of why we have campaign finance systems  
14 and why we have reporting mechanisms if we have  
15 allowed that level of anonymity and that level of  
16 money to flow from a single entity.

17           This is problematic because it  
18 allows a certain business entity structured in a  
19 certain way to fill the system with cash in a way  
20 that other contributors don't allow. It drowns  
21 out the voices of individual voters who are not  
22 able to marshal enormous amounts of money for our  
23 elections. And again, the anonymity creates a  
24 system where no one even knows until long after  
25 the fact who is contributing to our elections.

1           It flies in the face of common sense  
2   that we would not address this. The other house,  
3   very shortly after that scandal, addressed this  
4   situation promptly under a new speaker by passing  
5   a law that is very similar to the one we're doing  
6   today. The Assembly once again has put this in  
7   their one-house budget. The Governor has  
8   proposed this repeatedly as part of the Executive  
9   Budget. And yet this house again and again has  
10  refused to take it up.

11           Mr. President and my colleagues,  
12  let's put this on the floor for a debate now and  
13  let's get it passed as part of this budget.

14           ACTING PRESIDENT GRIFFO: The  
15  question before the house is on the procedures of  
16  the house and the ruling of the chair.

17           All those in favor of overruling the  
18  ruling of the chair signify by saying aye.

19           SENATOR GIANARIS: Show of hands,  
20  please.

21           ACTING PRESIDENT GRIFFO: A show of  
22  hands has been requested and so ordered.

23           THE SECRETARY: Ayes, 28.

24           ACTING PRESIDENT GRIFFO: The  
25  ruling of the chair stands.



1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: It is now  
3 11:59. Mr. President, pursuant to Rule 6,  
4 Section 2, I move that we remain in session to  
5 complete action on the measures that preceded  
6 12:00 midnight this evening, and to continue  
7 discussion on any measures that may come before  
8 the Senate or for which a message of necessity  
9 will be or has been received by the Governor.

10 ACTING PRESIDENT GRIFFO: Without  
11 objection, in accordance with Rule 6, Section 2,  
12 the Senate will remain in session.

13 Senator Gianaris.

14 SENATOR GIANARIS: Good morning,  
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: Good  
17 morning.

18 SENATOR GIANARIS: In a minute, it  
19 will be the morning.

20 There is yet another amendment at  
21 the desk, Mr. President. I ask that the reading  
22 of the amendment be waived and that Senator  
23 Persaud be heard on the amendment.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Gianaris, we have reviewed the amendment that is

1 before the desk and, in accordance with  
2 Article VII, Section 4B, rule it nongermane and  
3 out of order.

4 SENATOR GIANARIS: I would like to  
5 appeal from your decision and ask that Senator  
6 Persaud be heard on the appeal.

7 ACTING PRESIDENT GRIFFO: The  
8 appeal is so noted.

9 And Senator Persaud, you may be  
10 heard.

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

13 Good morning, everyone.

14 MULTIPLE SENATORS: Good morning.

15 SENATOR PERSAUD: Why are we  
16 talking about gun violence again in this budget?  
17 Here we are, we're voting on a budget bill that  
18 in my opinion is incomplete. Why is it  
19 incomplete? It's incomplete because we're not  
20 listening to the people of the great State of  
21 New York when they tell us that we need gun  
22 control in New York, when they tell us that the  
23 time is now to act.

24 I know many of my colleagues will  
25 say to me, Well, we don't need to control the

1 usage of guns. Well, I will tell you that we do.  
2 And many people across this great state will  
3 continue to tell you this.

4 The Senate Democratic Conference has  
5 five bills that we have put forward on gun  
6 control, five bills that we think are extremely  
7 important in New York State. I urge my  
8 colleagues to look at these five bills.

9 We're looking at a budget where  
10 we're talking about legislation to prevent police  
11 officers from raping detainees, we're protecting  
12 victims of sexual coercion, we're talking about a  
13 lot of things. But we're really not acting on  
14 the issues that are really, really important to  
15 New York State.

16 Senator Hoylman has a bill that bans  
17 bump stocks. We hear that often, and my  
18 colleagues will say, Why are we talking about  
19 this in New York? Because what happens with the  
20 use of bump stocks affects us here in New York.  
21 We are trying to prevent what happened in  
22 Las Vegas from happening in New York. That's why  
23 we're talking about it. That's why we're  
24 encouraging our colleagues to look at that bill,  
25 pass that legislation. Let New York be in the

1     forefront. Don't let what happened in Las Vegas  
2     happen in New York.

3                 Then Senator Kavanagh has a bill,  
4     it's the ERPO bill, where we're talking about  
5     keeping guns out of the hands of people who pose  
6     a threat to themselves and to others. Why is  
7     that important? Last week in my district someone  
8     who should not have had a weapon, someone who  
9     fell into this category, killed three family  
10    members and himself.

11                Three family members, think of it.  
12    Included in that group of people, those four  
13    people who were killed, was a one-year-old girl,  
14    a little baby, who was shot in the head. Think  
15    of this. Picture this. You see a one-year-old  
16    baby shot in the head because this person who had  
17    a weapon should not have had it. There were all  
18    the signs there. People knew he had emotional  
19    problems. But no one talked about taking the  
20    weapon away.

21                Last Friday I went to that funeral.  
22    There were three bodies laid out, three bodies.  
23    Friday morning, there were three bodies; Friday  
24    afternoon, the one-year-old baby. That should  
25    never happen. That should never happen in the

1 State of New York.

2 Then Senator Gianaris has a bill.

3 It's a bill that will ensure the gun control  
4 measures that we've already taken are taken in a  
5 timely and accurate manner.

6 These are the things that we should  
7 continue to look at. Background checks are  
8 important. Why are background checks important?  
9 Many of you, if you have to be certified for  
10 something, you have to wait for background checks  
11 to be done. And if in the background check  
12 doesn't come back in a timely manner, you're not  
13 granted that position, you're not granted that  
14 certification.

15 It should be the same way if you're  
16 applying for a gun license. If the background  
17 check is taking longer than it should, that  
18 should raise a red flag that something is not  
19 right. It may be that it comes back and it's  
20 fine, but we should be waiting that time. We  
21 shouldn't say: Oh, well, the time is up, let it  
22 go through. If it goes through, we'll have  
23 somebody who should not have had a weapon killing  
24 four family members.

25 Senator Kaminsky has the bill to

1 ensure that teachers are able to teach and not  
2 have weapons in the classroom. We've heard the  
3 talk over the past few weeks that we should arm  
4 teachers. But we've also seen in some places, in  
5 three instances already, where teachers who were  
6 armed in the classroom accidentally fired those  
7 weapons because they panicked.

8                   A teacher should be in a classroom  
9 to teach. We talk about education. Here,  
10 tonight, we're going to be talking about  
11 increasing funding for education because we want  
12 our kids to be in schools where they're being  
13 taught academics, not where the teacher has to  
14 worry about is my gun secure and should I be here  
15 to protect someone if somebody walks in the  
16 classroom. They should be there to teach the  
17 children. That's what we're here for.

18                   And then finally, gun violence  
19 research. I have legislation out there. My  
20 colleagues, you've not put it forward. Why? Why  
21 shouldn't we learn about the underlying issues of  
22 gun violence in our communities?

23                   Maybe in some of your communities  
24 you don't have the issue of gun violence because  
25 your kids are always around guns and they are

1 accustomed to it and you don't think there's  
2 anything wrong with it.

3 But in some of the communities we  
4 represent, gun violence is a problem, and we have  
5 to find out why. What are the underlying causes  
6 of people thinking it is okay to pick up a gun  
7 and create havoc in a community?

8 So my colleagues, as we're talking  
9 about this budget bill this evening, think of it,  
10 the importance of legislation on gun violence.  
11 If you want to see four people in your community  
12 killed by someone who is emotionally disturbed  
13 because you don't think ERPOs should be  
14 legislated, or you don't think we should wait a  
15 couple of additional days for a background check,  
16 then that's on you. But gun violence is  
17 something that we must take seriously in this  
18 great State of New York.

19 Thank you all very much.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Kavanagh.

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

24 I have risen to speak on this issue  
25 a few times in the last few weeks, and I don't

1 want to add on too much to the very eloquent  
2 words of my colleague Senator Persaud.

3 But again, we have some of the  
4 strongest gun laws in the country. And as a  
5 result of that and as a result of some very good  
6 police work throughout our state and as a result  
7 of very good community intervention programs that  
8 this house and the other house and the Governor  
9 and the City of New York and many others have  
10 seen to fit to fund, we have some of the lowest  
11 rates of gun death and we have made a lot of  
12 progress.

13 Notwithstanding that, we still have  
14 900 New Yorkers on average killed by guns every  
15 year, and many, many more who are seriously  
16 injured. And as much as we can take pride in our  
17 progress relative to other states and we can look  
18 to the federal government who might be able to do  
19 some additional things, we still have a lot of  
20 work to do.

21 The rate of gun death in New York  
22 State is about four times the rate in wealthy  
23 kind of stable democracies in this world. It is  
24 little comfort to New Yorkers that the rate for  
25 the entire United States is 11 times that



1 international rate. Four times more than you see  
2 in other countries is far too many. And 900  
3 deaths is too many.

4 About half of those deaths,  
5 Mr. President, are suicides. And yet we have  
6 taken few steps to address emerging awareness of  
7 how significant access to guns is in terms of the  
8 likelihood that somebody is going to succeed in  
9 committing suicide.

10 And Mr. President, this budget  
11 notwithstanding, an agreement just a few weeks  
12 ago by each of the three parties to this, that  
13 gun violence ought to be addressed -- the  
14 majority of this house had a proposal, the  
15 majority of the other house had a proposal, and  
16 the Governor has a proposal, and yet this budget  
17 has really scant material on anything that's  
18 going to matter in our fight against gun  
19 violence.

20 I want to talk particularly about  
21 the extreme risk protection order bill. We've  
22 discussed it in this house before. But this is a  
23 bill that will allow law enforcement or family  
24 members or household members to go to a judge,  
25 present evidence that someone is likely to harm

1 themselves or others, and have an order issued  
2 that temporarily suspends that person's access to  
3 a firearm.

4           There are extraordinary protections,  
5 due process. This is a bill that takes the  
6 Second Amendment and the due process rights of  
7 the respondent to that order very seriously. The  
8 respondent has a prompt right to a hearing to  
9 contest the order within three to six business  
10 days. That's extraordinarily fast for our  
11 judicial system. And yet this house is turning  
12 our backs on so many people who have called for  
13 us to take steps forward to address our gun  
14 violence.

15           Specifically, my colleague mentioned  
16 a few of them. We had nearly a million people in  
17 this country stand up a few weeks ago and March  
18 for our Lives. That's what they called the  
19 protests, and it is indeed an accurate reflection  
20 of what that was about. Nearly 200,000  
21 New Yorkers saw fit to march for that a few weeks  
22 ago.

23           But it's not just those New Yorkers  
24 we're turning our backs on. This bill has been  
25 called for specifically by -- many, many parties

1 in the state have called for us to enact this in  
2 the State Budget. The New York Post  
3 editorialized this week saying this is a bill  
4 that this house and the other house and the  
5 Governor should agree on and sign into law in  
6 this budget.

7 It's been endorsed by organizations  
8 that do the gun violence work around the country  
9 and in New York State, including New Yorkers  
10 Against Gun Violence, Giffords Courage to Fight  
11 Gun Violence, Everytown, Moms Demand Action, the  
12 Brady Campaign, Citizens Crime Commission of  
13 New York, the Coalition to Stop Gun Violence, and  
14 Prosecutors Against Gun Violence.

15 But that might not be surprising to  
16 people in this house, because those are  
17 organizations that have consistently supported  
18 gun violence prevention measures like this.

19 But they have been joined now by the  
20 people in this state whose job it is to protect  
21 people from this kind of gun violence. We  
22 have the District Attorneys of the Bronx and  
23 Brooklyn and Manhattan and Staten Island and  
24 Queens and Suffolk County and Westchester County  
25 who have all called for this measure to be

1 included in this budget tonight. We have the  
2 Nassau Police Commissioner who has called on us  
3 to include this measure in the budget tonight.  
4 We have our healthcare workers, 1199 and the  
5 nurses, we have the Greater New York Hospital  
6 Association, and they have called for this  
7 measure to be included in this budget tonight.

8           The mental health community. We had  
9 a debate on this floor just the other day about  
10 some very important provisions to extend our  
11 ability to get people mental health treatment  
12 when they need it, even if we need to go to a  
13 court for an order. But Mr. President, there is  
14 very little in that existing law called Kendra's  
15 Law. We voted for that extension overwhelmingly  
16 in this house. There is very little in that law  
17 that will deal with a situation where someone is  
18 likely to harm themselves or others and to  
19 address that situation promptly by getting the  
20 gun out of that person's hands until the  
21 evaluation can be done.

22           We have the National Alliance for  
23 Mental Health's New York State Chapter calling  
24 for us to do this tonight. We have the Mental  
25 Health Association of New York State, the Mental

1 Health Association of New York City, the Mental  
2 Health Association of Orange County, Mental  
3 Health America of Dutchess County. And they  
4 again have all urged us to include this provision  
5 in this budget tonight.

6 And yet, Mr. President,  
7 notwithstanding the continuing scourge of gun  
8 violence around this country, notwithstanding far  
9 too many preventable gun deaths in this state, we  
10 are turning our backs on this measure tonight.  
11 And I again urge my colleagues to vote for this,  
12 which is a very germane measure in the context of  
13 a public protection budget bill, and let's get  
14 this included in the budget tonight.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: The  
17 question before the house is on the procedures of  
18 the house and the ruling of the chair.

19 All those in favor of overruling the  
20 ruling of the chair say aye.

21 SENATOR GIANARIS: Show of hands,  
22 please, Mr. President.

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

25 THE SECRETARY: Ayes, 28.

1                   ACTING PRESIDENT GRIFFO:    The  
2   ruling of the chair stands.

3                   The bill-in-chief is before the  
4   house.

5                   Senator Parker.

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

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

10                  SENATOR PARKER:    As we begin the --  
11   I guess the beginning of the end of this budget  
12   process, you know, we should all be reminded  
13   about what budgets are about.

14                  And first let me thank everybody in  
15   both houses of the Legislature and the Governor,  
16   but most particularly the staff, for all the  
17   important work they've done on this budget.   We  
18   in the State of New York have the third-largest  
19   budget in the country after the federal  
20   government and the State of California.

21                  And, you know, I really believe this  
22   is the most important thing that we do.   Right?  
23   And not because budgets are -- and our budget is  
24   so big in the amount of money in it, but that  
25   budgets ultimately, Mr. President, are about

1 values. It's about what do we think is important  
2 here, and what we think is important in the  
3 state.

4 And so they say if you want to know  
5 what people really value, see what they put their  
6 money towards. And I think that coming from the  
7 Empire State and growing up here my entire life,  
8 having an opportunity to serve in the State  
9 Legislature here around such accomplished people,  
10 I've gotten an appreciation for what the process  
11 is and what we've been doing here. And I think  
12 that's why I'm so terribly disappointed this  
13 particular year about what we've decided our  
14 values are here in the State of New York.

15 And in this particular bill that  
16 we're discussing and debating tonight -- or this  
17 morning -- you know, it really deals a lot with  
18 our criminal justice system. And one of the  
19 biggest problems that we've had since I've gotten  
20 here is that we continue to fund the upstate  
21 economy through the prison industrial complex.  
22 And I really think that that's the wrong way to  
23 do it. I think that it's not long-term good for  
24 our state. I don't think it's even long-term  
25 good for the counties in which they believe that

1     this is how they should operate.

2                   And then on top of that, we began a  
3     process of some reforms last year with Raise the  
4     Age in which we went through the painstaking  
5     process of, you know, changing that system and  
6     moving the ball down. We were hoping this year  
7     that we would see some smarter, some safer, some  
8     fairer criminal justice proposals that were  
9     discussed in the Governor's Executive Budget that  
10    have not made this final version that sits before  
11    us today.

12                   And so our failure today has been a  
13    failure not just of policy but a failure of  
14    conscience. We've decided that Kalief Browder's  
15    life, you know, meant nothing. We've decided  
16    that the people who have sat in jails around the  
17    State of New York without what they're  
18    constitutionally guaranteed -- which is a speedy  
19    trial -- we've decided that we don't care about  
20    them.

21                   By putting this bill in front of us  
22    today, we've decided that all those folks sitting  
23    in jail because they didn't have a couple of  
24    hundred dollars for bail, we've decided that  
25    their lives don't matter. That right now we've



1 decided that it's okay for us to fail the people  
2 of the State of New York by not bringing forward  
3 criminal justice reforms that frankly are  
4 commonsense and, if nothing else, certainly  
5 fairer and certainly more just than what we  
6 currently have on the books.

7                   And so I stand here, Mr. President,  
8 very disappointed at this proposal. That within  
9 the context of this public protection budget, we  
10 fail to deal with the issues of smart discovery  
11 in the state, which certainly would have opened  
12 up the process and made it not just commonsense  
13 and fairer, but would have speeded up the process  
14 of trials in the state.

15                   We decided that we were going to  
16 fail the people of the State of New York by not  
17 doing something around speedy trials directly.  
18 We decided that we were going to fail the people  
19 of the State of New York by not doing bail  
20 reform.

21                   And we continue to -- we continue  
22 just, I guess, just not to care. Like I just  
23 don't even understand how this stuff makes it  
24 into the Executive Budget and we don't even have  
25 a valid discussion about these issues, let

1 alone -- you know, I'm not asking for anything,  
2 you know, we're supposed to do like, you know,  
3 public hearings or anything like that, or reports  
4 on the issues. I'm just saying, you know, we  
5 haven't even had a robust discussion about this  
6 amongst ourselves.

7                   And so these failures to include  
8 bail reform and reduced pretrial detention ensure  
9 that race and wealth will continue to be the  
10 factors that dictate people's ability to navigate  
11 the criminal justice system, as opposed to the  
12 Constitution. Right? Because we're not even  
13 talking about people who have been convicted yet.  
14 Right? Right? Right. We're not even talking  
15 about people having been convicted. We're  
16 talking about people who have been accused of a  
17 crime and literally the second part of their  
18 crime was they were too poor or too unconnected  
19 to be able to make it out of a jail in order to  
20 come back to have their day in court.

21                   And so we've decided that we're  
22 going to in some cases keep them in unlawful  
23 confinement for years. For years. In the case  
24 of Kalief Browder, he spent three years in a jail  
25 and even had he, on the day that he got arrested,

1     been convicted, he would have spent less time in  
2     jail for his sentence had he been convicted, had  
3     he been found guilty, than he did on pretrial.

4                 We can do better. We must do  
5     better. But unfortunately, this part of the  
6     budget doesn't do better.

7                 As you've heard from the various  
8     amendments that were offered up to this budget,  
9     we also failed to do anything significant around  
10    the issue of gun violence. We've done a lot and  
11    we've gone a long way. Because of the work of  
12    the people in this chamber and the leadership of  
13    the Governor, we are one of the safest states in  
14    the country as relates to gun violence. But we  
15    again can do better. And we need to do better.

16                The proposals that you heard being  
17    put forward by Senator Persaud and Senator  
18    Kavanagh needed to be considered for this budget  
19    and should have part of this conversation. We  
20    really need to do a lot better around making sure  
21    that people who show signs of mental illness  
22    don't have access to guns. And we could have  
23    done that in this budget. And we could have done  
24    that without any significant, you know,  
25    violations or encroachment on the Second

1 Amendment.

2 I don't see why it would have hurt  
3 to make a bump stock illegal to own. It's a  
4 simple loophole. We should have just done that.  
5 That should have been common sense, and it should  
6 have been done. But again, we failed the people  
7 of the State of New York. We failed the children  
8 of the State of New York by not saying it's okay  
9 to make you safer than you were yesterday.

10 And so we're going to go through  
11 this budget process and probably through the rest  
12 of the session, if things remain ceteris parabus  
13 without doing anything significant to make our  
14 streets safer, our schools safer, our communities  
15 safer.

16 And of course we have not done  
17 anything significant around voting rights. And,  
18 you know, this is really -- again, for the Empire  
19 State, you know, we have an archaic voting system  
20 here. And it is a system that is based on  
21 antiquated schedules, on harvest schedules.  
22 Which, you know, are important in some context,  
23 but we have technology that makes those schedules  
24 not important in the context of our voting system  
25 anymore.

1           You know, why the only time that we  
2     can vote are these very narrow times, the fact  
3     that we don't have early voting in this state is  
4     a travesty. It's a travesty. I mean, this is a  
5     state -- you know, it's supposed to be the Empire  
6     State. We should be giving our citizens every  
7     advantage. And what do we decide to do is we  
8     decided that we're going to once again fail them  
9     by not giving them the democracy that they not  
10    just need and deserve, but the democracy they've  
11    asked for.

12           It would be different if people had  
13    not been lining these halls demanding these  
14    proposals. But every day they come, they do what  
15    we've told them to do, participate in the  
16    process. They've come to see us, they've  
17    explained their positions, they've provided  
18    background materials. And we've decided that we  
19    don't care about them. And we don't care about  
20    providing a real democracy.

21           We can do better. And that's the  
22    sad part. And we should do better.

23           And so, Mr. President, I  
24    unfortunately am going to vote no on this. I  
25    think that, you know, a balanced and on-time

1 budget is the duty of this body, but when we have  
2 ignored the policy concerns of the people of this  
3 state, I certainly can't stand by and continue to  
4 turn a blind eye to what the people of the State  
5 of New York have asked me to do and asked us to  
6 do.

7                   And so I know that we can do better,  
8 I'm hoping that we do better in other chapters of  
9 this legislation. But on this section, I vote  
10 no.

11                   ACTING PRESIDENT GRIFFO:    Senator  
12 Rivera.

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

15                   As some folks know, I'm also a  
16 political science professor. I've been teaching  
17 political science since 1999. And one of the  
18 things that I talk about when I'm in whatever  
19 class that I'm teaching, there's one part of it  
20 that deals with process.

21                   Now, if you talk to some of our  
22 colleagues in the media, they'll tell you that  
23 process isn't sexy. I've heard that quote many,  
24 many times. As a matter of fact, many political  
25 consultants will tell you the same thing: To

1 talk about process, it's just not sexy. Not  
2 something that we should really linger on.

3 But I want to linger on it for a few  
4 minutes, because it is about 12:25. For the  
5 seven folks that are watching: Hello, how are  
6 you? Good morning in America, and good morning  
7 in New York.

8 This is a time that -- we've done  
9 this before. We've been here before on other  
10 times, very late, talking about issues that  
11 should take us so much longer to discuss. Things  
12 that should be done in the middle of the day,  
13 perhaps having a hearing or two to talk about  
14 some of these issues, and we do not do that. Or  
15 to take, as many of my colleagues have pointed  
16 out -- and I will briefly talk about them in a  
17 second -- issues that New Yorkers want for us to  
18 get done. Issues that people think are essential  
19 for New Yorkers to get done. And there was this  
20 whole conversation for the last couple of months  
21 saying we're going to get it done in the budget,  
22 even just a few days ago, and yet they are not  
23 here.

24 So process is important to talk  
25 about. We should not be doing this at this time

1 of night. We should not be not including a very  
2 important part of this body. We have our leader  
3 sitting over there who represents the rest of us  
4 in the Democratic Conference, and we in turn  
5 represent about 7 million people who were not in  
6 that room.

7                   And therefore, when we're talking  
8 about the Child Victims Act, voting reform,  
9 criminal justice reform, gun reform, et cetera,  
10 these are all things that we would have fought  
11 for because we know New Yorkers want them. And  
12 yet they're not here.

13                   Funny enough, it was our staff that  
14 told us that usually these bills are hundreds of  
15 pages long. And yet we're debating a bill that's  
16 25 pages and another one that's 30. That should  
17 tell you a little bit about what is not in it  
18 that should be in it.

19                   The Child Victims Act, as my  
20 colleague Brad Hoylman talked about at length, we  
21 should be defending children all across the  
22 state. We should be giving victims who were  
23 attacked as children, who were victimized as  
24 children, the ability to hold their accusers  
25 accountable. We're not doing that.



1           Voting reform. Whether it is early  
2     voting, modernizing the process or closing the  
3     LLC loophole, these are all things that we need,  
4     both to make sure that people can participate  
5     more in government and so that we don't have, as  
6     some of my colleagues talked about them, the  
7     money monster trying to influence the process.  
8     We did not get that done.

9           Criminal justice reform. Whether it  
10    was what my colleague Senator Parker talked about  
11    at length -- whether it's bail reform, speedy  
12    trial, discovery reform -- there was even a  
13    reform related to charitable bail, which is a  
14    bill that I proudly passed in this body back in  
15    2011 that would have changed a little bit of the  
16    charitable bail parameters. We're not doing that  
17    either.

18           Last but certainly not least, gun  
19    reform. We have to be reminded one more time  
20    about all the horrors that are happening across  
21    the country and some of the things that we can  
22    do. Because as my colleagues have pointed out --  
23    Senator Kavanaugh certainly did -- about how we  
24    have some of the most restrictive gun laws in any  
25    state in the country, but we still don't have

1 extreme risk protection orders. We still have  
2 not outlawed bump stocks. We're still having a  
3 conversation about arming teachers. These are  
4 all things that are not in here. And were we in  
5 the room, they would be.

6           So as my -- I will conclude by  
7 saying the following. My colleague Senator  
8 Parker began his presentation talking about how  
9 values -- how the values that we hold dear shape  
10 what we do in government and shape what we defend  
11 in this document. So if we are to say that a  
12 bill that was incorrectly identified by one of my  
13 colleagues, but I know why he did it -- he said  
14 "public protection and good government." Senator  
15 Hoylman misspoke. But when he misspoke, it's  
16 because that's what he thinks we should have.  
17 And sadly, we do not.

18           So the bill that we have before us,  
19 Mr. President, does not do any of these things  
20 that we talked about. It needs to do these  
21 things. The values that we hold important in the  
22 State of New York, that certainly every single  
23 person in my Democratic conference would have  
24 been fighting for in that room, and would have  
25 been able to get done, didn't get done because we

1       were not there.

2                       And ultimately we are being asked to  
3       vote on the budget that is in front of us, the  
4       bill that is in front of us. As I've pointed  
5       out, as many of my colleagues have pointed out,  
6       it lacks so much. It does nothing to move  
7       forward the state, which is unfortunate, sad and  
8       tragic. Mr. President, I'll be voting in the  
9       negative.

10                      Thank you, Mr. President.

11                      ACTING PRESIDENT GRIFFO:     Senator  
12       Kaminsky.

13                      SENATOR KAMINSKY:     Will the sponsor  
14       yield for a few?

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

17                      SENATOR YOUNG:     Yes.

18                      ACTING PRESIDENT GRIFFO:     The  
19       Senator yields.

20                      SENATOR KAMINSKY:     Through you,  
21       Mr. President. Does the sponsor remember several  
22       days ago, when we were debating the one-house  
23       bill, you talked about how some of the gun safety  
24       measures would be in the budget discussions and  
25       wouldn't be brought up at that time?

1                   SENATOR YOUNG:    Through you,  
2   Mr. President, this budget is focused on fiscal  
3   issues.  And I'd like to remind the Senator that  
4   we started out with a \$4.4 billion deficit that  
5   had to be cured, had to be solved.  The Governor  
6   unfortunately inserted too many policy proposals  
7   in his budget proposal, and we are focused on  
8   fiscal issues.

9                   And I want to let the members know  
10  the end product that we are passing has done so  
11  many great things.  It has solved the budget  
12  deficit without raising taxes.  As you may  
13  recall, there was a billion dollars of tax hikes  
14  included in the Governor's original proposal.  
15  The people of New York State are already taxed  
16  too much.  We were able to solve that.  We were  
17  able to increase education aid, state education  
18  aid, by \$1 billion, we were able to fund vital  
19  health plans, able to restore critical programs  
20  like agriculture, cancer services, provide  
21  capital, provide infrastructure.

22                   So yes, we are focused on fiscal  
23  issues in the budget, and that's what's  
24  appropriate.

25                   SENATOR KAMINSKY:   Will the sponsor

1 continue to yield?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The  
4 sponsor yields.

5 SENATOR KAMINSKY: Through you,  
6 Mr. President. But the Senator is surely aware  
7 that there are non-fiscal-policy issues in the  
8 budget, and the extreme risk protection order is  
9 not one of them; correct?

10 SENATOR YOUNG: Through you,  
11 Mr. President, I will answer questions about  
12 items that are in the budget.

13 SENATOR KAMINSKY: Will the sponsor  
14 continue to yield?

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields on condition.

18 SENATOR KAMINSKY: So when we stood  
19 here a week ago we were told we can't discuss  
20 something because it will be discussed later in  
21 the further budget discussions. And my question  
22 is, why is the extreme risk protection order not  
23 contained in this budget?

24 SENATOR YOUNG: Through you,  
25 Mr. President, it's not a fiscal issue. We

1 have between the time that we pass the budget  
2 until the end of session in June to talk about  
3 policy initiatives.

4 Now is the time to pass a budget.  
5 The people of New York State depend on us getting  
6 a budget done on time. That's what this body is  
7 doing right now. So I believe very strongly that  
8 during the state budget we should focus on budget  
9 issues.

10 SENATOR KAMINSKY: Will the sponsor  
11 continue to yield?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: The  
14 sponsor yields.

15 SENATOR KAMINSKY: But the sponsor  
16 does agree there are many items right in these  
17 bills in front of us that are non-fiscal-policy  
18 issues that made it into the budget; correct?

19 SENATOR YOUNG: Through you,  
20 Mr. President, the state budget is focused on  
21 fiscal issues.

22 SENATOR KAMINSKY: Will the sponsor  
23 continue to yield?

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KAMINSKY: Well, whether  
3 it's focused or not focused, there are definitely  
4 items in here, such as not having -- police  
5 officers not having sexual intercourse with  
6 someone they're watching -- that has no fiscal  
7 impact -- that are right in front of us that made  
8 its way into the budget; correct?

9 SENATOR YOUNG: Through you,  
10 Mr. President, that is not a question.

11 SENATOR KAMINSKY: That was a  
12 question.

13 Can I -- can I rephrase the  
14 question?

15 ACTING PRESIDENT GRIFFO: Are you  
16 asking the Senator to yield?

17 SENATOR KAMINSKY: Yes.

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

20 SENATOR YOUNG: Yes.

21 ACTING PRESIDENT GRIFFO: The  
22 Senator yields.

23 SENATOR KAMINSKY: Do you agree  
24 that the item in front of us about custodial  
25 intercourse -- that is now illegal in the

1 budget -- is a non-fiscal item that made its way  
2 in the budget just like the extreme risk  
3 protection order could have?

4               SENATOR YOUNG: Through you,  
5 Mr. President, there are some issues that were  
6 left over in the budget, but a lot of them were  
7 taken out because some of the major issues need  
8 thought put into them. And as I said, there's  
9 plenty of time between now and the end of the  
10 session to focus on those non-related budget  
11 issues.

12              Right now we have the duty and the  
13 responsibility as Senate members to pass a  
14 fiscally responsible, accountable budget. This  
15 is what we're doing right now. And that's where  
16 we should stay focused, Mr. President.

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

19              SENATOR YOUNG: Yes.

20              ACTING PRESIDENT GRIFFO: The  
21 sponsor yields.

22              SENATOR KAMINSKY: Is it your  
23 position that the extreme risk protection order  
24 is something that you're prepared -- that the  
25 conference is prepared to vote on in the next few



1 weeks or in the rest of session?

2 SENATOR YOUNG: Mr. President, I am  
3 talking about issues that are related to the  
4 budget that are included in the budget that we  
5 are passing right now, and that is all that I  
6 will discuss.

7 SENATOR KAMINSKY: Will the sponsor  
8 continue to yield?

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The  
11 sponsor yields.

12 SENATOR KAMINSKY: Why was early  
13 voting removed from the budget?

14 SENATOR YOUNG: Through you,  
15 Mr. President, that is not even part of the bill  
16 before us.

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

19 SENATOR YOUNG: Yes.

20 ACTING PRESIDENT GRIFFO: The  
21 sponsor yields.

22 SENATOR KAMINSKY: That is my  
23 point. Why is it not in the bill before us?

24 SENATOR YOUNG: Through you,  
25 Mr. President. This is a three-way agreed-upon

1 budget between the Senate, the Assembly, and the  
2 Governor. So if you have questions, maybe you  
3 should direct some of those questions about some  
4 things -- why some things weren't included to  
5 them also.

6 But I am going to discuss the  
7 document before us, the financial plan for this  
8 coming year for the State of New York, and that's  
9 the appropriate thing to do.

10 SENATOR KAMINSKY: Will the sponsor  
11 continue to yield?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: The  
14 sponsor yields.

15 SENATOR KAMINSKY: Are there any  
16 measures in the budget before us that will make  
17 the children in our schools safer in light of the  
18 rash of gun violence we've seen in our schools?

19 SENATOR YOUNG: Through you,  
20 Mr. President, we passed an entire package of  
21 school safety legislation previously in this  
22 house. Several of our members worked very hard  
23 to put that together. And we have received  
24 accolades across the state. I am getting  
25 thank-yous every single day about the school

1 safety package that we already passed in the  
2 Senate.

3 Yes, I would love to have some of  
4 those issues, especially because it costs money  
5 for some of those issues, to be included in the  
6 budget. Unfortunately, we could not get  
7 agreement from the other entities that are  
8 involved in negotiations to get it done. I wish  
9 it were in here.

10 SENATOR KAMINSKY: Will the sponsor  
11 continue to yield?

12 SENATOR YOUNG: Yes.

13 ACTING PRESIDENT GRIFFO: The  
14 sponsor yields.

15 SENATOR KAMINSKY: Is there  
16 anything in the budget before us that pertains to  
17 ethics reform in light of the rash of the  
18 indictments and convictions of legislators from  
19 both parties we've seen recently?

20 SENATOR YOUNG: Through you,  
21 Mr. President. As I said, we are focused on  
22 fiscal financial issues related to the New York  
23 State budget. That is before us. And as I said,  
24 we have plenty of time before the end of session  
25 to discuss other matters.

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

3                   SENATOR YOUNG:    Yes.

4                   ACTING PRESIDENT GRIFFO:   The  
5     sponsor yields.

6                   SENATOR KAMINSKY:   Is it the  
7     position of the Senate that it's not problematic  
8     that like 15 people that were elected with us  
9     have gone to jail for corruption?

10                  SENATOR YOUNG:    Through you,  
11    Mr. President. I believe that that question is  
12    inappropriate and not related to the budget.

13                  SENATOR KAMINSKY:   Will the sponsor  
14    continue to yield?

15                  SENATOR YOUNG:    If they are related  
16    to the budget, I will answer the question. If  
17    not, no.

18                  ACTING PRESIDENT GRIFFO:   Senator  
19    Kaminsky, will you keep the questions confined to  
20    the document before you?

21                  SENATOR KAMINSKY:   Sure.

22                  Will the sponsor continue to yield  
23    for one additional question?

24                  SENATOR YOUNG:    If it's related to  
25    the budget.

1                   SENATOR KAMINSKY:    Yes,  
2   Mr. President.  With respect to -- with respect  
3   to Kendra's Law, which the sponsor has brought up  
4   previously, does the sponsor acknowledge that  
5   taking weapons away from someone through the use  
6   of Kendra's Law is quite more lengthy than the  
7   extreme risk protection order?

8                   SENATOR YOUNG:    Through you,  
9   Mr. President, that is totally unrelated to the  
10  budget, so I'm not going to answer that.  We  
11  already passed Kendra's Law, and I thank my  
12  colleagues for supporting it.  Not related to the  
13  budget.

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

16                  SENATOR YOUNG:    No.

17                  ACTING PRESIDENT GRIFFO:   Senator  
18  Kaminsky, would you like to speak on the bill?

19                  SENATOR KAMINSKY:   No, I'll explain  
20  my vote later.  Thank you.

21                  ACTING PRESIDENT GRIFFO:   Senator  
22  Hoylman.

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

25                  Would the sponsor yield for just a

1 couple of questions?

2 SENATOR YOUNG: Sure.

3 ACTING PRESIDENT GRIFFO: The  
4 sponsor yields.

5 SENATOR HOYLMAN: Thank you.

6 Through you, Mr. President. Could  
7 the sponsor explain why the Majority omitted the  
8 Governor's proposal to lift the statute of  
9 limitations in crimes of child sexual abuse and  
10 provide a one-year lookback window that was also  
11 proposed by the Assembly?

12 SENATOR YOUNG: Through you,  
13 Mr. President. As I stated, that is a policy  
14 issue. We are focused on budgetary issues. We  
15 will have plenty of time to discuss non-budget  
16 issues, once we get this passed, before the end  
17 of session.

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

20 SENATOR YOUNG: Yes.

21 ACTING PRESIDENT GRIFFO: The  
22 sponsor yields.

23 SENATOR HOYLMAN: So is the sponsor  
24 effectively saying that the reason it was not  
25 included in the budget is because it was a

1 non-budget issue that results in no cost savings  
2 to the State of New York?

3 SENATOR YOUNG: Through you,  
4 Mr. President. The three parties, the Governor,  
5 the Assembly and the Senate, agreed that it would  
6 not be included in the budget.

7 SENATOR HOYLMAN: Would the sponsor  
8 continue to yield?

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The  
11 sponsor yields.

12 SENATOR HOYLMAN: My question is  
13 why the -- not the other parties, who are not  
14 here to speak for themselves -- but why the  
15 Senate Majority, the sponsor of this resolution,  
16 decided not to include the --

17 SENATOR YOUNG: Through you,  
18 Mr. President, I've answered this question  
19 several times. But we had a \$4.4 billion deficit  
20 that we had to resolve. We were able to do that.  
21 We've been able to remove the oppressive tax  
22 hikes that were included in the original  
23 proposal. We were able to actually increase  
24 state aid to education by a billion dollars. We  
25 were able to provide funding to critical health

1 programs. We were able to restore agriculture,  
2 we were able to restore cancer services, we were  
3 able to provide infrastructure, we were able to  
4 do roads and bridges, fund the MTA, all the  
5 things that are important to the members of this  
6 house.

7 SENATOR HOYLMAN: Would the sponsor  
8 continue to yield?

9 SENATOR YOUNG: Yes.

10 ACTING PRESIDENT GRIFFO: The  
11 sponsor yields.

12 SENATOR HOYLMAN: Through you,  
13 Mr. President. Is the sponsor aware of any cost  
14 savings that would be possible through lifting  
15 the statute of limitations for crimes of child  
16 sexual abuse?

17 SENATOR YOUNG: Through you,  
18 Mr. President, I am focused on answering  
19 questions that are in this document before us.  
20 And I would ask, Mr. President, that you keep the  
21 questioners focused on issues that are related to  
22 the budget document before the house.

23 ACTING PRESIDENT GRIFFO: Senator  
24 Hoylman.

25 SENATOR HOYLMAN: She's admonishing



1 you, not me, on that one.

2 ACTING PRESIDENT GRIFFO: Well,  
3 then I would direct you to continue to keep  
4 questions pertinent to the document before you.

5 Senator Gianaris, why do you rise?

6 SENATOR GIANARIS: Point of order.  
7 With due respect to --

8 ACTING PRESIDENT GRIFFO: Would you  
9 state your point of order.

10 SENATOR GIANARIS: With due respect  
11 to the sponsor, I would suggest that she  
12 shouldn't be able to choose when she can speak on  
13 subjects that are not in this bill and when she  
14 cannot. Because just the previous comment was  
15 about tax proposals the Governor made that are  
16 not contained in this bill, as well as other  
17 issues that are not directly related to this  
18 bill.

19 So when it suits the sponsor, she  
20 feels free to talk about things not directly  
21 related to this bill, but when it doesn't, she  
22 asks you to admonish our members.

23 SENATOR YOUNG: Through you,  
24 Mr. President --

25 ACTING PRESIDENT GRIFFO: Please,

1 Senator Young -- Senator --

2 SENATOR YOUNG: Through you,  
3 Mr. President --

4 ACTING PRESIDENT GRIFFO: Senator  
5 Young, please.

6 Senator Gianaris, your point is not  
7 well taken. The --

8 SENATOR GIANARIS: Oh, really.  
9 (Laughter.)

10 ACTING PRESIDENT GRIFFO: That is  
11 the ruling of the chair, and it is consistent in  
12 the fact that you have a budget document before  
13 you, the sponsor has answered questions. The  
14 sponsor has indicated that she would like to keep  
15 questions specific to the document and the  
16 financial issues relative to that document before  
17 the house.

18 So I would ask the members to  
19 continue to respect that. And that is the  
20 purview and the prerogative of the sponsor, and  
21 that is the ruling of the chair.

22 Senator Young.

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

25 ACTING PRESIDENT GRIFFO: Senator

1     Hoylman.

2                   SENATOR HOYLMAN:     With all due  
3     respect, the fact that the Executive has proposed  
4     lifting the statute of limitations, the Assembly  
5     has proposed lifting the statute of limitations,  
6     the Senate removed that provision as an  
7     intentional omission, I think does make it  
8     actually part of this document.   Because it was  
9     removed in negotiations.

10                  SENATOR YOUNG:     That's not a  
11     question.

12                  ACTING PRESIDENT GRIFFO:     The  
13     document before you is the document that is being  
14     addressed currently, Senator Hoylman.

15                  SENATOR HOYLMAN:     Is the sponsor  
16     aware -- through you, Mr. President --

17                  ACTING PRESIDENT GRIFFO:     Do you  
18     want the sponsor to yield?

19                  SENATOR HOYLMAN:     Yes, sir.

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

22                  SENATOR YOUNG:     Yes.

23                  ACTING PRESIDENT GRIFFO:     Senator  
24     Young yields.

25                  SENATOR HOYLMAN:     Is the sponsor

1     aware that there is a cost savings of  
2     approximately \$250 million through lifting the  
3     statute of limitations for crimes of child sexual  
4     abuse and providing a one-year lookback period  
5     for current adult supervisors survivors?

6                 SENATOR YOUNG:    Through you,  
7     Mr. President, there was none provided by the  
8     Governor in the financial plan regarding any  
9     savings.

10                So again, I am focused on the  
11     document before us.  And I would ask that my  
12     colleague ask questions about the document that's  
13     before the house.

14                SENATOR HOYLMAN:   Would the sponsor  
15     continue to yield?

16                ACTING PRESIDENT GRIFFO:   The  
17     sponsor will yield on condition.

18                SENATOR HOYLMAN:   Would the sponsor  
19     know what the savings are related to establishing  
20     sexual coercion as a crime?

21                SENATOR YOUNG:    Through you,  
22     Mr. President, that's not in this bill either --  
23     I'm sorry, it is in the bill.

24                Through you, Mr. President, there is  
25     no fiscal implication to that.

1                   SENATOR HOYLMAN:    Would the sponsor  
2 continue to yield?

3                   SENATOR YOUNG:     Yes.

4                   ACTING PRESIDENT GRIFFO:   The  
5 sponsor yields.

6                   SENATOR HOYLMAN:    If there are no  
7 fiscal implications to establishing sexual  
8 coercion as a crime, why is it in this document?

9                   SENATOR YOUNG:    Through you,  
10 Mr. President. As I stated before, there were  
11 some issues that were removed from the budget for  
12 further discussion. And there's plenty of time  
13 between now and the end of session to consider  
14 those items.

15                   SENATOR HOYLMAN:   On the bill,  
16 Mr. President.

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

19                   SENATOR HOYLMAN:    I wish to point  
20 out that it is a fiction that the sponsor is  
21 purporting to not discuss items that have been  
22 intentionally removed by the sponsor in the  
23 three-way negotiations. We should be discussing  
24 items that have been proposed by the Assembly,  
25 items that have been proposed by the Executive,

1 and items that have been proposed by the Senate.

2 This is a three-way agreement. And  
3 the fact that some items are not here in this  
4 document is a collective decision, but it is also  
5 a decision that was forecast by the Majority when  
6 they released their one-house resolution omitting  
7 certain items, including the Child Victims Act.

8 I'll be voting in the negative, but  
9 I think we understand that by hiding behind the  
10 fiction of fiscal discipline and responsibility  
11 while admitting that there are items in the PPGG  
12 budget bill that have no fiscal implications, is  
13 disingenuous at best.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Krueger.

17 SENATOR KRUEGER: Good morning,  
18 Mr. President. On the bill.

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

21 SENATOR KRUEGER: So this has been  
22 a fascinating discussion. I've heard my  
23 colleagues talk about the problems with process  
24 and whether something should or shouldn't be in a  
25 bill when it was in a bill but then it wasn't in

1 a bill, and whether something that doesn't appear  
2 to have a fiscal impact really does have a fiscal  
3 impact.

4 I would argue it's not just process,  
5 it's actually who's in the room deciding what the  
6 laws of the State of New York will be and what  
7 the budget of the State of New York will be.

8 And I would argue, in my decision to  
9 vote against this bill, it is because I don't  
10 think the right people were making the decisions.  
11 I believe that my colleagues in the Democratic  
12 Conference actually would have given us a much  
13 better product here tonight in negotiations with  
14 the two other parties, the Executive and the  
15 Assembly.

16 So when I hear everyone waxing  
17 poetic about the fact that we're not doing the  
18 Child Victims Act within the budget, I know that  
19 there absolutely is a fiscal, Senator Hoylman,  
20 about failing to do this. There is a true cost  
21 to human beings and to the State of New York to  
22 have damaged people go without their opportunity  
23 to be made whole, and that has real fiscal costs  
24 for us.

25 I know that when we don't do voting

1 reforms and people don't have the opportunity to  
2 vote and participate in democracy, there are real  
3 fiscal costs and human costs to the State of  
4 New York.

5 I know that when we don't have the  
6 right commonsense gun policies, trust me, we all  
7 know we pay a major price, fiscally and  
8 otherwise, as the young people of this country  
9 are showing us and telling us every day in every  
10 location of this country.

11 And when we don't close things like  
12 the ethics loopholes and the LLC loopholes, I  
13 dare one person who watches Albany to with a  
14 straight face tell me that our inadequate  
15 campaign finance reforms haven't cost us  
16 literally hundreds of millions of dollars in bad  
17 budget policy decisions, year in, year out, in  
18 this state.

19 I see omitted from this bill the  
20 opportunity to have done bail reform, the  
21 opportunity to have done speedy trials,  
22 appropriate discovery, allowing people out on  
23 pilot projects when they are no longer recognized  
24 as being a risk to society -- of the simple  
25 concept of allowing people out on geriatric



1 parole when we know that they are too old to  
2 actually be a risk to society but in fact their  
3 cost in prisons can be twice as much per year as  
4 the rest of the prison population.

5 I might not have liked the original  
6 proposals by the Governor. I don't think I  
7 actually did, by the way. I wanted better. I  
8 think if some of us were in the room, we would  
9 have gotten better. All we got tonight was  
10 "omitted from the bill," "omitted from the bill,"  
11 "omitted from the bill." The numbers and the  
12 parts just go on and on.

13 And while some people like to make  
14 the determination that this is fiscal, and this  
15 is policy, very rarely in government do the two  
16 not go hand-in-hand. I almost never see an  
17 issue, Mr. President, that doesn't have a fiscal  
18 cost when you're talking about state policy or  
19 state law. And I almost never see a fiscal  
20 decision that doesn't impact a policy.

21 So I think that we all know these  
22 two go hand-in-hand. And we do know that the  
23 budget bills are the largest both dollar bills  
24 and the largest policy bills that we pass each  
25 and every year in this state.

1                   And I think the people of New York  
2                   are tired -- I know I'm tired, but they're tired  
3                   of our not getting the things done that they  
4                   truly care about. And for us to pretend we can't  
5                   do that and be fiscally responsible and close a  
6                   \$4 billion budget gap is actually an insult, I  
7                   think, to the people of the state but also to  
8                   ourselves. I'm quite sure we're capable of both,  
9                   and we could have delivered both. We're not  
10                  delivering both in this piece of legislation.  
11                  Maybe in some other bills, but not in this one.

12                         so I also will be voting no,  
13                  Mr. President. Thank you very much.

14                         ACTING PRESIDENT GRIFFO:     Senator  
15                  Kennedy.

16                         SENATOR KENNEDY:     Thank you,  
17                  Mr. President. I rise in opposition of this  
18                  portion of the budget bill today.

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

21                         SENATOR KENNEDY:     On the bill,  
22                  Mr. President. I rise in opposition to this  
23                  portion of the bill today.

24                         This bill, if you want to call it  
25                  that, is an abysmal failure. It's an absolute

1 shame. And I have got to tell you -- this is my  
2 eighth budget -- this is probably the worst I've  
3 felt about a particular portion of a budget bill  
4 in those eight budget years. This particular  
5 portion of the bill carries no voter reforms, no  
6 gun safety measures, no criminal justice reforms,  
7 no campaign finance reform, and particularly, the  
8 most egregious omission of them all is no Child  
9 Victims Act.

10 We are saying, by passing this bill  
11 and omitting the Child Victims Act -- which was  
12 included in the proposal by the Assembly, which  
13 was included in the proposal by the Governor,  
14 which is supported by my Democratic Conference --  
15 we are saying to the victims of childhood sexual  
16 assault that New York State doesn't care about  
17 them. We are saying that they, amid their  
18 bravery and courage and the #MeToo movement and  
19 the #TimesUp movement and coming forward by the  
20 hundreds across this great state, that they  
21 should go away, that they should keep quiet, that  
22 they don't matter, that their abuse doesn't  
23 matter.

24 I am disheartened and, quite  
25 frankly, after hearing the gory, sickening,

1 heart-wrenching stories firsthand from these  
2 victims and survivors from decades ago, never  
3 before being closer to the passage of the Child  
4 Victims Act, I'm absolutely ashamed that we are  
5 not including it in this bill.

6                   And because of that, I'm voting no.  
7 It's time to give these victims and survivors the  
8 justice that they deserve. It's time to give  
9 these victims and survivors the closure that they  
10 need and deserve once and for all and to hold  
11 these abusers accountable. To call them out.  
12 They're hiding across this state and across this  
13 nation. They've been moved around. By passing  
14 the Child Victims Act, it will shine light on  
15 these abusers. It's the right thing to do.

16                   This Senate, this Legislature, this  
17 state government has a moral obligation to the  
18 victims and survivors of childhood sexual assault  
19 to once and for all pass the Child Victims Act.  
20 And the passage of this bill without the Child  
21 Victims Act is absolutely dropping the ball.

22                   I vote no, Mr. President. And we  
23 will continue to fight until we finally get the  
24 Child Victims Act passed through this Legislature  
25 once and for all.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Bailey.

3                   SENATOR BAILEY:    Thank you,  
4   Mr. President.  Would the sponsor yield for two  
5   brief questions?

6                   SENATOR YOUNG:    Yes.

7                   ACTING PRESIDENT GRIFFO:    The  
8   sponsor yields.

9                   SENATOR BAILEY:    All right.  So  
10   generally speaking, in the public protection  
11   portion of the budget, would criminal justice be  
12   in the public protection portion?

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

15                  SENATOR BAILEY:    Okay.  And my  
16   final question, would criminal justice generally  
17   have a fiscal impact upon the State of New York?

18                  SENATOR YOUNG:    Through you,  
19   Mr. President, yes.

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

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

24                  SENATOR BAILEY:    First and  
25   foremost, I'd like to thank the staffs on both

1 sides of the aisle, as Senator Parker alluded to,  
2 for your diligence and your hard work and, you  
3 know, making sure that you put it together. We  
4 truly appreciate you.

5           Thanks to all my colleagues and  
6 thank you to the State of New York. Our state.  
7 Which we're supposed to be protecting in this  
8 portion of the budget, but I don't see much  
9 public protection. When we don't have an  
10 opportunity to vote early, as I mentioned in that  
11 little soliloquy I did, we're doing ourselves a  
12 disservice, Mr. President. When we don't try to  
13 stop the scourge of gun violence, we are not  
14 protecting the public, Mr. President.

15           What I really want to talk about, I  
16 want to talk about criminal justice reform. I  
17 don't know, maybe it will pop up in a bill, if  
18 we're lucky, later on. But I don't know if  
19 that's going to happen. And if it doesn't, I  
20 want to make sure that I'm on the record in  
21 speaking about why I think that fiscal issues of  
22 criminal justice matters should be included  
23 because they matter to our state. Bail reform  
24 matters. Your wealth should not determine  
25 whether you are free.

1                   Speedy trial matters.

2       Constitutionally protected, but that seems to  
3       escape us.

4                   But most importantly, I want to talk  
5       about discovery reform -- in layman's terms,  
6       evidence. You should be able to have the  
7       evidence in which you're accused of a crime  
8       before you. But in New York State, that seems to  
9       escape us Mr. President. It's about fairness.  
10      This is what our criminal justice system is  
11      allegedly predicated upon, but yet it seems to  
12      escape us time and time again, day after day.

13                  Discovery reform is about fairness.  
14      And it is a fiscal issue. Because what happens,  
15      Mr. President, when you continue, continue,  
16      continue to bring case after case without  
17      evidence, we're wasting time. We're wasting time  
18      with overtime. We're wasting time when you have  
19      able prosecutors who aren't able to concentrate  
20      their time on heavy caseloads elsewhere. Or  
21      public defenders are wasting their time defending  
22      people that should be able to plea, but they  
23      don't have the evidence to do that,  
24      Mr. President. No advocate worth their salt  
25      should do that.

1                   But yet we are forced sometimes in  
2                   this corner, into this circle, where you make a  
3                   choice between understanding and knowing that you  
4                   are innocent of what you have been convicted of  
5                   or taking a little plea and going home. That  
6                   shouldn't happen, Mr. President. Not here in  
7                   New York, not anywhere, Mr. President. It should  
8                   not happen. Discovery reform is simply about  
9                   fairness.

10                  Having practiced civil law in the  
11                  State of New York, I was aghast to see throughout  
12                  law school and in my practice time that in a  
13                  civil matter, when life and liberty are not on  
14                  the line, discovery is plentiful and your  
15                  pleadings can be stricken for failure to comply  
16                  with the judge's order, but yet in a criminal  
17                  matter, when your life and liberty and your  
18                  freedom -- your freedom, which we fight for every  
19                  day, Mr. President -- is on the line, it seems to  
20                  escape us here in the Empire State.

21                  It's a shame. And there may be time  
22                  to resolve it throughout the rest of the session.  
23                  But I was looking forward to being able to  
24                  protect the public in this portion of the bill.

25                  Generally speaking, criminal justice



1 reform needs to continue to happen. And I feel  
2 as if members of this body and maybe folks in the  
3 other body think that it stopped at Raise the  
4 Age. But criminal justice reform is not a magic  
5 bullet, it's not a silver bullet. We need more.  
6 We have to do more. Because the residents of our  
7 state are worth more.

8                   So for that reason, Mr. President, I  
9 will vote no on this bill, and I thank you for  
10 your indulgence.

11                   ACTING PRESIDENT GRIFFO:    Senator  
12 Kavanagh.

13                   SENATOR KAVANAGH:    Thank you,  
14 Mr. President. On the bill.

15                   ACTING PRESIDENT GRIFFO:    Senator  
16 Kavanagh on the bill.

17                   SENATOR KAVANAGH:    Mr. President,  
18 there's been a lot of discussion here about the  
19 economic aspects of the things we're discussing  
20 tonight. You know, I think that we focused in  
21 our discussion of gun violence on the obvious  
22 enormous human cost -- the 900 people that lose  
23 their lives, the additional 1800 or so people  
24 every year who are shot and not killed by that  
25 violence but whose life is changed irrevocably,

1 and the many, many people that that affects.

2 But since we are talking about a  
3 budget tonight and we're talking about dollars  
4 and cents, it's fortunate that the Giffords Law  
5 Center put out a report just this past January,  
6 right around the time the Executive Budget was  
7 coming out, called "The Economic Cost of Gun  
8 Violence in New York." And in that report they  
9 estimate the overall cost of gun violence, if you  
10 include all kinds of impacts, is about  
11 \$5.6 billion per year in the State of New York  
12 alone. The number across the country is  
13 estimated to be well above \$200 billion.

14 But if you put aside those indirect  
15 costs -- that \$5.6 billion includes all kinds of  
16 costs -- there are \$2.1 billion of direct costs.  
17 That includes \$106 million every year in  
18 healthcare costs. It includes \$203 million in  
19 law enforcement and criminal justice expenses.  
20 It includes \$12 million in costs to employers.  
21 It includes \$1.7 billion in lost income. And of  
22 course those are costs that are borne by  
23 New Yorkers across the state, including employers  
24 and individuals. But many of those costs are  
25 borne directly by the taxpayers.

1           So the direct annual cost of gun  
2 violence to New York taxpayers -- this includes  
3 those costs of law enforcement and criminal  
4 justice, it includes healthcare costs that are  
5 directly borne by the taxpayers -- is  
6 \$433 million. Now, Mr. Speaker, there's --  
7 Mr. President, rather, there's nothing that we're  
8 going to do that is going to end gun violence  
9 entirely in our state. But we -- as has been  
10 discussed, we have many, many gun deaths and gun  
11 injuries in the state that are eminently  
12 preventable by sensible policies that are already  
13 in place in other states.

14           If we were to do that, we would have  
15 dramatically more money to spend on things that  
16 we all care about. I think that's an important  
17 aspect of what we're talking about tonight.

18           I will be voting no on this budget  
19 because of its lack of content that will address  
20 this great scourge of gun violence and the many  
21 other omissions from this budget that have been  
22 talked about by my colleagues tonight.

23           Thank you.

24           ACTING PRESIDENT GRIFFO:   Seeing  
25 and hearing no other Senator that wishes to be

1 heard, debate is closed and the Secretary will  
2 ring the bell.

3 The Secretary will read the  
4 substitution.

5 THE SECRETARY: Senator Young moves  
6 to discharge, from the Committee on Finance,  
7 Assembly Bill Number 9505D and substitute it for  
8 the identical Senate Bill Number 7505C,  
9 Third Reading Calendar 733.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number  
14 733, Assembly Budget Bill, Assembly Print 9505D,  
15 PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 2. 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 Gianaris to explain his vote.

25 Can I have some order, please?

1 Thank you.

2 Senator Gianaris.

3 SENATOR GIANARIS: Thank you,  
4 Mr. President.

5 We heard during the debate on this  
6 bill about how much was omitted -- or, as the  
7 legislative lingo goes, intentionally omitted by  
8 the Majority from this legislation. And it seems  
9 that not only was the substance of these  
10 proposals intentionally omitted, but given that  
11 we're sitting here at 1 o'clock in the morning  
12 and that the debate seemed specifically steered  
13 away from even discussing those issues, that  
14 there was any discussion of these important  
15 things so the public could get a sense of where  
16 we stand was also intentionally omitted from this  
17 discussion.

18 So whether it be important issues  
19 such as the Child Victims Act, efforts to slow  
20 down and combat gun violence in our state, voting  
21 reforms to allow more people to vote in our  
22 state, and of course something near and dear to  
23 me, our efforts at criminal justice reform,  
24 including bail reform, which are sorely needed,  
25 were intentionally omitted from this bill and

1     omitted from discussion because the Majority  
2     didn't want to discuss it, even though this is  
3     the bill where those proposals would be found.

4                 I would daresay that the Majority is  
5     not being truthful when they say this is  
6     something we're going to take up in the coming  
7     months, because we have been dealing with some of  
8     these issues for years.

9                 And in fact I could suggest that the  
10    reason that a debate on these discussions is  
11    being omitted as part of this bill is because the  
12    Majority is embarrassed to defend their positions  
13    on these important proposals, whether it's  
14    defending children who are victims of sexual  
15    abuse or people who are unjustly imprisoned or  
16    children who are being massacred in their schools  
17    around the country and people who are being  
18    subjected to gun violence, or denying people the  
19    right to vote. These are things that the  
20    Majority has stood in the way of and I would  
21    suggest are not engaged in debate or refuse to  
22    engage in debate on these matters because they're  
23    embarrassed to do so.

24                 I vote no because all of these  
25    matters are not included in this bill,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Gianaris to be recorded in the negative.

4 Senator Kaminsky to explain his  
5 vote.

6 SENATOR KAMINSKY: Thank you,  
7 Mr. President.

8 If I had to describe this particular  
9 bill in a phrase, I would say it's out of touch.  
10 There are students marching throughout our  
11 country who at this moment are begging us to do  
12 something to protect them. They are begging us  
13 for common-sense gun safety measures, they're  
14 begging us to secure their schools. This public  
15 protection bill does none of that.

16 And there is no good answer as to  
17 why someone would not want a law that allows you  
18 to go to court and, with all the strictures of  
19 due process, be able to say that somebody should  
20 not have a weapon because they're dangerous.

21 And I also daresay, on the issue of  
22 ethics, that if any one of us went to a random  
23 member in front of a supermarket in our district  
24 and said, Do you think your opinion of Albany is  
25 that they're high-minded, trustworthy individuals

1 who believe in the best interests of the public,  
2 you'd be hard-pressed to find a good amount of  
3 them who will tell you yes. For good reason,  
4 because people from both sides of the aisle have  
5 been hauled out of here in handcuffs year after  
6 year after year, and this budget does nothing  
7 about it.

8                   And people throughout our country  
9 are clamoring to get involved. They want to be  
10 involved like they are in other states and  
11 participate in our democracy. But once again,  
12 this state shuts it out and says: Electoral  
13 reform? We'll discuss it later. And you know  
14 that's not going to happen.

15                   And what does this all have in  
16 common? It seems to me that some people kind of  
17 like the status quo, like the way things are,  
18 don't rock the boat, don't change it, it works  
19 for us.

20                   Well, it doesn't work for me. I  
21 vote no.

22                   ACTING PRESIDENT GRIFFO: Senator  
23 Kaminsky to be recorded in the negative.

24                   Senator Bonacic to explain his vote.

25                   SENATOR BONACIC: Yes. I've heard



1 the passion and the issues that you've all  
2 raised, and your criticism has been directed  
3 towards the Majority in the Senate. But what  
4 about your Governor, who is a member of your  
5 party? Where is he in the fight for the things  
6 you ask for? Have you directed your comments to  
7 him?

8 Speaker Heastie and the majority of  
9 the Democrats in the other house, that has over a  
10 hundred members of your party, have you directed  
11 your comments to them about the issues that you  
12 raise?

13 Because in the collective wisdom of  
14 the three parties -- the Governor, the majority  
15 in both houses -- they felt that a timely budget  
16 was more important. It was more important to get  
17 the school aid out so all of the children can be  
18 educated with the resources they need.

19 They thought it was more important  
20 for higher education, so SUNY and CUNY can get  
21 aid for education, as well as the Bundy Aid.

22 They felt it was important that  
23 infrastructure, bridges and roads, would have the  
24 money that we could proceed with improvements.  
25 They thought it was important for capital money

1 and operation money for the MTA.

2           They thought it was important to  
3 take care of our handicapped, our disabled, the  
4 people in the nursing homes, take care of our  
5 hospitals who provide all of the medical  
6 services.

7           So at this juncture, they felt that  
8 those overriding issues had to be addressed, and  
9 it was more important than all of the issues that  
10 you've raised. And these were members of your  
11 party, with the Governor, who has the most impact  
12 on a budget -- maybe you should take it up with  
13 him and the majority of the other house of why a  
14 timely budget was more important than the variety  
15 of issues that you raise.

16           I vote yes. And thank you,  
17 Mr. Speaker.

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

20           Senator Krueger to explain her vote.

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

23           I rise to repeat that I am voting  
24 no, but I appreciate my colleagues' recent  
25 announcements or analysis.

1                   So for the record, we could have had  
2 a timely budget with everything Senator Bonacic  
3 just listed. And we could have gotten the things  
4 that my conference are pointing out aren't here.  
5 The Governor proposed the things we wanted to  
6 have here. The Assembly supported the things we  
7 wanted to have here. This issue is specifically  
8 between the two sides of this room. And that is  
9 why all of these things are omitted that we feel  
10 so strongly about should be there that we are  
11 actually voting against a budget bill that we  
12 know our colleagues in the Assembly either have  
13 already voted for or will be voting for, and that  
14 it is a three-way agreement.

15                   It's just we got a deal that wasn't  
16 the best deal for the people of New York. And we  
17 actually have a solution for how we'd get a  
18 better deal, Mr. President. Which is why it's  
19 not contrary to point out, as Senator Bonacic  
20 did, that we got many things in time for a  
21 budget, but we didn't get many things. And it's  
22 actually possible to do both, but we have failed  
23 that test.

24                   Thank you. I vote no.

25                   ACTING PRESIDENT GRIFFO:     Senator

1 Krueger to be recorded in the negative.

2 Announce the results.

3 THE SECRETARY: In relation to  
4 Calendar 733, those recorded in the negative are  
5 Senators Addabbo, Bailey, Benjamin, Breslin,  
6 Brooks, Comrie, Dilan, Gianaris, Hoylman,  
7 Kaminsky, Kavanagh, Kennedy, Krueger, Montgomery,  
8 Parker, Persaud, Rivera, Sanders, Stavisky and  
9 Stewart-Cousins.

10 Ayes, 40. Nays, 20.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Senator Young moves  
14 to discharge, from the Committee on Finance,  
15 Assembly Bill Number 9506B and substitute it for  
16 the identical Senate Bill 7506B, Third Reading  
17 Calendar 734.

18 ACTING PRESIDENT GRIFFO: The  
19 substitution is so ordered, and the Secretary  
20 will read.

21 THE SECRETARY: Calendar Number  
22 734, Assembly Budget Bill, Assembly Print 9506B,  
23 EDUCATION, LABOR, HOUSING AND FAMILY ASSISTANCE  
24 BUDGET.

25 SENATOR DeFRANCISCO: Read the last

1 section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 SENATOR GIANARIS: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay it  
9 aside.

10 Sorry, we're on a controversial  
11 vote. Do we have anybody --

12 (Laughter.)

13 ACTING PRESIDENT GRIFFO: The bell  
14 has been rung. We're on a controversial vote.  
15 We had to do the substitution. The substitution  
16 has been done.

17 The bill is before the house, and  
18 Senator Parker is recognized.

19 SENATOR PARKER: Thank you very  
20 much, Mr. President. On the bill.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Parker on the bill.

23 SENATOR PARKER: To quote Senator  
24 Benjamin's historic constituent Langston Hughes:  
25 "What happens to a dream deferred? Does it dry

1 up like a raisin in the sun? Or fester like a  
2 sore -- and then run? Does it stink like rotten  
3 meat? Or crust and sugar over -- like a syrupy  
4 sweet? Maybe it just sags like a heavy load. Or  
5 does it explode?"

6           This bill represents another missed  
7 opportunity for this Legislature. And  
8 particularly around education, which is so  
9 important for every single one of our districts,  
10 but particularly in the district that I  
11 represent, in which there has been a historical  
12 injustice around the Campaign for Fiscal Equity.  
13 And once again we have decided, in the context of  
14 this budget, not to address that inequity.

15           And again, we fail to listen to the  
16 voice of our constituencies, to the people and  
17 particularly the most neediest people in our  
18 communities, to say that a sound basic education  
19 for public schools continues to be one of the  
20 most important things that almost everyone  
21 needs in their communities.

22           There is approximately \$4 billion  
23 still owed to high-needs districts around the  
24 state, particularly in New York City. This is  
25 a -- unfortunately, in my 16th year, this is

1 something that I have fought for every single  
2 year. And it is frustrating. It's beyond  
3 frustrating, I know for myself, but it's  
4 frustrating I know for the literally generations  
5 of children who have gone to school without the  
6 resources to get a sound basic education. Again,  
7 this Legislature can do better. And we should do  
8 better.

9 I also represent, in the  
10 21st District -- some of you know I represent  
11 part of Canarsie and part of Flatlands, but  
12 principally East Flatbush and Flatbush, Midwood,  
13 Ditmas Park, Windsor Terrace and Park Slope. I  
14 represent the largest concentration of Caribbean  
15 immigrants outside the Caribbean in the world.  
16 And many of them are Dreamers. And once again,  
17 we have denied these young people -- who have  
18 done nothing other than be children and be  
19 contributors to our society and our state -- an  
20 opportunity to get a sound basic education.

21 The doors to higher education once  
22 again have just been slammed shut in the face of  
23 these Dreamers. These hardworking young people  
24 face another barrier when trying to reach for the  
25 stars and fulfill their full potential, and it's

1 unnecessarily done so. Again, we can do better,  
2 and we should be doing better.

3 And as I close, Mr. President, let  
4 me just not forget the fact that in this  
5 Governor's Executive Budget, and something that  
6 was supported also by the Democratic majority in  
7 the Assembly, we had a full Women's Rights Agenda  
8 that, you know, has fallen out of this version of  
9 the budget and was not supported by the Majority  
10 in the Senate.

11 And so we have failed our children,  
12 we have failed our Dreamers, and we have failed  
13 women in this budget.

14 I don't think that we should be a  
15 body that continues to excel in failure. We can  
16 do better. And I'm hoping that we continue to  
17 have some debate about some of these issues as  
18 the session goes on, and that we find it in our  
19 hearts to do what the people have sent us here to  
20 do and to address their most pressing issues.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Seeing  
23 and hearing no other Senator that wishes to be  
24 heard, debate is closed. The Secretary will ring  
25 the bell.



1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: While we're  
3 waiting to take the vote, I just would like to --  
4 sometimes it's tough to watch the ball game  
5 without a program.

6 We did one other budget bill before  
7 this, and we've done three today. For those  
8 keeping score, we have six more to go. And I  
9 will be announcing shortly that we will be having  
10 a Republican conference at 8:00 a.m. tomorrow,  
11 session at 9:00.

12 So I will make a formal  
13 announcement, but I knew everyone was waiting  
14 with bated breath for that determination, and I  
15 thought I'd provide that to everyone.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 2. 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 Gianaris to explain his vote.

25 SENATOR GIANARIS: Thank you,

1 Mr. President.

2           The story of this budget thus far --  
3 and I imagine it's not going to change on these  
4 important issues by tomorrow, or by later today,  
5 I should say -- is what is missing from this  
6 budget. And we heard in the PPGG budget all the  
7 important issues that were missing, and you heard  
8 from Senator Parker on this bill that the DREAM  
9 Act, which is an issue of great importance to so  
10 many of our constituents and so many of our  
11 members, is intentionally omitted, once again,  
12 from this bill.

13           I can only imagine what the bills  
14 remaining that we're going to take up later this  
15 morning, what other important things will be  
16 missing. But since the DREAM Act at a minimum is  
17 missing from this bill, I will also be voting in  
18 the negative on this.

19           Thank you.

20           ACTING PRESIDENT GRIFFO:   Senator  
21 Gianaris to be recorded in the negative.

22           Announce the results.

23           THE SECRETARY:   In relation to  
24 Calendar 734, those recorded in the negative are  
25 Senators Comrie, Gianaris, Hoylman, Krueger,

1 Parker, Rivera and Stavisky.

2 Ayes, 53. Nays, 7.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 Senator DeFrancisco.

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

8 ACTING PRESIDENT GRIFFO: There is.  
9 Senator Gianaris would like to make an  
10 announcement.

11 Can I have some order, please.

12 Senator Gianaris.

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

15 The Democratic Conference will be  
16 also conferencing at 8 o'clock in the morning in  
17 the Democratic Conference Room.

18 ACTING PRESIDENT GRIFFO: There  
19 will be a Democrat conference at 8:00 a.m.  
20 tomorrow morning, a Republican conference at  
21 8:00 a.m. tomorrow morning.

22 There is no further business at the  
23 desk, Senator DeFrancisco.

24 SENATOR DeFRANCISCO: I now move to  
25 adjourn until tomorrow, March 31st {sic}, at

1 9:00 a.m.

2 Republican conference at 8:00.

3 ACTING PRESIDENT GRIFFO: On  
4 motion, the Senate will stand adjourned until  
5 later today, Friday, March 30th, at 9:00 a.m.

6 The Senate is adjourned until  
7 9:00 a.m.

8 (Whereupon, at 1:21 a.m., the Senate  
9 adjourned.)

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