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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 30, 2018

9:29 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

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 this morning, I ask that we bow
11 our heads in a moment of silent prayer and
12 reflection. In an observance of this morning, I
13 ask that we recall scripture John, Chapter 19:
14 Therefore, when Jesus had received the sour wine,
15 He said "It is finished," and He bowed His head
16 and gave up His spirit.

17 (Whereupon, the assemblage respected
18 a moment of silence.)

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

21 THE SECRETARY: In Senate,
22 Thursday, March 29th, the Senate met pursuant to
23 adjournment. The Journal of Wednesday,
24 March 28th, was read and approved. On motion,
25 Senate adjourned.

1 ACTING PRESIDENT GRIFFO: Without
2 objection, the Journal will stand approved as
3 read.

4 Presentation of petitions.
5 Messages from the Assembly.
6 Messages from the Governor.
7 Reports of standing committees.
8 Reports of select committees.
9 Communications and reports from
10 state officers.

11 Motions and resolutions.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Yes,
14 Mr. President, there will be an immediate meeting
15 of the Finance Committee in Room 332.

16 ACTING PRESIDENT GRIFFO: There
17 will be an immediate meeting of the Senate
18 Finance Committee in Room 332.

19 The Senate stands temporarily at
20 ease.

21 (Whereupon, the Senate stood at ease
22 at 9:31 a.m.)

23 (Whereupon, the Senate reconvened at
24 9:42 a.m.)

25 ACTING PRESIDENT GRIFFO: The

1 Senate will return to order.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Is there a
4 report of the Finance Committee at the desk?

5 ACTING PRESIDENT GRIFFO: There is
6 a Finance Committee report at the desk.

7 The Secretary will read.

8 THE SECRETARY: Senator Young, from
9 the Committee on Finance, reports the following
10 bill:

11 Senate Print 7508C, Senate Budget
12 Bill, TRANSPORTATION, ECONOMIC DEVELOPMENT AND
13 ENVIRONMENTAL CONSERVATION BUDGET.

14 Reported direct to third reading.

15 SENATOR DeFRANCISCO: We have a
16 supplemental calendar, 29A. Would you please --

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

20 SENATOR DeFRANCISCO: That's a
21 great idea.

22 ACTING PRESIDENT GRIFFO: All in
23 favor of accepting the Committee on Finance
24 report signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO: Opposed?

2 (No response.)

3 ACTING PRESIDENT GRIFFO: The
4 Committee on Finance report is then approved and
5 before the house.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Yes, can we
8 take up the noncontroversial reading of
9 Supplemental Calendar 29A.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Senator Young moves
13 to discharge, from the Committee on Finance,
14 Assembly Bill Number 9508C and substitute it for
15 the identical Senate Bill 7508C, Third Reading
16 Calendar 735.

17 ACTING PRESIDENT GRIFFO: The
18 substitution is so ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 735, Assembly Budget Bill, Assembly Print 9508C,
22 TRANSPORTATION, ECONOMIC DEVELOPMENT AND
23 ENVIRONMENTAL CONSERVATION BUDGET.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

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

3 ACTING PRESIDENT GRIFFO: There is
4 a message of necessity at the desk.

5 SENATOR DeFRANCISCO: I move to
6 accept the message of necessity.

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

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 message is accepted, and the bill is before the
15 house.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Can we take
18 up the bill.

19 ACTING PRESIDENT GRIFFO: Is there
20 a request to lay the bill aside?

21 SENATOR GIANARIS: There is.

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

24 The Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 735, Assembly Budget Bill, Assembly Print 9508C,
3 TRANSPORTATION, ECONOMIC DEVELOPMENT, AND
4 ENVIRONMENTAL CONSERVATION BUDGET.

5 ACTING PRESIDENT GRIFFO: The bill
6 has been laid aside.

7 The bell has been rung, and it's
8 before the house. And I believe Senator Sanders
9 is to be recognized.

10 SENATOR SANDERS: Thank you,
11 Mr. President. Happy Good Friday to all. In
12 Christendom, this is considered the most sacred
13 time. It is a time that -- it's a manifestation.
14 It's a way that God has manifested Himself and
15 given a way back for humankind.

16 Now, I have been accused,
17 Mr. President, of speaking in parables, but I'm
18 not going to do that today. I'm not going to do
19 it.

20 Instead, I want to merely bring your
21 attention to two Americana sayings, two sayings.
22 And they are kicking the can down the road versus
23 rolling up your sleeve and shoveling out the
24 barn. To my friends in the North Country, the
25 second one may be more well known. But to we at

1 Albany, we seem to know and embrace the first one
2 a great deal, kicking the can down the road.

3 What it means is that there's a job
4 to be done, and instead of applying ourselves, we
5 put it off until another day. We put it off and
6 we say either we'll get to it at another time or
7 someone else will get to it.

8 The second one, of course, rolling
9 up your sleeves and shoveling out the barn, means
10 that there's a difficult job to be done, we need
11 to do it, you need to do it and you need to apply
12 yourself.

13 We, Mr. President, have kicked the
14 can down the road on several of these issues that
15 you will hear about. But I'm going to draw your
16 attention to MWBE, student debt, MTA, NYCHA, and
17 I will let my colleagues speak of others.

18 On MWBE, a malicious campaign was
19 launched on this one, a campaign of
20 disinformation. The program was accused of not
21 being perfect. Mmm. I'm just amazed that human
22 beings, the most imperfect of creatures, would
23 want a program created by human beings to be
24 perfect.

25 So by not being perfect, we say

1 let's not put it in the budget, let's not do
2 anything about it, let's kick the can down the
3 road and somehow something good is going to come
4 from that.

5 We understand that this has a sunset
6 provision. I would encourage anyone who has
7 questions about MWBE that I stand willing to
8 speak with them. One of the basic things of
9 Americana is that if you have a problem, you
10 allow the two sides to speak to the problem, and
11 whichever one makes the most sense is the one
12 that you should go with.

13 So if you hear of groups that are
14 running around talking about, alleging all of
15 these horrors, then at a minimum you would pull
16 in other folk and say, okay, explain this and
17 explain that.

18 We have not done that, and we've
19 kicked this can down the road.

20 On the issue of student debt, I mean
21 this one, I'm amazed. The real question is, do
22 we love our children? Are we going to allow our
23 children to be fettered, to be shackled to some
24 debt when they are providing one of the greatest
25 resources of America?

1 This is an information age we live
2 in. We have to compete. We have to compete with
3 countries that are working hard while we're
4 sleeping and working hard. If our children go to
5 school and educate themselves, then we should see
6 this as part of a national treasure, as part of
7 what we should do. We want our kids to compete.
8 We don't want them shackled and unable to move
9 further. Do we love our children, or are we
10 interested in simply loving of money?

11 The MTA -- America's most
12 magnificent public transportation system, the
13 largest in the world. We sit idly by as it goes
14 down the drain. Generations from now are going
15 to look at us and say, What did you do? How
16 could you allow this?

17 The same is true with NYCHA, the
18 public housing stock, the greatest that the world
19 has ever seen. Some of the greatest people have
20 come from it, and some of the less greater, such
21 as myself, have come out of NYCHA.

22 We should be forever creating this
23 as an ability to say to people, we don't give you
24 a handout, but we will give you a hand up in this
25 country. If you're trying to stand on your feet,

1 we're going to help you. We should not allow
2 these things to go down the drain.

3 Mr. President, I know that it is
4 early and it is a Good Friday, and I believe in
5 that. So I'm going to be good about ending my
6 conversation here, because my colleagues are
7 going to come and they're going to present you
8 with reasons. And I trust that we will resurrect
9 the kindness, the humanness that we all will need
10 to do to get through this and that we all will do
11 something that will be called blessed in the
12 sights of men.

13 Thank you very much, Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Hoylman.

16 SENATOR HOYLMAN: Thank you. Thank
17 you, Mr. President. Would the sponsor yield for
18 a few questions?

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

21 SENATOR YOUNG: Yes, Mr. President.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR HOYLMAN: Good morning.
25 Through you, Mr. President, the

1 budget bill before us, in Part NN, delays
2 implementation of the Diesel Emissions Reduction
3 Act, or DERA, for yet another year, until
4 December 31, 2019. Can the sponsor explain for
5 the benefit of the chamber what the requirements
6 of DERA are?

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

16 We are very happy that the current
17 number of noncompliant DERA vehicles in state
18 service at the Department of Transportation
19 stands at close to 452, and at the end of 2018 it
20 will be below 400.

21 The vehicles in state service at the
22 Department of Transportation we have now made
23 over 85 percent DERA-compliant, and at the end of
24 the year we will have 90 percent compliance.

25 As for the remaining noncompliant

1 vehicles, it is estimated that if new vehicles
2 were purchased today -- and given the supply of
3 available vehicles, it will take approximately
4 two years to completely replace all noncompliant
5 vehicles.

6 We continue to support the use of
7 Volkswagen settlement funds to replace fully the
8 remainder of the non-DEIRA-compliant vehicles in
9 service. Providing a two-year allowance will
10 allow DEC the necessary time to access and direct
11 settlement funds, purchase new vehicles, and make
12 the remainder of the fleet DEIRA-compliant. It
13 will also ensure that there will be no
14 interruption in the delivery of vital state
15 services, including snow plowing, deliveries of
16 road salt, deliveries of food to prisons, and
17 deliveries of heating fuel.

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

21 SENATOR YOUNG: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR HOYLMAN: I'd never suggest
25 that you weren't prepared for that question,

1 based on your answer. So thank you.

2 Can the sponsor tell us when DERA
3 was originally passed by this chamber?

4 SENATOR YOUNG: Through you,
5 Mr. President, I believe the year was 2006.

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

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR HOYLMAN: Can the sponsor
12 tell us what the original implementation date for
13 DERA was?

14 SENATOR YOUNG: Through you,
15 Mr. President, I believe that we would have to
16 check on that. But I believe it's 2007.

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

20 SENATOR YOUNG: Yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR HOYLMAN: Is the sponsor
24 aware that the World Health Organization has
25 determined that diesel fumes cause lung cancer

1 and actually are more carcinogenic than
2 secondhand smoke?

3 SENATOR YOUNG: Through you,
4 Mr. President. This, as I said, will make --
5 what we're doing now in the budget will make
6 90 percent of the Department of Transportation
7 fleet DERA-compliant by the end of 2018.

8 This is an agreed-upon measure
9 between the Governor, the New York State
10 Assembly, and the New York State Senate.

11 SENATOR HOYLMAN: Would the sponsor
12 continue to yield?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR HOYLMAN: Through you,
17 Mr. President. It is an agreed-upon measure, I
18 admit that. At the same time, it is the Senate,
19 year after year since 2007, that delays
20 implementation.

21 Does the sponsor know how many
22 adults and children live in New York State with
23 asthma?

24 SENATOR YOUNG: Through you,
25 Mr. President. I believe that Senator Hoylman is

1 incorrect in his statement that he just made,
2 because there was no reference to delaying DERA
3 in our one-house budget resolution that we passed
4 just a couple of weeks ago. So I'd like to
5 correct Senator Hoylman on that fact.

6 SENATOR HOYLMAN: Will the sponsor
7 continue to yield?

8 SENATOR YOUNG: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR HOYLMAN: So is the sponsor
12 saying that the Senate is not responsible for the
13 delay of DERA?

14 SENATOR YOUNG: Through you,
15 Mr. President. As I previously stated, this is
16 an agreed-upon measure between the Governor of
17 the State of New York, the New York State
18 Assembly, and the New York State Senate.

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

21 SENATOR YOUNG: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR HOYLMAN: So year after
25 year, budget after budget, when DERA is delayed,

1 do you disclaim responsibility for its
2 implementation?

3 SENATOR YOUNG: Through you,
4 Mr. President. I believe that a lot of progress
5 has been made in being DERA-compliant. And I
6 think that the Governor and the Assembly actually
7 support this measure, because they understand
8 that this is a measure of public safety.

9 We need to make sure that we have a
10 fleet of snow plows on the road, we need to make
11 sure that road salt is being delivered, we need
12 to make sure that food is being delivered to our
13 state prison system. The list goes on and on and
14 on.

15 And those are crucial tasks that
16 need to get done, and that's why this has been
17 phased in. We are almost there. And I think
18 that the fact that we have made great progress on
19 this issue says a lot for this body, for the
20 Governor and the Assembly.

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

23 ACTING PRESIDENT GRIFFO: Senator
24 Hoylman on the bill.

25 SENATOR HOYLMAN: I think the

1 notion that this chamber is not responsible for
2 the delayed implementation of the Diesel
3 Emissions Reduction Act is laughable. Every
4 year, every budget, it is the Senate that is the
5 blockade.

6 And I think it's really
7 unfortunately politics at its worst. When
8 political officials don't take responsibility,
9 when they don't embrace that slogan "the buck
10 stops here," no wonder the public is cynical
11 about what we do in Albany and Washington.

12 And speaking of Washington, the
13 reason we need to implement DERA this year is
14 because what we're seeing coming out of the Trump
15 White House where the Trump EPA, under the
16 guidance of climate change denier Scott Pruitt,
17 is embracing coal. No thought has been given to
18 that, clearly.

19 And no thought has been given to the
20 fact that it's been found that in New York State,
21 diesel pollution has resulted in over 179,000
22 workdays lost, over 39,000 asthma attacks, over
23 2,200 heart attacks and 1,159 premature deaths.
24 The health impacts amount to a total of
25 \$9.6 billion.

1 So this isn't just about the health
2 and well-being of our kids and our seniors and
3 everyone in between, we're talking serious
4 economic loss.

5 So while we talk about this budget
6 being so fiscally responsible, by delaying DERA
7 we are digging a hole, we are digging a hole for
8 the health and well-being of a lot of people in
9 New York State. So it shouldn't be a partisan
10 issue, but unfortunately the environment,
11 unfortunately the Diesel Emission Reduction Act
12 seems to be in this chamber.

13 So I'm very disappointed,
14 Mr. President, that once again we're kicking the
15 can down the road. Once again, we're delaying
16 implementation of DERA. Once again, we are
17 abdicating responsibility, we are trying to
18 distract and divert responsibility for something
19 as important as reducing asthma in the State of
20 New York.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Benjamin.

24 SENATOR BENJAMIN: Mr. President,
25 will the sponsor yield for a few questions?

1 SENATOR YOUNG: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR BENJAMIN: Through you,
5 Mr. President, the design-build for NYCHA -- a
6 few weeks ago, I was questioning the sponsor
7 about this and she mentioned that there will be
8 further discussions and conversations that will
9 happen. And so I'm just curious about whether
10 those discussions and the conversations happened
11 and what were the outcome of those discussions
12 and conversations on design-build for NYCHA.

13 SENATOR YOUNG: Through you,
14 Mr. President. I believe that the design-build
15 for NYCHA is still being discussed, and I don't
16 believe that it's in the bill before the house.

17 SENATOR BENJAMIN: Mr. President,
18 will the sponsor continue to yield?

19 SENATOR YOUNG: Sure.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR BENJAMIN: So is that to
23 say that there's a possibility that design-build
24 for NYCHA will be in some other bill before we
25 leave here today?

1 SENATOR YOUNG: Through you,
2 Mr. President. Because it's not in this bill and
3 it's still being discussed, I don't know what the
4 outcome of those discussions will be, but I just
5 want to let you know that it's still on the
6 table.

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

10 SENATOR YOUNG: Yes.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR BENJAMIN: Typically, I
14 would imagine that design-build for NYCHA would
15 be in this bill. I understand that if the --
16 that's a question, actually. Would that
17 typically be the case? And is the reason why
18 that's not the case because of the conversations
19 that are taking place?

20 SENATOR YOUNG: Through you,
21 Mr. President. It could be in this bill or it
22 could be in an additional bill. And so we'll
23 have to wait to see what the outcome is.

24 But in the bill before the house, I
25 do not believe that it's included at this point.

1 SENATOR BENJAMIN: Okay. On the
2 bill.

3 ACTING PRESIDENT GRIFFO: Senator
4 Benjamin on the bill.

5 SENATOR BENJAMIN: I think I want
6 to be very clear that when we talk about NYCHA
7 and the 400,000-plus residents, and when we look
8 at the last number of weeks and a lot of the
9 criticisms and conversations that have come from
10 the other side, particularly as it relates to the
11 chair of NYCHA, Shola Olatoye, I think it would
12 be very hypocritical to make some of the comments
13 that have been made and not provide NYCHA with
14 design-build authority to handle the repairs that
15 NYCHA is being criticized for.

16 I think that when we look at the
17 fact that we have to speed up the procurement
18 process in NYCHA because we have outdated
19 boilers, heating systems that need to be
20 replaced -- and I don't want to go into a whole
21 lecture series on how design-build works, but
22 design-build is a faster process than
23 design-bid-build, which is the process that we
24 have now.

25 So I just want to make sure that

1 before we finish, that this is going to be
2 addressed. I was under the impression, given my
3 understanding of what TED stood for, that that
4 would be something that would have been handled
5 here. But apparently that is not handled here
6 and hopefully it will be handled someplace else.

7 Let me just remind everyone here
8 that there are hundreds of thousands of NYCHA
9 residents -- a number of them are in my
10 district -- who are waiting for the New York
11 State Senate to be part of the solution. And so
12 until we're part of that solution, I will
13 continue to bring this issue up.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger.

17 SENATOR KRUEGER: Through you,
18 Mr. President, if the sponsor would please yield
19 to some questions.

20 SENATOR YOUNG: Yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KRUEGER: Thank you.

24 So actually when the one-house
25 budget bill was being debated in this chamber,

1 there was a section that would actually increase
2 accountability for the Economic Development
3 Corporation, a requirement for a database and
4 transparency. And I am wondering whether that is
5 in this bill.

6 SENATOR YOUNG: Through you,
7 Mr. President. That's a very good question,
8 Senator Krueger. And unfortunately, during the
9 negotiations between the Governor, the Assembly
10 and the Senate, that particular issue fell off
11 the table.

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

15 SENATOR YOUNG: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: Thank you. So
19 also during the one-house budget discussion,
20 there were proposals for \$25 million for new
21 supportive housing units, \$10 million for
22 affordable independent senior housing and
23 resident advisor program, an affordable
24 independent senior housing assistance program,
25 and a change in the rules around the state

1 low-income housing tax credits that would allow
2 for bifurcation, which many professionals were
3 explaining to us would expand the usefulness and
4 value of the state's tax credits in light of
5 changes at the federal level. And then finally
6 in housing also, a change in definition for SCRIE
7 eligibility for the City of New York.

8 I am wondering whether any of these
9 housing proposals are actually in this bill
10 today.

11 SENATOR YOUNG: Through you,
12 Mr. President. Senator Krueger, you had a very
13 lengthy list there, so if we could go through
14 it --

15 SENATOR KRUEGER: Sure.
16 Absolutely. So the \$25 million for new
17 supportive housing.

18 SENATOR YOUNG: Through you,
19 Mr. President, there's a continuation of existing
20 supportive housing units.

21 SENATOR KRUEGER: But not an
22 additional -- I want to give the sponsor a chance
23 to catch her breath.

24 SENATOR YOUNG: Pardon me.

25 SENATOR KRUEGER: No, take your

1 time.

2 SENATOR YOUNG: Pardon me.

3 So under supportive housing, we
4 actually are finishing up the first year of a
5 five-year plan that was voted on last year.

6 SENATOR KRUEGER: Yes. But --
7 through you, Mr. President -- can someone get
8 Cathy a bottle of water?

9 ACTING PRESIDENT GRIFFO: The
10 sponsor will yield.

11 SENATOR KRUEGER: I'm feeling
12 guilty about asking questions, Mr. President.

13 SENATOR YOUNG: No, it's fine.

14 SENATOR KRUEGER: So -- but again,
15 yes, that is absolutely correct. But in the
16 one-house budget bill of the Senate, there was an
17 additional \$25 million for new supportive housing
18 units. So I was asking whether that ended up in
19 this bill here today.

20 SENATOR YOUNG: Through you,
21 Mr. President, it actually was a means to get
22 more funding for supportive housing and other
23 projects. So it wasn't actually additional
24 funding. It was a mechanism.

25 SENATOR KRUEGER: Through you,

1 Mr. President, I'm just going down that list
2 again one by one for Senator Young.

3 SENATOR YOUNG: Thank you. That's
4 helpful.

5 SENATOR KRUEGER: Does this bill
6 add 10 million for the affordable independent
7 senior housing/resident advisor program, as was
8 proposed in the Senate one-house?

9 SENATOR YOUNG: Regretfully,
10 Mr. President, that was something that the Senate
11 put forward as a priority, but during three-way
12 negotiations between the Governor, the Senate,
13 and the Assembly, that fell off the table.

14 SENATOR KRUEGER: And the Senate
15 also supported a bifurcation of the state low
16 income housing tax credits in order to maximize
17 the use of these, given the changes in the
18 federal tax law and the federal tax credits. Is
19 that included in this bill?

20 SENATOR YOUNG: Yes. So through
21 you, Mr. President, I'm very pleased to report
22 that that actual measure is included in the
23 budget bill that we're passing today. And that
24 is a very important -- I'm sorry, it's not in
25 this bill, but it's going to be in upcoming

1 legislation. So we can talk about it then.

2 But it's a very important issue and
3 it's something that I've sponsored for years.

4 SENATOR KRUEGER: Okay. Good, I'm
5 glad we got a clarification because I didn't see
6 it in this bill.

7 SENATOR YOUNG: So then that's why.
8 But it will be included.

9 SENATOR KRUEGER: Okay, got it.
10 thank you.

11 ACTING PRESIDENT GRIFFO: I will
12 remind the members to please direct through the
13 chair.

14 SENATOR KRUEGER: Excuse me,
15 Mr. President.

16 On the bill, Mr. President.

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

19 SENATOR KRUEGER: So like many
20 bills that we will deal with today, there are
21 many omissions and many losses that are not here
22 in front of us. I want to highlight perhaps one
23 of the most disturbing things that is not in this
24 bill today and I fear is probably not in this
25 bill today because my understanding was the

1 Assembly supported it, the Governor supported it,
2 and this house did not. And that was the student
3 loan regulations.

4 We spoke on this at length during
5 the one-house debate, and my colleague Senator
6 Sanders has already raised this issue. We have a
7 student loan crisis, and it has two causes --
8 both the excessive costs of higher education for
9 students and the fact that there are predators
10 preying on these students through being
11 unregulated student loan servicers who direct
12 students not just to overpriced student loan
13 instruments, but also to schools that have some
14 of the highest default rates in our country.

15 And there's a fiscal and financial
16 relationship between these proprietary schools
17 that have some of the highest default rates in
18 the country and the students who are directed to
19 them by unregulated student loan servicers. So
20 basically you have a predatory mortgage story
21 taking place in the student loan industry.

22 And we had an opportunity to do
23 something about it this year -- oh, I'm sorry,
24 did --

25 ACTING PRESIDENT GRIFFO: Senator

1 Young.

2 SENATOR YOUNG: Through you,
3 Mr. President, I just wanted to let Senator
4 Krueger know about something that I think is
5 important to the discussion that she's putting
6 forward on the floor.

7 ACTING PRESIDENT GRIFFO: Without
8 objection, Senator Krueger?

9 SENATOR KRUEGER: Without
10 objection.

11 ACTING PRESIDENT GRIFFO: Senator
12 Young.

13 SENATOR YOUNG: So actually around
14 mid-March of this year, the Education Department
15 has said state student loan servicing laws are
16 preempted. So it says -- I'm reading from an
17 article from the Consumer Finance Monitor -- in
18 response to the wave of new state student loan
19 servicing laws and enforcement activity, the U.S.
20 Department of Education has published an
21 interpretation emphasizing that the Higher
22 Education Act preempts state regulation of
23 federal student loan servicers.

24 So it's preempted by the federal
25 government, and that's why the state has not

1 acted.

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

4 SENATOR KRUEGER: Thank you.

5 And it is true that the federal
6 government, under the Trump administration, has
7 made horrendous decisions involving student loans
8 and proprietary schools that are allowing for
9 massive defaults and students using up their
10 money without being able to get an education.
11 And so they did move a regulation that some think
12 would preempt the State of New York.

13 And yet there are many states moving
14 forward to do exactly what we were hoping to
15 do -- protect student loan borrowers -- despite
16 Washington having taken the step they made.
17 Because in fact when states coordinate together
18 and use lawsuits to challenge the federal
19 government's right to supersede us on these
20 critical issues for the residents of New York
21 State, it turns out that the attorney generals in
22 lawsuits are winning quite a few of the cases.

23 So the dilemma for New York, if we
24 don't actually have laws and protections, we
25 can't challenge whether we have the right to

1 protect our students, despite bad federal policy
2 coming out of the Trump administration.

3 So I beg to differ with my
4 colleague. Simply the fact that the federal
5 government is making bad policy should not
6 exclude New York State moving forward to try to
7 protect our citizens and use our rights as states
8 to establish our own laws. And yes, sometimes
9 we're winning those lawsuits and sometimes we're
10 losing those lawsuits. I actually think New York
11 State's attorney general, in coordination with
12 any number of attorney generals around the
13 country, right now has a pretty good track record
14 of winning, or moving to a draw that allows
15 states to continue their laws, their cases in
16 court.

17 So again, I think this is one of the
18 most disturbing things that we're failing to
19 address. And again, student loan debt in our
20 state has grown to \$82 billion, with an average
21 outstanding balance of \$32,000.

22 But I want to emphasize the
23 correlation between who is getting these -- is
24 being badly directed into student loans they
25 should never have taken out to go to institutions

1 they should never have borrowed money to go to,
2 because they don't get the education that they
3 expected from the institution, hence are in a
4 much more likely rate of default because they
5 didn't get the education to get the job to pay
6 back the student loan. And it's a horrible
7 cycle, and it's expanding rapidly in our state.
8 In fact, there were recent studies showing how
9 disturbing the numbers and the patterns were in
10 New York State.

11 So I don't think bad federal policy
12 should stop our state from trying to address this
13 crisis for our students. And it's one of the
14 most glaring omissions from this budget this
15 year, because now more than ever, we needed to
16 address this and we didn't.

17 So I wanted to just take the
18 opportunity to highlight my frustration, and
19 perhaps someone will notice and decide in those
20 other bills we're waiting to see -- and
21 apparently bills don't have to go in any order
22 anymore -- maybe we will see some of these
23 changes that my colleagues and I have been
24 speaking about.

25 I also just wanted to be on record

1 that last night I did ask for the financial plan
2 and the budget report, and that we have received
3 that, as the Senator committed to before we moved
4 any other bills. So I should have said that at
5 the very beginning of this debate today. But I
6 wanted to go on record with that.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Kavanagh.

10 SENATOR KAVANAGH: Thank you,
11 Mr. President. On the bill.

12 ACTING PRESIDENT GRIFFO: Senator
13 Kavanagh on the bill.

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

16 First of all, I'd just like to begin
17 by following up on something Senator Krueger just
18 said. This is my 12th budget, and from my
19 perspective, the innovation of last year's
20 process whereby we print bills on each of the
21 topics that purport to be the bill on that topic
22 and yet leave much of the meat out of that bill
23 for the very last bill we do, the sort of
24 so-called budget big ugly, is a very unfortunate
25 development in this process.

1 So we're here debating a bill that
2 purports to be the bill on transportation and
3 economic development and the environment, but
4 leaves out key provisions with assurance, some
5 verbal assurances here on the floor that those
6 provisions will be addressed in a bill that is as
7 yet forthcoming.

8 We appreciate those assurances, but
9 a budget process where we close down one of the
10 bills in a three-way or maybe hopefully a four-
11 or five- or six-way negotiation would be much
12 preferable.

13 I rise to speak particularly on one
14 glaring omission in this bill, which is
15 design-build authorization for the
16 Brooklyn-Queens Expressway rehabilitation
17 project.

18 Mr. President, as you know, the
19 Brooklyn-Queens Expressway is a critical artery
20 in our transportation system in New York, running
21 not through my district but as a key part of
22 Route 278 that runs through Staten Island,
23 through Brooklyn and up through Queens and out
24 through Westchester County. It's a critical
25 artery carrying up to 150,000 vehicles per day.

1 It is necessary to repair the
2 roadway. It hasn't gotten any meaningful
3 rehabilitation in the 70 years it's been in
4 service. And we have now been calling for
5 several years for design-build authorization for
6 that project, which we know will take two years
7 off the project and will take at least
8 \$100 million off the cost of that project.

9 Eliminating that delay is
10 particularly critical in this case, because if
11 the roadway -- if the construction extends past
12 2026, which it will without design-build, we will
13 be redirecting many thousands of heavy-duty
14 vehicles, trucks, large trucks onto ordinary
15 local roadways that are not capable of handling
16 the traffic and are not designed for that.

17 It is very troubling that we are
18 here just the day before this budget deadline and
19 we have not seen language on design-build. I
20 have gotten some personal assurances from some of
21 my colleagues that that is something that's still
22 being addressed in discussions. I just wanted to
23 rise to emphasize this is critical for our
24 neighborhoods in Brooklyn. It's also critical
25 for residents of Staten Island and Queens who use

1 that artery to get back and forth, and really for
2 our whole transportation structure in our region.

3 So thank you, Mr. President. And I
4 do hope that we will see some additional
5 provisions coming out soon on this.

6 Thank you.

7 ACTING PRESIDENT GRIFFO: Senator
8 Young.

9 SENATOR YOUNG: Thank you,
10 Mr. President. I just want to point out a couple
11 of things regarding the last two speakers.

12 So first of all, Senator Krueger,
13 thank you for acknowledging that you did receive
14 the financial plan.

15 I did want you to know that all of
16 the lawsuits you were referencing when you were
17 discussing the state student loan servicing laws
18 were actually brought before the preemption. So
19 I just wanted to clarify that point.

20 Senator Kavanagh, to the point you
21 just made, we did include in our one-house budget
22 resolution the BQE. And I wanted to let him know
23 that that issue is still being discussed.

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 Read the last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: May I
10 have some order, please, in the house.

11 Senator Gianaris to explain his
12 vote.

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

15 Much like last evening, this is a
16 bill that should have a lot of important
17 provisions in it that are missing. I'm told some
18 of them may be coming later in bills we've yet to
19 see; some of them may not at all.

20 But because some of these issues are
21 of great importance to the state and great
22 importance to the people I represent, most
23 notably a solution to the crisis facing the
24 Metropolitan Transportation Authority in the
25 New York metropolitan area, I'm going to be

1 voting no on this bill due to its lack of
2 inclusion of a solution for that problem.

3 And hopefully as we go through the
4 day we'll see something that addresses that issue
5 later. But as of this point, there is no bill
6 print that I have seen that even addresses the
7 crisis facing the transit system in New York. So
8 I'll be in the negative.

9 ACTING PRESIDENT GRIFFO: Senator
10 Gianaris to be recorded in the negative.

11 Senator Hoylman to explain his vote.

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

14 I'll be voting no. Part of the
15 problem here is that we're getting these bills
16 piecemeal, obviously. And we've been told by the
17 sponsor that an issue will be decided later, that
18 it's being discussed by leaders, we may see a
19 print version of it. Whether it's NYCHA or MTA
20 or design-build, we're kind of holding out hope.

21 But look, it's not that I don't
22 trust my friends across the aisle, but we should
23 definitely be looking at important items like MTA
24 funding in a holistic manner without having to
25 trust our colleagues that it will be decided upon

1 later in this budget process.

2 So for that reason alone, I think
3 it's worth a no vote. Obviously I have issues
4 with other portions that I've mentioned,
5 including the one-year delay, once again, of the
6 Diesel Emissions Reduction Act.

7 For all those reasons, I'll be in
8 the negative. Thank you.

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

11 Senator Krueger to explain her vote.

12 SENATOR KRUEGER: Thank you.

13 I'm also going to vote no for the
14 reasons that my colleagues just mentioned, the
15 omissions of critical issues for our constituents
16 and our city.

17 And I just want to sort of close
18 down the discussion that I was having with the
19 sponsor. It turns out that the federal
20 government hasn't even passed a law to supersede
21 us. They did a press release. It didn't meet
22 any regulatory requirements. The Attorney
23 General's office has written a letter confirming
24 that it has no power of law.

25 And in fact states are moving

1 forward with exactly the kinds of language to
2 protect students that we are now not doing in
3 this bill today, and those states include
4 Connecticut, California, Illinois, the District
5 of Columbia. Other states like New Jersey,
6 Maryland, Virginia, Maine, Massachusetts and
7 Washington are advancing student loan servicing
8 legislation, just like we were trying to do here
9 in this budget today.

10 So there is nothing in federal law
11 that would stop us from protecting our students.
12 We are stopping us from protecting our students
13 by dropping this important language out of the
14 bills we're passing today.

15 So among the reasons I am voting no,
16 that is one of the crucial ones I want to
17 continue to highlight. We have failed students
18 and their parents today by allowing unscrupulous
19 businesses to continue to exploit our students
20 and take away their ability to get the kind of
21 education that we need them to have and that they
22 deserve.

23 I vote no, Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Krueger to be recorded in the negative.

1 Senator Sanders to explain his vote.

2 SENATOR SANDERS: Thank you,

3 Mr. President.

4 My colleagues have said it better
5 than I. They spoke of NYCHA, MTA, student loans.
6 I will add MWBE to that. And the best that we're
7 hearing is that we will discuss this further down
8 the road.

9 It sounds like we're still kicking
10 the can down the road. And I am reminded of the
11 Great Communicator, Ronald Reagan. Ronald Reagan
12 was questioned that certainly he can trust
13 people, certainly he can trust the Soviets, and
14 he said: Sure, we trust. Trust but verify.

15 And I suggest that all of us do that
16 today. If it's not in writing, it's not real.

17 And under those conditions, sir, I
18 came here to roll up my sleeve and shovel out the
19 barn. And the best that we're told is that, you
20 know, if we kick the can further down the road,
21 wiser minds than ours will do something wise.

22 So under those conditions, the Great
23 Communicator Ronald Reagan leads me to say I
24 trust, but I'm ready to verify, so I have to vote
25 no.

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

3 Senator Rivera to explain his vote.

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

6 Trust but verify, my colleague just
7 said. Pardon my skepticism, ladies and
8 gentlemen. I've been here for eight years, and
9 I've heard the phrase or a version of it, "We
10 will discuss later, it is being discussed, it is
11 being talked about." Not only have we heard it
12 way too much in the last couple of days, but I've
13 certainly heard it enough in the last eight
14 years.

15 Most of the time what that means is
16 it was not being discussed at all or it was
17 discussed and it was thrown out and will never be
18 included anywhere.

19 So again, I would suggest that we
20 need to be in the room and that we will soon
21 hopefully be in the room so that we could make
22 sure that this is discussed. But for the moment,
23 again, pardon my skepticism, but I do not trust
24 that this will ever be considered. Or if it is,
25 it's already been thrown out, et cetera,

1 et cetera.

2 As it is, we're voting on the bill
3 that's in front of us. It is, for all the
4 reasons that my colleagues have pointed out,
5 incomplete. It does not address basic issues
6 that need to be addressed. After all, ladies and
7 gentlemen, we are dealing -- what is the name of
8 this bill again? Transportation, economic
9 development and -- what's the last E?
10 Environment. And yet most of the stuff that
11 has to do with any of these things has been taken
12 out.

13 I vote no, Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Rivera to be recorded in the negative.

16 Senator Parker to explain his vote.

17 SENATOR PARKER: Good morning,
18 Mr. President. To explain my vote.

19 I rise to unfortunately vote no on
20 this bill. Again, I don't want my no vote to
21 reflect on the hard work that was done by the
22 staff and the members of this chamber on pulling
23 this together. But when I look at this bill, I
24 am -- I'm struck in the same way that I think my
25 colleagues are struck by so many of the issues

1 that our voters have asked us to deal with that
2 we have really neglected in this budget.

3 NYCHA, we have a crisis in the
4 New York City Housing Authority. If it was its
5 own city, with almost 600,000 people, it would be
6 the second-largest city in the State of New York
7 after the City of New York. And yet we've done
8 nothing to address the crisis at NYCHA. So what
9 we've said to the people of NYCHA is that we
10 don't care about you, that we don't think enough
11 of you to think that you need and deserve heat
12 and hot water. That's unconscionable, and
13 certainly it can't stand.

14 And the MTA is the lifeblood of the
15 City of New York -- which, by the way, is the
16 heart of the economic engine that runs this
17 state, whether people like it or want to
18 acknowledge it or not. And so how could we
19 possibly not address the issues of the MTA within
20 the context of this budget and then vote for it
21 in good conscience and say that it addresses the
22 needs of our communities?

23 And so because of our lack of
24 address of MTA, I vote no.

25 And of course around the Women and

1 Minority Business Enterprise program not properly
2 being addressed in this budget as well, I must
3 vote no. We're talking about blacks and Latinos
4 represent 40 percent. The goals in the state are
5 only about 20 percent, and we still can't even
6 get to those. Women are almost 60 percent of the
7 population of this state. And again, we've said
8 to women on more than one occasion, we don't need
9 to take care of your issues, that we don't need
10 to address the economic concerns of you or the
11 people of your community. That can't stand. And
12 we can do better. And we are better.

13 And all I have to give right now is
14 my no vote. I wish I had more no votes to give.

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

17 Senator Kavanagh to explain his
18 vote.

19 SENATOR KAVANAGH: I'll pass.

20 ACTING PRESIDENT GRIFFO: Senator
21 Kavanagh is okay.

22 Senator Young to close comments.

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

25 I did want to correct for the record

1 one thing that was just said a few moments ago.
2 Senator Krueger said that the discussion about
3 the preemption by the federal government of the
4 state student loan servicing laws was just a
5 press release.

6 I want to correct for the record
7 that that's not factually correct. And in fact
8 there was a rule made by the U.S. Department of
9 Education that was issued that gives guidance to
10 states regarding this issue. So I just want to
11 make sure that the record is corrected.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Young to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 735, those recorded in the negative are
18 Senators Comrie, Gianaris, Hoylman, Kavanagh,
19 Krueger, Parker, Rivera and Sanders.

20 Ayes, 52. Nays, 8.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 Senator DeFrancisco, that completes
24 the controversial reading of the supplemental
25 calendar before the house.

1 SENATOR DeFRANCISCO: Is there any
2 further business at the desk?

3 ACTING PRESIDENT GRIFFO: There is
4 no business at the desk at this point.

5 SENATOR DeFRANCISCO: Okay. In
6 that case, I'm going to call an immediate
7 Republican conference in Room 332.

8 And Senator Gianaris has an
9 announcement.

10 ACTING PRESIDENT GRIFFO: There
11 will be an immediate meeting of the Republican
12 Conference in Room 332.

13 Senator Gianaris.

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

16 There will be a meeting of the
17 Democratic Conference at 11:00 a.m. in the
18 Democratic Conference Room.

19 ACTING PRESIDENT GRIFFO: There
20 will be a meeting of the Democrat Conference at
21 11:00 a.m. in the Democrat Conference room.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: And the
24 Senate will stand at ease.

25 ACTING PRESIDENT GRIFFO: The

1 Senate will stand at ease.

2 (Whereupon, the Senate stood at ease
3 at 10:35 a.m.)

4 (Whereupon, the Senate reconvened at
5 12:23 p.m.)

6 ACTING PRESIDENT GRIFFO: The
7 Senate will come to order.

8 SENATOR DeFRANCISCO:
9 Mr. Co-Presidents --

10 (Laughter.)

11 SENATOR DeFRANCISCO: Let's see. I
12 believe there is a bill at the desk? There is no
13 bill at the desk.

14 ACTING PRESIDENT GRIFFO: Are you
15 looking to call a Finance Committee meeting,
16 Senator DeFrancisco?

17 SENATOR DeFRANCISCO: Oh, that's
18 right. That's right. I'm getting confused.

19 I'd like to call an immediate
20 meeting of the Finance Committee in Room 332.

21 ACTING PRESIDENT GRIFFO: There
22 will be an immediate meeting of the Senate
23 Finance Committee in Room 332.

24 The Senate stands temporarily at
25 ease.

1 (Whereupon, the Senate stood at ease
2 at 12:24 p.m.)

3 (Whereupon, the Senate reconvened at
4 12:48 p.m.)

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

7 SENATOR DeFRANCISCO:
8 Mr. President, is there a report of the
9 Finance Committee at the desk?

10 ACTING PRESIDENT GRIFFO: There is
11 a Finance Committee report at the desk, and the
12 Secretary will read.

13 THE SECRETARY: Senator Young, from
14 the Committee on Finance, reports the following
15 bills:

16 Senate Print 7503D, Senate Budget
17 Bill, an act making appropriations for the
18 support of government: AID TO LOCALITIES BUDGET;
19 and

20 Senate 7507C, Senate Budget Bill,
21 HEALTH AND MENTAL HYGIENE BUDGET.

22 Both bills reported direct to third
23 reading.

24 SENATOR DeFRANCISCO: Move to
25 accept the report of the Finance Committee.

1 ACTING PRESIDENT GRIFFO: All in
2 favor of accepting the Finance Committee report
3 signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT GRIFFO: Opposed?

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The
8 committee report is accepted, and the bills are
9 before the house.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, there's
12 a Senate Supplemental Calendar Number 29B. Can
13 we take up Calendar 737 on that calendar.

14 ACTING PRESIDENT GRIFFO: So,
15 Senator DeFrancisco, we will have the Secretary
16 read. We just want to note, for information,
17 that the bill is high. We will begin discussion
18 and debate on the bill awaiting a message for the
19 vote.

20 So the Secretary will read.

21 THE SECRETARY: Calendar Number
22 737, Senate Budget Bill, Senate Print 7507C,
23 HEALTH AND MENTAL HYGIENE BUDGET.

24 SENATOR GIANARIS: Lay it aside.

25 ACTING PRESIDENT GRIFFO: Lay it

1 aside.

2 Senator DeFrancisco, that completes
3 the noncontroversial reading.

4 SENATOR DeFRANCISCO: All right.
5 By consent of the various conferences, we're
6 going to begin debate on that bill. And I'm not
7 quite sure what the minority party desires to do
8 as far as an amendment, possibly; is that
9 correct?

10 SENATOR GIANARIS: That's correct.

11 SENATOR DeFRANCISCO: Okay.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will ring the bell for the
14 controversial reading.

15 Without objection, we'll begin
16 debate.

17 Senator Gianaris. (Pause.) Senator
18 Gianaris, you've been recognized.

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

21 I believe there's an amendment at
22 the desk. I would ask that the reading be waived
23 and that Senator Krueger be heard on the
24 amendment.

25 ACTING PRESIDENT GRIFFO: Senator

1 Gianaris, we're going to first call the bill up
2 controversial, then I will entertain looking at
3 your amendment.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 737, Senate Budget Bill, Senate Print 7507C,
7 HEALTH AND MENTAL HYGIENE BUDGET.

8 ACTING PRESIDENT GRIFFO: Senator
9 Gianaris, upon review of the amendment that is
10 presented to the desk, in accordance with
11 Article VII, Section 4B, I rule it to be
12 nongermane and out of order at this time.

13 SENATOR GIANARIS: I'm rather
14 disappointed, Mr. President, to hear that.

15 (Laughter.)

16 SENATOR GIANARIS: I appeal from
17 your decision and ask that Senator Krueger be
18 heard on the appeal.

19 ACTING PRESIDENT GRIFFO: The
20 appeal has been made and recognized.

21 And Senator Krueger, you may speak.

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

24 This legislation authorizes
25 licensed healthcare -- I'm sorry? Oh. I'm

1 sorry, Mr. President, I was -- I heard something
2 behind me.

3 So we're dealing with the healthcare
4 budget bill for the state. And my amendment is
5 germane because it deals with the healthcare
6 practitioners acting within their scope of
7 practice to perform an abortion upon a patient
8 within 24 weeks of the commencement of the
9 pregnancy. An abortion may be performed after
10 24 weeks if, in the reasonable and good faith
11 professional judgment of the healthcare
12 practitioner, there is an absence of fetal
13 viability or the patient's life or health is in
14 danger.

15 It also would remove provisions
16 related to abortion from New York State's Penal
17 Law, Criminal Procedure Law, and Judiciary Law.

18 New York's laws are currently in
19 conflict and therefore null and void with federal
20 case law because the laws were passed prior to
21 1973's decision of the Supreme Court known as Roe
22 v. Wade. If Roe is overturned, we will find
23 ourselves in the situation where New York State's
24 current law would make it illegal to perform an
25 abortion even if the mother's health is in

1 danger.

2 This does not permit late-term
3 abortion. There is a 24-week cutoff unless the
4 life or health of the mother is in jeopardy or
5 the fetus is no longer viable, just as required
6 by the federal case law.

7 Only doctors would be able to
8 perform surgical abortions. All abortions have
9 to be done within the scope of practice of the
10 health professionals. There will not be nurses
11 or physician's assistants or nondoctors of any
12 type performing surgical abortions.

13 The removal of abortion from the
14 Penal Law will ensure that doctors are not afraid
15 of overzealous prosecutions for simply providing
16 medical care and that women are free to seek the
17 medical care they need without fear of
18 prosecution. The parts of the Penal Law that are
19 repealed are antiquated penal provisions pre-Roe
20 v. Wade that criminalize abortion, including
21 penalties for women who seek to obtain abortions.

22 Other Penal Law provisions would
23 still be in effect if the abortion is done
24 without the consent of the woman, hence an
25 assault, or kills the woman, hence manslaughter.

1 A second part of my amendment would
2 address contraceptive contraception. There's
3 been an act carried here for quite a few years
4 known as CCCA that would seek to lower the rate
5 of unintended pregnancy through commonsense
6 policy solutions. This section of my amendment,
7 if it were to pass, would require insurance to
8 cover all FDA-approved contraceptive methods
9 without a copay, including vasectomies for men
10 and other contraceptives that work with men as
11 well. It would allow pharmacies, licensed
12 midwives and registered professional nurses to
13 provide emergency contraception, known as EC,
14 through a nonpatient specific prescription. It
15 would ensure that coverage could be for a
16 12-month supply of contraception at one time.

17 The fact is, and all of us know it,
18 50 percent of pregnancies are unintended and
19 unplanned. That's in New York and throughout
20 this country. So in order to avoid unnecessary
21 abortions or unnecessary, more complicated
22 healthcare costs, providing contraception upon
23 demand, providing a year's supply at a time,
24 would reduce the odds of a woman's having to deal
25 with an unintended pregnancy.

1 Ending copays can be a real barrier
2 for some women who cannot afford to obtain
3 reliable birth control, hence ending up in a
4 situation far more expensive for their insurance
5 providers and far more complicated for the state.
6 Our providing this law would give women access to
7 the method that works best for them without the
8 barrier of cost.

9 The fact is because of the threat
10 that the Supreme Court may overturn Roe v. Wade,
11 New York State is in a position where it needs to
12 act. We can no longer sit back and say, Well,
13 our law hasn't actually been correct since 1973,
14 but no one's really yelling and screaming too
15 much.

16 That is not the case. Not only are
17 we at imminent risk at finding ourselves without
18 the legal protections pretty much every
19 New Yorker believes they have, but we also have
20 the reality today where women at risk of life and
21 health, women who have been told that they do not
22 have a viable fetus and that if they try to
23 continue to complete their pregnancy into labor,
24 risk dying themselves, are having to leave the
25 State of New York in search of a medical provider

1 who will provide a basic medical treatment for
2 them to protect them and their lives.

3 And we have all been visited, I
4 think we have all been visited, even recently, by
5 women and their husbands who live here in
6 New York State, throughout the state, telling us
7 heartbreaking stories of having to leave the
8 state, having to pay exorbitant amounts of money
9 just to make sure that they were not in a
10 life-threatening situation.

11 And so we can't wait any longer,
12 Mr. President. It's perhaps one of the most
13 crucial health issues before us in the state.
14 And I would urge all of my colleagues to vote for
15 this amendment and to ensure that we finally
16 modernize our laws in New York State.

17 Thank you, Mr. President.

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

20 So the question before the house is
21 on the ruling of the chair and the operations and
22 procedures of the house. All in favor of
23 overruling the ruling of the chair signify by
24 saying aye.

25 (Response of "Aye.")

1 SENATOR GIANARIS: Show of hands,
2 please.

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

5 THE SECRETARY: Ayes, 28.

6 ACTING PRESIDENT GRIFFO: The
7 ruling of the chair stands.

8 And the bill-in chief is before the
9 house. Is there any Senator that wishes to be
10 heard?

11 Senator Krueger.

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

14 Would the sponsor please yield to
15 some questions?

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

18 SENATOR HANNON: On which part of
19 the bill?

20 SENATOR KRUEGER: Oh, Part B,
21 sexual harassment.

22 SENATOR YOUNG: Sure.

23 SENATOR KRUEGER: Is that a yes?

24 SENATOR YOUNG: Yes.

25 ACTING PRESIDENT GRIFFO: Senator

1 Young yields.

2 SENATOR KRUEGER: Oh, sorry, I
3 wanted to make sure. Thank you, Mr. President.

4 So there are many sections of Part B
5 addressing sexual harassment. The new law would
6 ban the use of mandatory arbitration clauses
7 signed after the effective date except where
8 inconsistent with federal law. In what ways
9 would these prohibitions against mandatory
10 arbitration clauses be inconsistent with federal
11 law?

12 SENATOR YOUNG: Through you,
13 Mr. President. This section deals with a
14 mandatory arbitration, as Senator Krueger pointed
15 out.

16 The federal rules could deal with
17 items such as orders of protection that are
18 already in place, so we cannot supersede such a
19 thing, and also discrimination claims that may be
20 filed. So those are two of the examples.

21 SENATOR KRUEGER: Through you,
22 Mr. President, my understanding -- I'm sorry, if
23 the sponsor would continue to yield.

24 SENATOR YOUNG: Sure.

25 ACTING PRESIDENT GRIFFO: The

1 Senator yields.

2 SENATOR KRUEGER: So my
3 understanding is that the Federal Arbitration Act
4 generally preempts state law that treats
5 arbitration less favorably than other
6 arrangements. Is that the sponsor's
7 understanding as well?

8 SENATOR YOUNG: Yes, federal law
9 preempts.

10 SENATOR KRUEGER: So through you,
11 Mr. President, if the sponsor would continue to
12 yield.

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KRUEGER: So given our
17 agreement on that underlying preemption, what
18 protection does this section of law actually
19 provide?

20 SENATOR YOUNG: Through you,
21 Mr. President. We just want to acknowledge,
22 through this legislation, that there may be some
23 extra protections that would apply. So we wanted
24 to make sure that that was part of the
25 legislation.

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: Would this extra
8 protection possibly apply to any other form of
9 discrimination besides sexual harassment?

10 SENATOR YOUNG: Through you,
11 Mr. President, yes. If there's a federal
12 preemption, yes.

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

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: So if the claim
20 were to be brought on the basis of gender
21 harassment, would mandatory arbitration be
22 prohibited?

23 SENATOR YOUNG: Through you,
24 Mr. President. What we would have to do, you
25 know, if there was such a case brought forward,

1 we would have to check the federal rules. But
2 this really is trying to get at serial sexual
3 predators who have taken advantage of the system,
4 taken advantage of mandatory arbitration, making
5 people sign agreements up-front and then there
6 was no recourse to the victim when sexual
7 harassment occurred. So people like Harvey
8 Weinstein come to mind, because he was able to be
9 a serial sexual predator for decades because of
10 such agreements.

11 So that's what we're getting at in
12 this legislation, is to end those types of
13 arrangements where people committing bad acts can
14 continue to get away with their bad behavior.

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

18 SENATOR YOUNG: Yes.

19 SENATOR KRUEGER: Thank you.

20 So just for clarification, we don't
21 think we would need this --

22 SENATOR MARCELLINO: Can she speak
23 a little louder?

24 ACTING PRESIDENT GRIFFO: Senator
25 Krueger, can you speak a little louder?

1 SENATOR KRUEGER: I'm sorry, of
2 course I can. Excuse me, I will speak loudly.
3 Thank you, Mr. President.

4 So would this law really only be
5 targeting people who were serial predators with
6 large numbers of these cases, and not somebody
7 who was a one-time predator?

8 SENATOR YOUNG: So through you.
9 Mr. President, I used Harvey Weinstein as an
10 example, but it would apply in every case if it's
11 found to, you know, be relevant. And each case
12 has to be fact-specific. So you can't just make
13 broad assertions about anything, you have to look
14 at each individual case.

15 SENATOR KRUEGER: I agree,
16 Mr. President. May I please ask another
17 question?

18 SENATOR YOUNG: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR KRUEGER: And on exactly
22 that point, the Senate Democratic Conference has
23 proposed a bill, sponsored by Senator Hoylman,
24 that would guarantee substantive and procedural
25 due process rights in all arbitration cases.

1 Similarly, the Assembly had supported various
2 procedural and substantive protections for
3 claimants in arbitration proceedings.

4 Are any of these proposals included
5 in this final agreement?

6 SENATOR GIANARIS: Through you,
7 Mr. President, this bill deals with sexual
8 harassment. And it actually, as I've stated on
9 other parts of the budget, it has been
10 negotiated. The crux of this legislation
11 actually was authored by Senator Phillips and
12 myself, so two women. And we have been part of
13 the negotiations all along as far as feedback and
14 giving our input.

15 So the bottom line is this is
16 sweeping legislation that deals with the scourge
17 of sexual harassment that has especially come to
18 light in the past few months. And in general, it
19 handles all different kinds of sexual harassment
20 situations.

21 SENATOR KRUEGER: Through you,
22 Mr. President, on this section of the bill.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger on the bill.

25 SENATOR KRUEGER: So in the

1 discussion we're having on Part B, the point I am
2 trying to make is not whether or not different
3 people were sitting in the room to write this
4 bill, but rather to point out that the way it is
5 written it actually does not appear to provide
6 any new protections in the situation of
7 arbitration cases.

8 And so I wanted to highlight that
9 there's language that gets you somewhere down the
10 road, and there's language that apparently
11 doesn't really get you anywhere. And I fear that
12 at least in Section B of this bill, we're not
13 getting anywhere.

14 If the sponsor would continue to
15 yield to answer a few more questions.

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

18 SENATOR YOUNG: Yes.

19 And I just want to clarify that when
20 you codify, for example, certain parts of federal
21 law, basically what you're doing is that you're
22 opening the door so that someone can go to a
23 state court instead of having to go to a federal
24 court. And that's one of the reasons that we do
25 it, quite often.

1 But sure.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger.

4 SENATOR KRUEGER: Through you,
5 Mr. President, could the sponsor clarify how this
6 is codifying federal law?

7 SENATOR YOUNG: Through you,
8 Mr. President. The reason that I brought that up
9 is that oftentimes there's overlap between the
10 federal and the state law. So this just allows
11 the law to be as tight as possible. And it's
12 covered both in the federal, in some cases, and
13 the state; in other cases this is just new state
14 law that isn't under federal law. So it's a
15 combination of both.

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: Thank you.

23 In Part C, on taxpayer dollars for
24 sexual harassment claims, it states that the
25 employees -- sorry, office or employee of the

1 state personally liable for intentional
2 wrongdoing related to sexual harassment would be
3 responsible for the payment of settlements.

4 How would that exactly work?

5 SENATOR YOUNG: So through you,
6 Mr. President, that's a great question, Senator
7 Krueger. And actually this ends taxpayer-funded
8 settlements. Taxpayers across the state do not
9 want to have their hard-earned dollars used to
10 pay for someone's bad behavior.

11 So this legislation holds
12 individuals responsible for sexual harassment if
13 they're found guilty. Within 90 days if someone
14 is found to have committed sexual harassment,
15 then they would have to pay the state back, for
16 example. And the way that it could happen could
17 be through several mechanisms. If they're still
18 an employee of the state, it could be through
19 wage garnishment. If they are no longer an
20 employee of the state, all the mechanisms
21 normally used would be available.

22 So for recoupment, oftentimes you
23 may have to go to court, but it -- there are ways
24 that you can get the money back so that the
25 taxpayers would be reimbursed.

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: And would this
8 apply in cases where the victim was an employee
9 of the Legislature or the executive chamber?

10 SENATOR YOUNG: Through you,
11 Mr. President, yes.

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

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR KRUEGER: Can the sponsor
18 find the section of this sexual harassment law
19 that in any way, shape or form addresses
20 requirements upon the Legislature or the
21 executive chamber to actually follow these
22 changes we are putting into law for other
23 government employee agencies, private companies,
24 and contractors?

25 SENATOR YOUNG: Through you,

1 Mr. President, I'm trying to find the exact
2 section, so if you could just bear with me. It's
3 a lengthy bill.

4 SENATOR KRUEGER: Certainly.

5 SENATOR YOUNG: Through you,
6 Mr. President. This law applies to all state
7 employees, number one.

8 But number two, if you look at
9 page 11, Senator Krueger, and if you read all
10 those -- oh, I'm sorry, want to borrow mine? If
11 you read all those sections, it talks about
12 prevention of sexual harassment. And so if you
13 go through that, you can see that there are --
14 there's language that actually applies to the
15 Legislature. And it says all employees and all
16 employers.

17 SENATOR KRUEGER: Through you,
18 Mr. President, I am familiar with that section
19 and the various listed items, and it's that
20 within six months of the effective date,
21 Department of Labor and Division of Human Rights
22 will draft a model policy, and these are items to
23 be included in the model policy.

24 But I can't see anywhere where it
25 says the Legislature and the executive branch are

1 included in the categories of entities that have
2 to follow the model policy.

3 SENATOR YOUNG: Through you,
4 Mr. President. Senator Krueger, do you consider
5 yourself, as a Senator, an employee of the state?

6 SENATOR KRUEGER: Yes, I do.

7 SENATOR YOUNG: Okay, thank you.

8 By the way, Senator Krueger, if
9 you're referring to a recent article that may
10 have been in the press this morning, that doesn't
11 refer to the actual bill that's before us. That
12 was some version that was multiple versions ago.

13 SENATOR KRUEGER: I don't know that
14 I'm referring to any specific article. I got to
15 bed too late and did not read the newspapers yet
16 today. So I don't actually know.

17 But through you, Mr. President,
18 continuing with questions.

19 ACTING PRESIDENT GRIFFO: Senator
20 Young, do you continue to yield?

21 SENATOR YOUNG: Yup.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR KRUEGER: Thank you.

25 So it discusses model policy that

1 would apply to government agencies. You and I
2 are not necessarily in agreement whether it would
3 include the Legislature and the Executive, but it
4 would include private agencies and contractors
5 with the state.

6 But would it include companies that
7 do business in the State of New York but are not
8 defined as corporations in the State of New York?

9 SENATOR YOUNG: Through you,
10 Mr. President. Actually the legislation, first
11 of all, applies across the board to every state
12 employee, including the Legislature, including
13 the Executive branch, including the Judiciary.
14 So every branch of government and state workers.

15 As far as the second part of your
16 question, this also applies to every employer
17 across the State of New York. So it has broad,
18 wide-ranging, positive ramifications as far as
19 protecting every New Yorker.

20 SENATOR KRUEGER: Through you,
21 Mr. President, I'm not a labor expert, I freely
22 say that, but I am familiar with a number of
23 other New York State labor laws, and this does
24 appear to fall under Department of Labor law in
25 some way, where when you go to try to get

1 assistance for the candidate for the job or for
2 an employee who feels that they have been
3 violated in some way, you learn that since the
4 employer is located in Ohio, even if you are
5 working in a retail store here in New York, that
6 New York State labor law does not apply or
7 protect you.

8 So I'm --

9 SENATOR YOUNG: Through you,
10 Mr. President, the bill actually says all
11 employees. That's what it means, all employees
12 within New York State. It's very clear that it
13 says that. And so I disagree with your analysis,
14 Senator Krueger.

15 But it applies, I can assure you, to
16 all employees across the state.

17 SENATOR KRUEGER: I want to thank
18 the sponsor for her answers. I want to point out
19 that I think there is much gray area in this
20 bill, including the definition of an employer and
21 whether --

22 ACTING PRESIDENT GRIFFO: Are you
23 on the bill?

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

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

3 SENATOR KRUEGER: There's much gray
4 area, including who's defined as an employee of a
5 company that has to follow New York State
6 employment law.

7 There's confusion still for me about
8 whether this actually implements the same
9 standards and requirements for employees of the
10 Legislature and the Executive. There's no
11 clarification of who they would demand an
12 investigation from and how that would be
13 conducted.

14 I do not see language that broadens,
15 as I feel it should, the categories where you can
16 bring a case. Because if you limit the
17 definition of sexual harassment, you find
18 yourself in any number of situations where what
19 happened to you may not be defined within this
20 definition of sexual harassment. And actually
21 the Senator and I went back and forth on that
22 when we did the one-house Senate bill, and I
23 don't think we've clarified it or cleared it up
24 in this bill.

25 It's also not clear to me -- and

1 according to a number of employment law
2 specialists, it's not clear to them -- that this
3 doesn't, perhaps unintentionally, weaken
4 protections people have had when they bring cases
5 in court for years in the courts of New York
6 State. And again, I am concerned, if I have
7 experts in the field of protecting people in
8 these situations telling me that perhaps
9 unintentionally, they believe that we are
10 actually weakening the rights and protections
11 that people have already had in New York State.

12 I know, just like Senator Young
13 knows, that we need to fix these problems. We
14 are in total agreement on that. I just don't
15 know that we have accomplished the goals in the
16 context of this set of sections within the health
17 budget bill, concerns -- and I'm not going to go
18 through all of them -- about tracking contractor
19 data, tracking the obligations of the independent
20 contractors with more contractors, tracking how
21 there will be reporting and enforcement by the
22 two agencies who are mandated to play a role
23 here.

24 There are all kinds of issues within
25 the employment law world about vicarious

1 liability questions, and I won't even pretend to
2 ask questions on vicarious liability, because
3 it's just another case where I forgot to go to
4 law school and I wouldn't do justice to their
5 issues.

6 I am concerned that we are missing
7 important sections when we look at this,
8 including a clear and strong definition of sexual
9 harassment as just one form of discrimination;
10 the importance of being explicit in our
11 definitions so that we strengthen the rights and
12 remedies available to victims; the importance of
13 nonretaliatory law so that people who come
14 forward as whistleblowers or confirmers of what
15 they have seen do not face the loss of their own
16 job and status simply for standing up for other
17 people that they have seen being the victims.

18 It was a try. I'm going to even say
19 it was a really good try. But I think we missed
20 the boat -- is that the right analogy, you missed
21 the boat? Or the train? I'm from New York, you
22 miss the subway -- on whether we actually got
23 there enough that we can say to people in the
24 State of New York: No, no, we took care of all
25 this, we passed this law within our budget.

1 I wish that we had had public
2 hearings. I wish that we all had an opportunity
3 to hear from the employment law specialists
4 explain the concerns about vicarious liability
5 and actually the possibility that we've decreased
6 people's rights and protections. I wish we had a
7 situation where victims actually felt comfortable
8 coming forward to tell us why it doesn't work now
9 and why they're concerned that it won't work
10 under this either.

11 It's true that maybe we can try to
12 fix it after we see that we didn't get far
13 enough. I just wish we had gotten farther here
14 today.

15 Thank you, Mr. President.

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

18 Senator Young.

19 SENATOR YOUNG: Thank you,
20 Mr. President. I'd just like to respond to some
21 of the things that Senator Krueger just said.

22 So I appreciate my colleague's
23 concern over the lack of a definition. And I
24 know that the last time, in the last version of
25 this bill that we actually passed in this house,

1 during the one-house budget resolution, my
2 colleague actually criticized the definition
3 because she felt that it wasn't broad enough.

4 So if I could point to the
5 members -- for the members' convenience, on
6 page 11, if you have the bill in front of you,
7 what is subpart E, there's lines 12 through 15.
8 And it talks about the provisions regarding
9 sexual harassment, but basically it's flexible.
10 And it was ultimately decided that it needed to
11 be flexible for a lot of reasons. That if you
12 put a definition that was very definite in the
13 law, then as case law evolved, as society
14 changed, then the law would not be able to keep
15 up with it.

16 And certainly all of us recognize in
17 this house that views about sexual harassment,
18 for example, in the 1950s, '60s, '70s, '80s,
19 '90s, even 2000s -- even six months ago, since
20 before the #MeToo movement started -- people
21 viewed this issue very differently. So this
22 gives flexibility so that as victims come
23 forward, as case law has developed, then each
24 victim's voice can be heard.

25 And I do want to stress, this is

1 precedent-setting. This is something that is
2 comprehensive and it is, I believe, one of the
3 most significant pieces of legislation that this
4 body has passed in a long time, because it will
5 have such a positive impact on so many
6 New Yorkers' lives.

7 ACTING PRESIDENT GRIFFO: Seeing
8 and hearing no other Senator wishing to be heard,
9 the debate is closed and -- Senator Hannon.

10 SENATOR HANNON: Mr. President, I'd
11 like to just note, speaking on the bill --

12 ACTING PRESIDENT GRIFFO: Senator
13 Hannon on the bill.

14 SENATOR HANNON: -- that this is
15 the health budget bill. And in addition to the
16 very important inclusion of the prevention of
17 sexual harassment, that we have managed to make
18 some major strides in people's health and
19 improving on the health budget that was submitted
20 by the Executive, and extending what we're doing
21 in regard to many provisions.

22 If nothing else, we have rejected
23 many of the cuts that were there that people have
24 universally said should not be there. That we
25 have gone to improving the delivery of services

1 for nursing homes --

2 ACTING PRESIDENT GRIFFO: Excuse
3 me, Senator Hannon.

4 Can I have some order in the house,
5 please.

6 Senator Hannon.

7 SENATOR HANNON: -- for nursing
8 homes, for hospitals, for managed care in the
9 community, for people in various waiver programs,
10 for improving the Health Homes so that wasted
11 money will not be there and actually getting the
12 agreement of the Executive to improve the entire
13 delivery of these needed services so that they
14 will be effective when delivered.

15 There are many, many other parts,
16 especially in regard to public health. We have
17 substantially improved upon the suggestion of the
18 Executive in regard to rape kits, so ultimately
19 they will be kept secured for 20 years so that we
20 can really go after serial predators. We have
21 initiated, through the Senate Heroin and Opioid
22 Task Force, some major advances so that we can
23 attack the scourge of drugs in the neighborhood,
24 working for recovery, working for even jail-based
25 services. In other parts -- not in this bill,

1 but in other parts of the budget -- Recovery high
2 schools.

3 We have once again addressed, for
4 health, the question of clean water in this
5 state, whether it be the delivery of water,
6 whether it be the filtration of water, whether it
7 be the replacement of lead pipes. Rural health,
8 Nurse-Family Partnership, extending a provision
9 that we did last year in regard to Medicaid for
10 milk banks, donor breast milk banks, we're
11 extending that to the regular insurance system,
12 as well as improving on organ donation.

13 These are only a few of the things
14 we have done. We're extending the reach of
15 tick-borne diseases, based on the hearings that
16 Senator Serino had conducted earlier this year,
17 as well as many of the women's health initiatives
18 that we feel are necessary in the state.

19 So in addition to the very important
20 sexual harassment policies being adopted in
21 really precedent-setting ways, we have done some
22 major work for the health of this state, and it's
23 a significant, significant broad reach.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Hannon.

2 Senator Hoylman.

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

5 Would the sponsor yield for a couple
6 of questions?

7 ACTING PRESIDENT GRIFFO: Who would
8 you like to yield in this case? Senator Young?

9 SENATOR HOYLMAN: Whoever is --

10 SENATOR YOUNG: Yes, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Young yields.

13 SENATOR HOYLMAN: Thank you.

14 I have a question for you -- through
15 you, Mr. President. Are interns covered under
16 this new model policy for sexual harassment?

17 SENATOR YOUNG: Through you,
18 Mr. President. They already are covered through
19 the Division of Human Rights law that had
20 previously -- previously exists. But also
21 there's a section that deals with nonemployees.

22 So yes. To answer your question,
23 yes, they are covered.

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

1 ACTING PRESIDENT GRIFFO: Senator
2 Hoylman.

3 SENATOR HOYLMAN: -- it's my
4 understanding that --

5 ACTING PRESIDENT GRIFFO: Would you
6 like the sponsor to continue to yield, or are you
7 on the bill?

8 SENATOR HOYLMAN: Would the sponsor
9 please yield.

10 ACTING PRESIDENT GRIFFO: Senator
11 Young yields. Go ahead.

12 SENATOR YOUNG: Yes.

13 SENATOR HOYLMAN: My read of it is
14 that independent contractors are covered, but not
15 interns. Is that correct?

16 SENATOR YOUNG: Through you,
17 Mr. President, I just answered that. But they
18 already are covered through Division of Human
19 Rights law. And in addition, there's a
20 definition for nonemployees.

21 But yes, you bring up a very good
22 point that independent contractors also are
23 covered under this legislation. Up to 40 percent
24 of the workforce now are independent contractors.
25 They previously did not have the same protections

1 as regular employees. So for example -- and I've
2 given these examples before. But so for example,
3 if you work in a salon, you have your own booth,
4 the owner sexually harasses you, there is very
5 little recourse that you could have.

6 This covers all those everyday
7 New Yorkers across the state who don't have
8 protections now; they will have protections under
9 the law.

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

12 SENATOR YOUNG: Yes.

13 SENATOR HOYLMAN: Thank you. Are
14 interns covered under the Senate's current
15 policy?

16 SENATOR YOUNG: Through you,
17 Mr. President. Yes, of course.

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

20 SENATOR YOUNG: Yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR HOYLMAN: Would the
24 Senate's policy be deemed sufficient under the
25 proposed model policy?

1 SENATOR YOUNG: I'm sorry, I didn't
2 quite catch that.

3 SENATOR HOYLMAN: Would the
4 Senate's current policy be deemed sufficient
5 under the model policy?

6 SENATOR YOUNG: Through you,
7 Mr. President, the legislation talks about model
8 policies that are going to be developed. So
9 those are a work in progress.

10 And so what we want and what the
11 purpose of the legislation is is to have the most
12 comprehensive, the most effective sexual
13 harassment laws in the state and I think probably
14 across the country. So that's the goal. And
15 some of this is going to be a work in progress as
16 we go forward because we want to make sure that
17 it's clear that there's zero tolerance for sexual
18 harassment in New York State all across the
19 board -- for every employee, every person,
20 there's zero tolerance for sexual harassment.

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

23 ACTING PRESIDENT GRIFFO: Senator
24 Hoylman on the bill.

25 SENATOR HOYLMAN: I disagree with

1 the sponsor, in that it's my reading that interns
2 are not currently covered under the Senate's
3 sexual harassment policy. And it's my
4 understanding that under the new proposed model
5 policy, the Senate's current policy will be
6 deemed sufficient, so we will continue not to
7 cover interns under sexual harassment.

8 The sponsor has not moved me from my
9 assertion. And I think that this is a stark
10 deficiency, because, Mr. President -- and I think
11 my colleagues would agree -- the most vulnerable
12 people in this chamber are the young men and
13 women, the fellows, the high school students, the
14 college students --

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

17 SENATOR YOUNG: Mr. President, I
18 would like to correct my colleague, because what
19 he is saying is absolutely incorrect.

20 Interns are employees. They're
21 covered. They're covered under this bill. They
22 are covered under policies and other things,
23 safeguards that we have in place. So
24 respectfully, what my colleague is saying is not
25 true.

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

3 SENATOR GIANARIS: Mr. President, I
4 would just ask that if someone wants to interrupt
5 someone who's speaking on a bill --

6 ACTING PRESIDENT GRIFFO: I asked
7 why she rose, gave her the opportunity to speak,
8 as she had been spoken to before by Senator
9 Hoylman.

10 SENATOR GIANARIS: Yes, but Senator
11 Hoylman --

12 ACTING PRESIDENT GRIFFO: Senator
13 Hoylman, you may continue.

14 SENATOR GIANARIS: Mr. President,
15 if I may just clarify. Mr. Hoylman was asking
16 Senator Young to yield, and I would ask for the
17 same courtesy when we have the floor.

18 ACTING PRESIDENT GRIFFO: So noted,
19 Senator Gianaris.

20 Senator Hoylman.

21 SENATOR HOYLMAN: For the record,
22 Mr. President, if the sponsor can show me or her
23 colleagues can show me where, under the current
24 definition of "employee" in this chamber, where
25 are interns classified? Are interns classified

1 as employees? Because if they're not, then they
2 are not covered under our current sexual
3 harassment policy. And if they are not, they
4 will continue not to be covered under this
5 policy.

6 The interns are the most vulnerable
7 in this chamber, Mr. President -- the high school
8 students, the college students, the fellows, the
9 people who volunteer their time, who come up here
10 and believe they are protected by adults, will
11 not be covered.

12 SENATOR YOUNG: Through you,
13 Mr. President, is that a question?

14 ACTING PRESIDENT GRIFFO: Well,
15 hang on --

16 SENATOR HOYLMAN: I was on the
17 bill.

18 SENATOR YOUNG: Okay.

19 ACTING PRESIDENT GRIFFO: Senator
20 Hoylman is on the bill.

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

23 For those reasons, for that glaring
24 omission, we should be voting this sexual
25 harassment policy down.

1 ACTING PRESIDENT GRIFFO: Senator
2 Young.

3 SENATOR YOUNG: Through you,
4 Mr. President, I again need to clarify what my
5 colleague just said.

6 Under the New York State Senate, all
7 interns are considered to be employees. And
8 we've just verified that with the Secretary of
9 the Senate, Frank Patience. They are employees,
10 they are covered. End of story.

11 ACTING PRESIDENT GRIFFO: Is there
12 any other Senator who wishes to be heard? Seeing
13 none and hearing none, debate is now closed.

14 The Secretary will ring the bell.
15 Senator Gallivan.

16 SENATOR GALLIVAN: Mr. President,
17 is there a message of necessity at the desk?

18 ACTING PRESIDENT GRIFFO: The
19 message of necessity has not yet arrived at the
20 desk.

21 SENATOR GALLIVAN: Can you
22 temporarily lay the bill aside.

23 ACTING PRESIDENT GRIFFO: The bill
24 will be laid aside temporarily.

25 SENATOR GALLIVAN: The Assembly

1 will stand -- the Assembly? How about the
2 Senate?

3 (Laughter.)

4 SENATOR GALLIVAN: I was never even
5 in the Assembly.

6 The Senate will stand at ease and
7 reconvene at 2:05. Hold on, please.

8 ACTING PRESIDENT GRIFFO: That is
9 wishful thinking about the Assembly at this point
10 in time.

11 We will stand at ease, but I want to
12 recognize Senator Gianaris for an announcement
13 first.

14 SENATOR GALLIVAN: Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 Gianaris.

17 SENATOR GIANARIS: Thank you.

18 There will be an immediate
19 Democratic conference, Mr. President.

20 ACTING PRESIDENT GRIFFO: There
21 will be an immediate meeting of the Democrat
22 Conference in the Democrat Conference Room.

23 The Senate will stand temporarily at
24 ease. Senate will return at approximately
25 2:05 p.m.

1 The Senate is at ease.

2 (Whereupon, the Senate stood at ease
3 at 1:35 p.m.)

4 (Whereupon, the Senate reconvened at
5 2:31 p.m.)

6 ACTING PRESIDENT GRIFFO: The
7 Senate will return to order.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: As far as
10 Calendar Number 29B, could we go back to Calendar
11 Number 737 and call that back up to vote.

12 ACTING PRESIDENT GRIFFO: Senator
13 DeFrancisco, the Secretary will read again.

14 And the debate has been closed, the
15 bell has been rung, and the Secretary will read.

16 THE SECRETARY: Calendar Number
17 737, Senate Budget Bill, Senate Print 7507C,
18 HEALTH AND MENTAL HYGIENE BUDGET.

19 ACTING PRESIDENT GRIFFO: Senator
20 DeFrancisco, I'll entertain a motion on the
21 message.

22 SENATOR DeFRANCISCO: Yes, is there
23 a message at the desk?

24 ACTING PRESIDENT GRIFFO: The
25 message is present at the desk.

1 SENATOR DeFRANCISCO: Can we take
2 up the message of necessity.

3 ACTING PRESIDENT GRIFFO: All in
4 favor of accepting the message of necessity at
5 the desk signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 message is accepted and the vote is prepared.

11 Read the last section.

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

14 ACTING PRESIDENT GRIFFO: Senator
15 DeFrancisco.

16 SENATOR DeFRANCISCO: If you're a
17 member of the State Senate, we're waiting on you
18 to vote. It's the bill that's Calendar 737 that
19 we've already debated. And people are anxious to
20 vote, so please come on in. While we're waiting
21 for you, some people would like to explain their
22 vote.

23 ACTING PRESIDENT GRIFFO: So what
24 we will do is again call all the members to the
25 chamber. We are on a controversial vote. Please

1 enter the chamber.

2 The Secretary will call the roll and
3 then we'll begin explanation of votes.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger to explain her vote.

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

9 I'm voting for this bill. While I
10 would like to vote against sections, we don't
11 allow us to do that. So I do want to just point
12 out, because I was very concerned about the
13 sexual harassment sections of the bill not being
14 where we should be -- I actually want to applaud
15 Senator Hannon for the list that he provided to
16 us a little while ago of the things that are in
17 this bill that I think most of us on both sides
18 of the aisle think are true victories for public
19 health and investments in overall healthcare for
20 the state.

21 So because it is a health budget and
22 the vast majority of it relates to specific
23 health line items that I am very comfortable
24 with, I will be voting yes on this bill,
25 Mr. President. Thank you.

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

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 737: Ayes, 59.

6 Absent from voting: Senator Croci.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Can we now
11 take up Calendar Number 736.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 736, Senate Budget Bill, Senate Print 7503D, an
16 act making appropriations for the support of
17 government: AID TO LOCALITIES BUDGET.

18 ACTING PRESIDENT GRIFFO: Senator
19 DeFrancisco.

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

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

24 SENATOR DeFRANCISCO: Move to
25 accept.

1 ACTING PRESIDENT GRIFFO: All in
2 favor of accepting the Governor's message of
3 necessity indicate by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT GRIFFO: Opposed?

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The
8 message of necessity has been accepted, and the
9 bill is before the house.

10 SENATOR VALESKY: Lay it aside.

11 SENATOR DeFRANCISCO: I understand
12 there's a hostile amendment at the desk.

13 ACTING PRESIDENT GRIFFO: Senator
14 DeFrancisco, we're going to read first and then
15 let --

16 SENATOR DeFRANCISCO: I thought he
17 already read. How many times does he have to
18 read?

19 ACTING PRESIDENT GRIFFO: We've
20 read noncontroversial.

21 So the bill has been laid aside, the
22 bell has been rung, and the Secretary will read.

23 THE SECRETARY: Calendar Number
24 736, Senate Budget Bill, Senate Print 7503D, an
25 act making appropriations for the support of

1 government: AID TO LOCALITIES BUDGET.

2 SENATOR VALESKY: Mr. President.

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

5 SENATOR VALESKY: Is there an
6 amendment at the desk?

7 ACTING PRESIDENT GRIFFO: There is
8 an amendment that has been submitted to the desk.

9 SENATOR VALESKY: Mr. President, I
10 ask that the reading of the amendment be waived
11 and that Senator Peralta be recognized to speak
12 on the amendment.

13 ACTING PRESIDENT GRIFFO: Senator
14 Valesky, upon review of the amendment that's been
15 submitted, in accordance with Article VII,
16 Section 4B, I rule it to be nongermane and out of
17 order.

18 SENATOR VALESKY: In that regard,
19 Mr. President, I appeal the ruling of the chair
20 and ask that Senator Peralta be allowed to speak
21 on the appeal.

22 ACTING PRESIDENT GRIFFO: Your
23 appeal is noted.

24 Senator Peralta, you are recognized
25 to speak.

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

3 I believe this bill is germane
4 because we're talking about funding. Funding to
5 Aid to Localities, which in here we're talking
6 about the Tuition Assistance Program, the TAP
7 program.

8 We are always hearing about the
9 American dream. People come in search of the
10 American dream from all walks of life, from
11 different countries around the world. My parents
12 came here in search of the American dream. I
13 know maybe some of your grandparents came here in
14 search of the American dream. Some parents, some
15 other parents came here in search of the American
16 dream, in search for a better life -- maybe to
17 escape poverty or maybe to escape dictatorships,
18 but definitely in search of a better life, a life
19 that they can improve not only their quality of
20 life but their children's quality of life.

21 I know that's why my parents came
22 here. And they wanted what was best for their
23 children. They wanted their kids to have a
24 better education. My dad was a bank teller. He
25 worked enormous long hours. My mom was a

1 seamstress, worked at a factory. But they
2 struggled. Day in and day out, they struggled.
3 They wanted their kids to have a better life than
4 they had. They came from the Dominican Republic.

5 And just like many others come from
6 different countries, they too want their kids to
7 have a better life. And how can that be
8 accomplished? That can be accomplished by having
9 education.

10 Now, I was lucky enough and I had
11 the opportunity to be born in the Second
12 Dominican Republic, Washington Heights. But some
13 individuals were brought to this country at a
14 young age. They weren't born here. But their
15 parents had that dream. They wanted to search
16 for that American dream. They'd heard that the
17 roads were paved with gold. And then when they
18 get here, they realized maybe not so much, that
19 they still have to work hard, they still have to
20 roll up their sleeves, they still need to provide
21 and work probably as hard as they would work in
22 their home countries. But still, this country
23 was going to provide a better opportunity for
24 them and for their children.

25 And what happens? Their children go

1 to school, they do well, they excel all the way
2 straight through high school. And then they have
3 to make a decision. Who do I do? Do I go to
4 college? Am I going to be the first to attend
5 college? Or will I just get a job and try to
6 support my family?

7 And most parents will tell their
8 children: Go to college, better yourself. But
9 what happens? They see the enormous price tag on
10 that college education. And they cannot afford
11 to go to college. They go back to their parents,
12 and their parents tell them, Well, don't worry
13 about it, we'll make it work. And yet they still
14 are afraid because that price tag is too high.

15 What happens is the rug is pulled
16 from them. They hit that glass ceiling. But now
17 is the time that we need to break that glass
18 ceiling.

19 Now, some may argue, no, we can't do
20 this, we can't break this glass ceiling for them
21 because -- unlike you, Senator Peralta, you were
22 born here -- some of those individuals weren't.
23 Yes, they were brought here at a young age, but
24 the actions of their parents, that's something we
25 need to take into consideration.

1 Well, New York must not be a place
2 that punishes children for the actions of their
3 parents. We should be a place that offers a
4 chance to succeed to anyone willing to work for
5 it. In fact, the vast majority of Dreamers came
6 here not only at a young age, but because they
7 could not override their parents' decision. I
8 don't know which one of us, at such a young age,
9 had the ability to override their parents'
10 decision. And in fact, in 1982 the U.S. Supreme
11 Court ruled, in Plyler v. Doe, that undocumented
12 children and young adults have the same rights to
13 attend public primary and secondary schools as do
14 U.S. citizens and permanent residents. All 50
15 states have been required to pay for public
16 education from K to 12 for all children,
17 including those who are not authorized to be
18 there.

19 In a budget season where New York is
20 looking for smart financial investments that will
21 generate significant long-term state revenue, a
22 \$27 million investment that will generate nearly
23 \$100 billion in projected revenues over the next
24 four to six years is a no-brainer. Let's invest
25 in our Dreamers. Let's make sure that those

1 individuals that are the cream of the crop get an
2 opportunity to have an education.

3 Dreamers will be paying this back in
4 dividends. Not only does the average college
5 graduate make more money and pay more in state
6 taxes -- in fact, according to Comptroller
7 DiNapoli, many of them pay over \$60,000 more over
8 the course of a lifetime in taxes. But by
9 overcoming the long odds to put themselves in a
10 position to go to college, these Dreamers have
11 proven their work ethic and determination is
12 second to none.

13 Ladies and gentlemen, this is an
14 entitlement program. Prospective college
15 students who meet the income eligibility,
16 residency, and other requirements will receive
17 TAP, will receive the TAP funding no matter what.
18 None of the existing rules and regulations will
19 be excluded. We're talking about the same
20 requirements.

21 Now, an argument I've heard from my
22 colleagues is that passing the DREAM Act would
23 place undocumented immigrants ahead of U.S.
24 citizens, of blue-collar Americans, that it will
25 steal their spot in the TAP program. No one is

1 stealing anyone's spot. In fact, there is an
2 existing income eligibility cap of \$80,000 per
3 household, and there lies the problem. It's not
4 because someone else is going to take the money.
5 It's because there's a cap.

6 So of course when you have a teacher
7 and you have a firefighter, that household is
8 making more than \$80,000 a year. And that's why
9 people are not -- their kids are not eligible for
10 TAP, because they're making too much. So we need
11 to increase that income eligibility. That's what
12 needs to change.

13 This argument of either/or is
14 flawed, and it's simply untrue. And repeated to
15 portray immigrants as takers when in fact
16 immigrants come here and they're the greatest
17 contributors, not only to this state but to this
18 country.

19 We have the power to change this.
20 We have the power to change it right now. Other
21 states have done it. Let's look at California.
22 Let's look at Minnesota. Let's look at
23 New Mexico, Oregon, Washington -- and oh, my God,
24 Texas. Texas. In 2011, Texas Governor Rick
25 Perry said that the state's Dream Act, or their

1 version of the Dream Act, has never had a cost to
2 Texas taxpayers. And in fact, Texas institutions
3 of higher learning would actually lose tens of
4 millions of dollars in lost tuition payments if
5 the law were to be repealed.

6 Ladies and gentlemen, it's time to
7 step up, it's time to step up to the plate, now
8 more than ever, because what's happening on the
9 federal level -- the DACA recipients, what
10 they're going through -- we now are at the front
11 lines. It's now in our hands, and now it's time
12 to show immigrants, it's time to show Dreamers,
13 it's time to show New Yorkers that we stand with
14 them, that we want them to succeed as individuals
15 and we want them to succeed as a collective in
16 New York State.

17 I urge all my colleagues, I urge all
18 my colleagues to vote for this hostile amendment.
19 Many I've heard today and yesterday talk about
20 how they didn't want to vote for this because the
21 DREAM Act wasn't in here. Well, I'm urging
22 everyone, even across the aisle, here's an
23 opportunity to send a loud message to those
24 constituents who came here to live the American
25 dream so that they can have a better life not

1 only for themselves, but for their children.

2 Here's an opportunity for you to
3 raise your hand and do the right thing and help
4 those kids break that glass ceiling. Help those
5 kids succeed. We're talking about kids that
6 Harvard and Yale would love to accept, A-plus
7 students. Focused. We have that opportunity
8 here, and I'm calling on all my colleagues to
9 vote for this hostile amendment.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Rivera.

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

15 Yesterday, colleagues, I spoke about
16 process, I spoke about how we need to focus on
17 process. And so, Mr. President, I'd focus on
18 process here for a second. I wholeheartedly
19 agree with my colleague Senator Peralta about how
20 this particular amendment is incredibly germane.

21 Now, my colleague spoke at length
22 about the reasons why this bill, this idea, the
23 DREAM Act, needs to be included, needs to be
24 passed in this state. I am very glad that he
25 mentioned the list of states. And I'm glad that

1 he finished with Texas, because it's still
2 shocking to me, to this day, that even in that
3 place, ruled by your colleagues, they believe
4 that this is a good idea.

5 Now, we don't just believe it's a
6 good idea, we know it's a good idea,
7 Mr. President. This particular amendment is
8 germane because it means that we're going to
9 spend a little bit more money. But what are we
10 going to spend money on? This is not spending
11 money, this is investment, as was said before.
12 These are individuals that came to this country
13 who have been successful already. This is one
14 thing that needs to be underlined. These are men
15 and women at this point, or young men and women,
16 who came here, again, because their parents
17 wanted to seek a better life for themselves --
18 which is true, I am sure, for basically everyone
19 in your -- either your direct families or just a
20 generation or two removed came to this country to
21 try to make a better life for themselves.

22 And then they go through school.
23 They graduate from high school. They're given
24 the opportunity then to go to seek a higher
25 education degree, and we stand in their way.

1 Mr. President, to open up the
2 route to these individuals, many of whom we know,
3 many of whom sometimes work in offices, work in
4 our offices, are our students. When we go to our
5 schools to talk to young people to tell them
6 about state government or tell them about how
7 they can make a life for themselves, well, some
8 of these individuals are there. And then when
9 they're going into college, we say to them: You
10 can't go to the public universities that we try
11 to tell everyone are such high quality. They
12 are. We want to make sure that these individuals
13 have access to them.

14 That is all the DREAM Act is. The
15 DREAM Act is not taking away resources from
16 anyone. It is providing access to individuals
17 who have already been successful in high school
18 and now want an opportunity to make something of
19 themselves in college, to make their lives
20 better, to make the lives of their families
21 better, to make their communities better, to make
22 our state better.

23 Mr. President, I strongly disagree
24 with you saying that this is not a germane
25 amendment, because it deals directly with

1 spending in the state, because it deals with
2 allowing individuals that, again, have been
3 successful in their studies to actually continue
4 into higher education. So I stand with my
5 colleague Senator Peralta, and I say to you that
6 we should have -- that should make sure that this
7 is included in this budget.

8 The last point I want to make, it is
9 unfortunate, my Republican colleagues, that this
10 is not something that was already included in the
11 budget. It seems that we're forced to try to get
12 it in there by this type of amendment because you
13 did not think that it was, as my colleague
14 Mr. President says, germane. It is immensely
15 germane.

16 We need to make sure that we include
17 this in this budget. If we're going to do it
18 through a hostile amendment, so be it. I would
19 have wished that my leader was there to make sure
20 that she could make the argument that it's
21 something that needed to be included in the final
22 budget. Unfortunately, she was not. I am glad,
23 however, that we're here.

24 Mr. President, I say that we should
25 vote for this amendment, that we should include

1 this in this bill, and that we should move it
2 forward.

3 Thank you, Mr. President.

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

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

10 SENATOR VALESKY: Show of hands,
11 please, Mr. President.

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

14 THE SECRETARY: Ayes, 28.

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

17 The bill-in-chief is now before the
18 house.

19 Senator Hoylman.

20 SENATOR HOYLMAN: Thank you,
21 Mr. President. Would the sponsor yield to some
22 questions?

23 ACTING PRESIDENT GRIFFO: Will the
24 sponsor yield?

25 SENATOR YOUNG: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

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

5 Senator Hoylman.

6 SENATOR HOYLMAN: Through you,
7 Mr. President. I was reviewing the Aid to
8 Localities budget items, and something jumped out
9 at me and I wanted to ask the sponsor. On
10 page 150, there is an allocation of a new
11 appropriation of \$3 million to a golf tournament.
12 Could the sponsor describe the purposes of this
13 allocation?

14 SENATOR YOUNG: Through you --
15 sure. Through you, Mr. President. It is
16 actually is an allocation for a major tourism
17 draw in Binghamton that actually pumps lots of
18 money into the local economy, but also into the
19 state's coffers. So it's a good investment. And
20 it certainly is something that we're focused on
21 as far as economic development goes.

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

24 SENATOR YOUNG: Sure.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR HOYLMAN: Could the sponsor
3 tell me what is the economic return of this
4 \$3 million allocation?

5 SENATOR YOUNG: Through you,
6 Mr. President, I don't have those facts and
7 figures in front of me, but I'd be very happy to
8 get them to you. But I assure you that it's a
9 great event and it actually draws so many people
10 to the Binghamton area.

11 SENATOR HOYLMAN: Would the sponsor
12 continue to yield?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR HOYLMAN: What is the
17 \$3 million to be used for?

18 SENATOR YOUNG: Through you,
19 Mr. President, it's actually operational
20 expenses.

21 But it actually is a multiyear
22 commitment, so it's \$3 million not this year, but
23 spread over years. And it's so that the golf
24 tournament can remain in Binghamton.

25 SENATOR HOYLMAN: Will the sponsor

1 continue to yield?

2 SENATOR YOUNG: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR HOYLMAN: I'm curious to
6 know if the sponsor has ever attended the
7 tournament.

8 SENATOR YOUNG: Through you,
9 Mr. President, no, I have not. But I know my
10 colleague Senator Akshar is very supportive
11 because he knows about the very positive fiscal,
12 financial, economic impact that it has on his
13 community. And I have heard of this tournament
14 often.

15 And so I think -- you know, again, I
16 think it's just a very good investment for the
17 people of New York. Because when you invest in
18 these kinds of tourism draws, it actually reaps
19 dividends, especially for the state and the local
20 community.

21 SENATOR HOYLMAN: Will the sponsor
22 continue to yield?

23 SENATOR YOUNG: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR HOYLMAN: Just to be clear,
2 the sponsor says it's a good investment, but
3 there's no estimate of what the return on this
4 investment will be?

5 SENATOR YOUNG: Yes, there are
6 facts and figures, and that I can get those for
7 you. I know they've been quantified. And so I'm
8 going to talk to Senator Akshar when we're done
9 here and we'll be able to get that information
10 for you.

11 SENATOR HOYLMAN: Would the sponsor
12 continue to yield?

13 SENATOR YOUNG: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR HOYLMAN: We are discussing
17 the budget. Shouldn't we have those facts and
18 figures now?

19 SENATOR YOUNG: Through you,
20 Mr. President. As I said, this is something that
21 is going to guarantee that the tournament stays
22 in the Binghamton area. It has had -- having
23 golf tournaments in Binghamton, professional golf
24 tournaments, has had a long track record of
25 success. And so I'm very confident that I can

1 get those for you quickly.

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

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR HOYLMAN: Did the
8 tournament threaten to leave the Binghamton area?
9 Is that why we're investing the \$3 million?

10 SENATOR YOUNG: Through you,
11 Mr. President, we want to make sure that it stays
12 in the Binghamton area. And as I said, this goes
13 toward operation of the tournament. And so it's
14 very important to the people of Binghamton.

15 And I would urge my colleague from
16 New York City to support upstate projects.

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

19 SENATOR YOUNG: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR HOYLMAN: So this is a
23 preemptive investment in case the tournament
24 decides to threaten to leave?

25 SENATOR YOUNG: Through you,

1 Mr. President, yes, as I said, through you, it
2 actually is a multiyear commitment totaling
3 \$3 million, not \$3 million a year. However, it's
4 going to ensure that that tournament will stay in
5 Binghamton.

6 And as I said, it's very important
7 to the upstate economy, and so I would urge you
8 to support it.

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

11 SENATOR YOUNG: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR HOYLMAN: Could the sponsor
15 tell me what kind of oversight there exists to
16 see that this \$3 million is used and --

17 SENATOR YOUNG: Through you,
18 Mr. President, as with any grant --

19 SENATOR HOYLMAN: -- and gets a
20 return on those facts and figures?

21 SENATOR YOUNG: As with any grant,
22 Mr. President -- and my colleague knows this --
23 there is plenty of oversight. It is overseen by
24 the State Comptroller, it's overseen by the State
25 Attorney General. And so there is plenty of

1 oversight, I can assure you.

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

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR HOYLMAN: Does the sponsor
8 know what the name of the tournament is?

9 SENATOR YOUNG: Through you,
10 Mr. President, I don't have that right in front
11 of me, but I can certainly get it for you. This
12 is a line item in a very, very large budget. And
13 if you have specific questions, we can get you
14 the specific information very quickly.

15 SENATOR HOYLMAN: Oh. Does the
16 sponsor continue to yield?

17 SENATOR YOUNG: Yes.

18 SENATOR HOYLMAN: These are
19 specific questions, believe me.

20 The name of the tournament, for the
21 sponsor's edification, is the DSG Open, known as
22 the Dick's Sporting Goods Open. Would the
23 sponsor explain why -- I don't know, for
24 \$3 million did New York State get a naming right
25 as part of this tournament?

1 SENATOR YOUNG: Through you,
2 Mr. President. Actually, I believe that New York
3 State will be included in the promotions for the
4 tournament. That's how it always goes with these
5 tournaments. So yes, Dick's Sporting Goods is
6 the major sponsor of it, but New York State
7 certainly will get credit too.

8 And again, this is a very important
9 economic development tourism issue, and I would
10 urge my colleague to support it.

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

14 SENATOR YOUNG: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR HOYLMAN: Is the sponsor
18 aware of other sponsors of this tournament?

19 SENATOR YOUNG: Mr. President, I do
20 not have everything about this tournament in
21 front of me. It's one item in a \$168.5 billion
22 budget. So I'm telling my colleague I'm very
23 glad to get you any detail that you want, I just
24 don't have it in front of me. And if I had
25 detail on every item in the budget in front of me

1 now, I assure you we would not be able to fit in
2 this room.

3 SENATOR HOYLMAN: Will the sponsor
4 continue to yield, Mr. President?

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR HOYLMAN: Through you,
9 Mr. President, the sponsors include Toyota, IBM,
10 HH&K Attorneys, and of course Dick's Sporting
11 Goods.

12 Is the sponsor familiar with what
13 the \$3 million investment by New York State
14 entitles the state to as part of this?

15 SENATOR YOUNG: Through you,
16 Mr. President, it sounds like my colleague
17 already has all the details on the tournament,
18 so, you know, I'll defer to you.

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

21 SENATOR YOUNG: Yes.

22 SENATOR HOYLMAN: I actually don't
23 have the details. But they do have,
24 Mr. President, a list of corporate amenities that
25 one can receive for donating between \$100,000 and

1 \$300,000 -- far less than \$3 million -- including
2 breakfast, hors d'oeuvres, dinner buffet, open
3 premium bar, carpeted flooring, padded chairs,
4 fresh flowers and television.

5 Would the sponsor continue to yield?

6 SENATOR YOUNG: That was a
7 statement, but yes.

8 SENATOR HOYLMAN: Is the sponsor
9 familiar with the funding of any other golf
10 tournaments in this budget?

11 SENATOR YOUNG: Through you,
12 Mr. President, yes, there's one in Chautauqua
13 County. There's a \$300,000 allocation to support
14 that tournament too. And it's been very
15 successful also.

16 SENATOR HOYLMAN: Will the sponsor
17 continue to yield?

18 SENATOR YOUNG: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR HOYLMAN: Has the sponsor
22 of this tournament threatened to leave Chautauqua
23 County? Is that why we're investing \$300,000?

24 SENATOR YOUNG: Through you,
25 Mr. President. You know, I find this line of

1 questioning perplexing because we invest through
2 the budget in all kinds of tourism-related
3 activities to boost the state's economy,
4 including ones in New York City. So this is one
5 big event, for example, in Binghamton; there's
6 another in Chautauqua County. This actually
7 draws thousands of people to the region. They
8 spend money, they stay in hotels, they shop at
9 stores, they eat at restaurants, they buy
10 gasoline. It infuses a lot of money into the
11 local economy and therefore the state economy.

12 And again, I am perplexed that my
13 colleague wants to attack upstate economic
14 development. I think that my colleague would be
15 supportive of it. And there are plenty of
16 tourism events that this budget funds in New York
17 City.

18 SENATOR HOYLMAN: On the bill,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Hoylman on the bill.

22 SENATOR HOYLMAN: This is not an
23 upstate-downstate issue. This is a matter of
24 New Yorkers who are fed up seeing their tax
25 dollars wasted or seeing their tax dollars being

1 spent without any evidence that it's a good
2 investment.

3 I hear from the sponsor about facts
4 and figures that could justify this investment.
5 Maybe that's so. But if you're spending
6 \$3 million, I think to the average New Yorker
7 they want to know that that money is going to a
8 good cause.

9 You know, years ago there was a
10 Senator, a U.S. Senator named William Proxmire.
11 He had something called the Golden Fleece Award,
12 and I was thinking of him when I saw this
13 \$3 million allocation. The award was given to
14 public officials for their squandering of public
15 money. It was purloined from an actual Order of
16 the Golden Fleece, a prestigious award created in
17 the late 15th century, in a play on the
18 transitive verb "fleece." I don't quite
19 understand that.

20 But the point is, Mr. President, is
21 that the public, without more evidence that this
22 is a good investment, is possibly being fleeced.
23 I'm not saying that that's the case, but if you
24 can't come to this floor on the day that we are
25 voting on the budget and tell me that this is a

1 good investment, if you can't tell our colleagues
2 what the return of \$3 million -- which is not
3 chump change -- is a good investment, then what's
4 the public to believe?

5 When you think about \$3 million, you
6 think about what \$3 million might do for some of
7 our constituents. Drinking water infrastructure.
8 Well, the state's need is \$38.7 billion over the
9 next 20 years. You know how much we funded last
10 year? 2.5 billion. Why don't we throw in the
11 \$3 million there? I can tell you that that would
12 be a good investment.

13 How about Project GIVE, Gun Involved
14 Violence Elimination?

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

17 SENATOR YOUNG: Will Senator
18 Hoylman yield?

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

21 SENATOR HOYLMAN: In a minute,
22 thank you.

23 ACTING PRESIDENT GRIFFO: The
24 Senator does not yield.

25 Senator, you may continue.

1 SENATOR HOYLMAN: Project GIVE, Gun
2 Involved Violence Elimination, 80 percent of this
3 funding goes outside of New York City. Well,
4 \$14.4 million was taken out of the budget this
5 year.

6 Let's talk about our districts and
7 the Tenant Protection Unit, \$4.5 million cut in
8 this budget. Well, you know, I'd like to see the
9 Dick's Sporting Goods money put into the Tenant
10 Protection Unit, maybe. Maybe they'd get
11 carpeting. Maybe they'd get VIP passes.

12 This is what frustrates New Yorkers.
13 And this is what frustrates, I think, our
14 members, that we are handed budget bills with
15 little to no explanation, Mr. President -- not
16 just thousands of dollars, hundreds of thousands
17 of dollars -- hundreds of millions of dollars.
18 And we're to flip through it and pull out what's
19 suspicious. Then we come here and the sponsor
20 can't tell me whether it's a good investment or
21 not.

22 And then you find out that in fact
23 Dick's Sporting Goods, the DSG Open -- where, by
24 the way, you can go and listen to a concert by
25 Blake Shelton during the tournament -- will be

1 sponsored by major multi-hundred-million-dollar
2 corporations and the State of New York. I think
3 with that kind of money, I mean, maybe it should
4 be called the Aid to Localities Open. I think we
5 probably are the major underwriter of the DSG
6 Open. That's my belief. The sponsor's not able
7 to tell me anything differently.

8 We have to improve our budgeting
9 process. And I hear from my colleagues, I've
10 heard it since we began this budgeting process,
11 that this is a fiscally responsible budget.
12 Well, Mr. President, I don't think the DSG Open
13 is an example of fiscal responsibility.

14 Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 Young.

17 SENATOR HOYLMAN: But I yield to --

18 ACTING PRESIDENT GRIFFO: Senator
19 Young now has the floor.

20 Senator Young.

21 SENATOR YOUNG: Actually, I would
22 just like to comment, because I think it's very
23 sad that my colleague has mischaracterized
24 totally what I said.

25 I said this was a great investment

1 for the local economy. It was a great investment
2 for New York. It's half a million dollars a year
3 over the next six years. Last year, for example,
4 on just one day they had over 25,000 people
5 attend. That is not insignificant for
6 Binghamton. That brings a lot of revenue to the
7 local economy.

8 And I will point out that this
9 tournament has raised over \$15.5 million in
10 charities. And that's what these tournaments do.
11 Not only do they draw people to a region, not
12 only do they pump up the economy, not only do
13 they help small businesses, but they raise money
14 for charities. And the charities are all
15 health-related.

16 So I think my colleague is way
17 off-base as far as this issue goes, and I would
18 not only disagree but say that he is flat-out
19 wrong. And when he says there's no oversight,
20 apparently he doesn't understand the process.
21 But there's plenty of oversight. I'll say it
22 again, the State Comptroller, State Attorney
23 General oversees these funds.

24 And so I would urge my colleague to
25 really not mischaracterize what I say and stick

1 to the facts.

2 ACTING PRESIDENT GRIFFO: Senator
3 Kavanagh.

4 SENATOR KAVANAGH: Mr. President,
5 would the sponsor yield?

6 SENATOR YOUNG: Yes.

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

9 The sponsor yields.

10 SENATOR KAVANAGH: Thank you,
11 Senator Young.

12 Just a question. Is there funding
13 in this budget for adult literacy education, in
14 this bill?

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

17 SENATOR KAVANAGH: Sorry, this bill
18 does -- I understand this is the bill that
19 generally would contain that funding. Is it in
20 this particular print of the bill?

21 SENATOR YOUNG: I'm sorry, Senator
22 Kavanagh, could you repeat that?

23 SENATOR KAVANAGH: Yeah, there's an
24 allocation -- last year the Legislature provided
25 \$7.3 million in adult literacy funding. This

1 year I believe the Executive proposed \$6.3
2 million, the Assembly restored the \$1 million in
3 its one-house, plus a half-a-million-dollar
4 increase. I believe the Senate one-house also
5 had that funding. But I don't believe it's in
6 this bill.

7 SENATOR YOUNG: Through you,
8 Mr. President, just to help clarify things for my
9 colleague, it actually is going to be in the
10 capital bill. So you will be seeing it. It's
11 just not in the bill before us. It's going to be
12 in the capital bill.

13 SENATOR KAVANAGH: But this is an
14 expense item that would normally be in this bill,
15 but it's still being discussed? Is that -- is
16 this one of these items?

17 SENATOR YOUNG: No, it's just -- it
18 would normally be in this bill but it's going to
19 be in the capital bill. So when that comes up,
20 I'd be glad to discuss it with you.

21 SENATOR KAVANAGH: Okay, and the --

22 ACTING PRESIDENT GRIFFO: Senator
23 Kavanagh, would you direct through the chair,
24 please.

25 SENATOR KAVANAGH: Forgive me,

1 Mr. President. I'm still not used to your ways
2 here.

3 Would the sponsor continue to yield?

4 SENATOR YOUNG: Yes.

5 ACTING PRESIDENT GRIFFO: Senator
6 Young yields.

7 SENATOR KAVANAGH: Thank you,
8 Mr. President. Thank you to the sponsor.

9 So you're saying that it will be
10 funded at the rate of \$7.3 million in the capital
11 bill?

12 SENATOR YOUNG: I would be glad to
13 discuss it with Senator Kavanagh when it comes up
14 at the correct time in the debate, when the bill
15 is before us. Look forward to it.

16 SENATOR KAVANAGH: Okay, thank you.

17 ACTING PRESIDENT GRIFFO: Seeing
18 and hearing no other Senator that wishes to be
19 heard, debate is closed.

20 The Secretary will ring the bell.

21 Read the last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Akshar to explain his vote.

4 Can we please have some order in the
5 house. I know we have a lot of movement in the
6 house. If you have conversations, please take
7 them outside the chamber.

8 Senator Akshar.

9 SENATOR AKSHAR: Mr. President,
10 thank you. I speak on the Dick's Sporting Goods
11 Open, of course.

12 I think the grandstanding I just
13 witnessed was laughable. It truly was. I would
14 remind my colleague that not everything is the
15 west side of Manhattan. Right? And
16 unfortunately, we have to look to ways to spur
17 the economy.

18 Have you ever been to the Southern
19 Tier of New York? My guess is not. I would
20 invite you, all of you, even my own colleagues on
21 this side of the aisle, to come to the Southern
22 Tier. The economy is starving in the Southern
23 Tier for good things to happen. Right? So we
24 look to find ways to make that happen. And
25 unfortunately, the bad policies that come from

1 Albany are the terrible business climate, the
2 terrible tax structure. People's addiction to
3 spending here has ruined the upstate economy.
4 And again, not everything is the west side of
5 Manhattan.

6 I wish we didn't have to have this
7 conversation. But to Senator Young's point, it's
8 a wise investment. We're trying to get a very
9 big tourism attraction, a tourism project, to
10 stay in the Southern Tier: 145 jobs, payroll
11 exceeds \$4.5 million during the tournament,
12 brings \$15 million to the economy, to the local
13 economies. Probably not a lot of money if you're
14 from the west side of Manhattan. But if you're
15 from Binghamton, it is. It is a lot of money.

16 I think about the charitable -- all
17 the charitable philanthropic things that happen
18 because of this tournament. Sixteen million
19 dollars since its inception, \$800,000 last year.
20 Let me just read you a few. Matter of fact, let
21 me back up a minute. 2013, over a million
22 dollars; '14, over a million-one; '15, a
23 million-two; '16, a half a million; '17,
24 \$831,000 -- all going to charities. Right? All
25 supporting things that apparently we don't want

1 to support: Rotary Clubs, Kiwanis, athletic
2 clubs, the children, soccer, football,
3 basketball.

4 This is a good wise investment.

5 So if anybody thinks it's a bad
6 idea, that's okay. But I encourage you to come
7 to the Southern Tier and witness and experience
8 the struggle, the economic struggle of some. And
9 remember, please, when you're making this
10 argument that not every place is the west side of
11 Manhattan.

12 I'm voting aye.

13 ACTING PRESIDENT GRIFFO: Senator
14 Akshar to be recorded in the affirmative.

15 Senator Bonacic to explain his vote.

16 SENATOR BONACIC: Yes, thank you,
17 Mr. President.

18 I know a little bit about
19 Binghamton. My parents lived there before they
20 died. My sister lives there now with her
21 husband. I would say in the last 20 years I have
22 spent quite a bit of time in the Binghamton area.
23 And the economic engine was IBM, and they pulled
24 out.

25 So when we did the license review

1 for casinos, we said let's give it to the people
2 that needed it the most, that were struggling the
3 most, so we put one in Tioga, which is the
4 Binghamton area. Tourism is the fourth-leading
5 industry in the State of New York. One out of 12
6 jobs are in tourism.

7 So I -- you know, when we're state
8 senators, we try to help the people throughout
9 the whole state. We don't divide cultures.
10 Manhattan is booming. And I'm sure that the
11 Senators from Manhattan can talk about the
12 tourism attractions that will put this golf
13 tournament to shame, because you have those
14 opportunities.

15 Binghamton doesn't have those
16 opportunities, so they're trying to create people
17 coming in for economic vitality. And as Senator
18 Ashkar {sic} so eloquently stated, it's a ripple
19 effect to everyone over a six-year period.

20 So I vote aye.

21 ACTING PRESIDENT GRIFFO: Senator
22 Bonacic to be recorded in the affirmative.

23 Senator Gianaris to explain his
24 vote.

25 SENATOR GIANARIS: Thank you,

1 Mr. President.

2 First of all, let me clarify that.

3 I believe it's Senator Akshar, not Ashkar.

4 (Inaudible comment; laughter.)

5 SENATOR GIANARIS: Let me also
6 point out for all my colleagues that may not be
7 aware, the west side of Manhattan is a lovely
8 place. And it is so successful, as Senator
9 Bonachic {sic} mentioned, that it provides a
10 tremendous economic engine -- thank you. I did
11 that on purpose.

12 (Laughter.)

13 SENATOR GIANARIS: Thank you for
14 noticing.

15 -- that it is part of the economic
16 engine in this state that gives the Majority the
17 luxury to spread money to parts of the state that
18 need more help. So I would think that there
19 would be some level of appreciation of the fact,
20 rather than disdain, rather than trying to demean
21 a part of the state that is actually producing a
22 massive amount of revenue that is allowing us to
23 move money to parts that need it. You'd think
24 there would be a little bit more appreciation for
25 what the west side of Manhattan specifically, the

1 downstate region in general, is doing to assist
2 the rest of the state.

3 Okay, we spend a lot of time in this
4 chamber dealing with -- criticizing New York City
5 from the Majority, and we just saw a little bit
6 of it earlier today. It's particularly
7 outrageous when you're spending your time taking
8 the money from New York City, moving it into your
9 communities -- which are potentially for good
10 reasons; I'm not passing judgment on this
11 particular project -- but to take that money and
12 then at the same time criticize and demean that
13 part of the state that's being so helpful
14 economically seems to be me more than
15 hypocritical.

16 I'm going to vote yes on this bill
17 because there's a lot of good things in it and a
18 lot of important aid. But I just wanted to
19 clarify for my colleagues that we should not be
20 pitting each other against -- different
21 geographic regions against each other in this
22 state.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeGianaris to be recorded in the affirmative.

25 (Laughter.)

1 ACTING PRESIDENT GRIFFO: Senator
2 Benjamin to explain his vote.

3 SENATOR BENJAMIN: Sure,
4 Mr. President. I actually was not planning on
5 speaking, but all of a sudden I started hearing
6 about the west side of Manhattan, so I thought I
7 should explain my vote.

8 Let me first say that I am an eye on
9 this legislation.

10 But let me just remind Brother
11 Akshar that \$3 million is a lot of money in my
12 part of Manhattan. And I also just want to
13 remind him that when I saw \$3 million for one
14 golf tournament -- that's what it says on --
15 that's what I thought it was, I didn't know it
16 was a multiyear investment that was being made --
17 I thought that was a lot of money. I don't think
18 there's any part of Manhattan where \$3 million
19 for one golf tournament isn't a lot of money.

20 And so I just would remind my
21 colleague, as Senator Gianaris said, being that
22 I'm sure the \$3 million is probably coming from
23 the west side of Manhattan, to try to be more --
24 make your point, but don't start picking fights
25 with Manhattan. I live in Harlem. I represent

1 the Upper West Side. Three million dollars is a
2 lot of money to us. And I think that you should
3 take that into consideration when you're making
4 your comments.

5 And with that being said, listen, I
6 hope you enjoy the \$3 million. You know, it's --
7 you know? And hopefully, you know, many of us
8 could attend this golf tournament.

9 Thank you.

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

12 Senator Alcantara.

13 SENATOR ALCANTARA: Thank you.

14 I want to congratulate my colleague
15 Gianaris for defending the west side of
16 Manhattan. I am too a proud resident of the
17 west side of Manhattan. I'm very proud to
18 represent one of the most diverse neighborhoods
19 in the city and the State of New York, along with
20 my colleagues Brad Hoylman and Brian Benjamin.
21 On the West Side, \$3 million for Chelsea,
22 Washington Heights, and Harlem is a lot of money.

23 I represent -- a big chunk of my
24 district is Washington Heights, where the average
25 income is about \$35,000. So \$3 million, we could

1 probably repair the entire roof of all of Dyckman
2 Houses. With \$3 million, hmm, we could bring
3 extra teachers to the George Washington High
4 School campus. Hmm, \$3 million, Brad Hoylman and
5 I could redo the entire playground at Chelsea
6 Houses. With \$3 million, Brian and I could give
7 it to Harlem Hospital to update the maternity
8 ward of Harlem Hospital.

9 So not all Manhattan is the same.
10 And one thing I can tell you about the west side
11 of Manhattan, they might be higher earners, but
12 they're in my office every day fighting for the
13 DREAM Act. They're in my office every day
14 advocating for the farmworkers bill. They're in
15 my office every day advocating for us to pass
16 GENDA, for us to pass a woman's right to choose.

17 So you know, I love the west side of
18 Manhattan because they come out here and they put
19 up a fight for things that they don't need, for
20 people that look like me, for people that look
21 like Brian, and for people that are like Brad.

22 So yes, I wish the entire State of
23 New York was like the west side of Manhattan.
24 When they fight for things for people like me,
25 they fight for immigrants' rights, things that

1 they don't necessarily need, because a lot of
2 them are professionals. They are American
3 citizens, but they go out there and they give
4 shelter to a young Guatemalan family that just
5 moved up in a church on the Upper West Side of
6 Manhattan.

7 So I would advise you to come to
8 Washington Heights, come to Inwood, come to
9 Harlem, come to Chelsea and see what \$3 million
10 can do on the west side of Manhattan. Thank you,
11 and I am aye on that.

12 ACTING PRESIDENT GRIFFO: Senator
13 Alcantara in the affirmative.

14 We're on explanation of votes,
15 Senator Akshar.

16 SENATOR AKSHAR: Senator Benjamin
17 called me by name. Let me just explain
18 something.

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

21 SENATOR DeFRANCISCO: Why can't we
22 love each other?

23 (Laughter.)

24 SENATOR DeFRANCISCO: I mean,
25 everything was going so nicely and we've -- this

1 will be our 7th out of 10 bills. And whether --
2 we've got three left, and we'd really like to do
3 that at a reasonable time.

4 So I know everybody is offended.
5 For people that look like me in Syracuse --

6 (Laughter.)

7 SENATOR DeFRANCISCO: -- we didn't
8 get a lot of things in this budget either.

9 So I would appreciate -- I know
10 everybody wants to explain their vote and
11 reexplain and reexplain. I would just urge all
12 of you to please not get overboard so we can keep
13 this lovefest together.

14 Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco to be recorded in the affirmative.

17 In the spirit of the day, I think
18 that is sound advice.

19 Senator Savino to explain her vote.
20 And I will be keeping the clock at the two-minute
21 mark in accordance with the rules.

22 SENATOR SAVINO: Thank you, Senator
23 Griffo. And you know I can speak fast.

24 First, before I speak on the bill, I
25 just want to thank Senator Young and Senator

1 Krueger for being my partner during this budget
2 process. The number of hours that were put into
3 this were really amazing. And I want to thank
4 these two women for really everything that
5 they've done to help get us to where we are
6 today.

7 Now, it's not often that I would
8 stand on the floor and say that I find myself
9 agreeing with Senator DeFrancisco and Senator
10 Gianaris at the same time.

11 One, yes, we should love each other
12 more. Two, we shouldn't pit regions of the state
13 against each other.

14 This is an interesting job in the
15 New York State Senate. It's a job that you talk
16 your way into. And then when you get here, the
17 most important thing you should do is shut up.
18 Because when you're listening, you're learning.
19 And you find out interesting things about the
20 state, that, you know, New York City is not the
21 center of the universe, even though we seem to
22 think it is. The finance industry is not the
23 number-one industry, agriculture is. Westchester
24 is not upstate New York, for those of us who come
25 from places like Washington Heights.

1 (Laughter.)

2 SENATOR SAVINO: There are
3 wonderful things in this budget, and they may
4 seem big or small in the Aid to Localities, but
5 buried in there are incredibly important things
6 that matter to people big and small all over this
7 state. Whether it's a \$50,000 grant to a
8 nonprofit that's running a soup kitchen in your
9 district -- that's life and death to them -- or
10 \$3 million to Dick's Sporting Goods, whatever it
11 happens to be.

12 Aid to Localities is just about
13 that. It's about the state recognizing that
14 there are different parts of the state that have
15 different needs. And we're supposed to come
16 together to love one another and make sure that
17 those needs are met.

18 So I vote yes, Mr. President, and I
19 love all of you here today. Maybe not tomorrow,
20 but today you're on my list.

21 (Laughter.)

22 ACTING PRESIDENT GRIFFO: And you
23 did it in under two minutes.

24 Senator Savino to be recorded in the
25 affirmative.

1 Senator Kavanagh to explain his
2 vote.

3 SENATOR KAVANAGH: Thank you,
4 Mr. President. I'll also try to be brief.

5 Just for the record, we claim
6 Senator Hoylman on the east side as well as the
7 west side of Manhattan. So a very diverse area
8 he represents.

9 And also, you know, I'd like to
10 associate myself with the comments of Senator
11 DeFrancisco and also my fellow Greater Staten
12 Island Senator, Senator Diane Savino. As a proud
13 son of Staten Island, I was glad to hear her
14 speaking for the diversity of the state.

15 Just a couple -- I'll be voting for
16 this bill. I will not be attending the Aid to
17 Localities Open --

18 (Laughter.)

19 SENATOR KAVANAGH: -- but I'd be
20 happy to visit the Southern Tier, as I have
21 before, and learn some more things about that.

22 This is sort of a grab bag of items
23 that matter in our localities. A couple of the
24 items that really matter where I come from are
25 the Settlement House Program funding. This

1 budget restores \$2.5 million for that that was
2 cut in the Executive Budget. Many of us have
3 been looking to add funding to that because it is
4 a very important source of unearmarked funding
5 that our settlement houses, these wonderful
6 community organizations throughout our state, can
7 use to fill the gaps in programs that are
8 specific line items for specific services. These
9 programs really do provide blanket services for
10 families in our communities and are very
11 important. So it's great to see that we're
12 restoring that today.

13 In addition, the budget restores
14 \$2 million to fund Naturally Occurring Retirement
15 Communities and the newer Neighborhood Naturally
16 Occurring Retirement Communities. These are
17 programs that allow people to age in place rather
18 than going off to some new place that's been
19 designed like a -- in an institutional setting.
20 It allows people to stay in their homes a lot
21 longer than they might otherwise, and it's a very
22 important program. We've had difficulty getting
23 that funding to some of the recipients because of
24 some difficulties in the way the contracting has
25 been done, but I think this budget puts that back

1 on track.

2 And finally, the Community Health
3 Advocates program, which is the program that
4 allows people to connect to affordable care
5 throughout the city and the state, so it's great
6 to see that also restored in this. And I will be
7 voting in the affirmative. Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Kavanagh to be recorded in the affirmative.

10 Senator Stavisky to explain her
11 vote.

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

14 And I am a former West Sider. I
15 grew up on the West Side, graduated from P.S. 9,
16 and then moved to Queens after I got married.
17 And I've been to Binghamton on many occasions,
18 particularly visiting the State University of
19 New York.

20 And that's one of the reasons why I
21 rise, to comment on the higher education aspects
22 of the Aid to Localities bill. We've increased
23 base aid to community colleges, which I think is
24 a good thing. The TAP program is in here, the
25 Opportunity programs.

1 And we are one state, and we've got
2 to remember that what happens in Binghamton
3 affects the city, and vice versa. And I know the
4 diversity is what makes our state unique.

5 Thank you, Mr. President. I vote
6 aye.

7 ACTING PRESIDENT GRIFFO: Senator
8 Stavisky to be recorded in the affirmative.

9 Senator Sanders to explain his vote.

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

12 Perhaps my brother did speak a
13 little hasty in his comments, but his passion is
14 to be commended. The passion of defending your
15 community no matter where it is -- lower part,
16 upper part -- is to be commended. I think that
17 all of us need to get out more. In the spirit of
18 Good Friday, we all need to see different parts
19 of town, go and see something different.

20 Now, I'll make you a promise. I
21 might not go to the Aid to Localities Open, but I
22 will come to Binghamton. I will make a point of
23 coming up there and seeing a different part of
24 town, seeing what life is and how you look at it
25 there. And I encourage all of us to do this.

1 Because if we could just start doing that type of
2 stuff, we might not be so frozen.

3 And incidentally, if we had been in
4 that 3 and a half, 4, whatever men in a room
5 business, we may have gotten a better explanation
6 on what was in the budget that might prevent
7 these kind of comments. So it would be good to
8 have us in there so that we not -- we won't make
9 these type of statements.

10 Thank you very much. Enjoy Good
11 Friday. Are we going to get out of here before
12 Good Saturday?

13 (Laughter.)

14 ACTING PRESIDENT GRIFFO: Before
15 Holy Saturday.

16 Senator Sanders is to be recorded in
17 the affirmative.

18 SENATOR SANDERS: I'm a yes,
19 absolutely.

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

22 SENATOR KAMINSKY: Yes, just
23 briefly. My ancestors represented the west side
24 of the Land of Canaan. With the help of the
25 Lord, they were able to flee. In the spirit of

1 Deputy Majority Leader DeVincenzo, let's flee
2 this place as soon as possible. I vote yes.

3 (Laughter.)

4 ACTING PRESIDENT GRIFFO: Senator
5 Kaminsky to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 736: Ayes, 57. Nays, 1. Senator
9 Hoylman recorded in the negative.

10 Absent from voting: Senators Croci
11 and Felder.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 And Senator DeFrancisco, that will
15 complete the controversial reading of today's
16 Senate Supplemental Calendar 29B.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: I know the
19 roll call is still open, but I just want to
20 mention where we are.

21 We've got three more bills to go. I
22 know the Democrat Conference got the complete
23 capital budget bill, and they need to conference,
24 and they'll need till 4:45 to do that. So we're
25 going to momentarily stand at ease until 4:45.

1 The Republican Conference will meet
2 at the same time, immediately following session
3 here. And the other bills are rapidly coming to
4 a close, so stay tuned.

5 Could you please recognize Senator
6 Gianaris, and then we will formally stand at
7 ease.

8 ACTING PRESIDENT GRIFFO: Senator
9 Gianaris.

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

12 We will be calling a Democratic
13 Conference at 4:15 and then be back out here at
14 4:45 for session.

15 ACTING PRESIDENT GRIFFO: There
16 will be a Democratic conference at 4:15 in the
17 Democratic Conference Room.

18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO:
20 Mr. President, an immediate conference of the
21 Republican majority in Room 332. And as stated,
22 there's a conference for the Democrats at 4:15.

23 With that said, we now stand at
24 ease.

25 ACTING PRESIDENT GRIFFO: There's

1 an immediate meeting of the Republican Conference
2 in Room 332.

3 A reminder of the Democrat
4 conference at 4:15.

5 Senate is expected to be available
6 at 4:45. Until such time, the Senate will
7 stand --

8 SENATOR DeFRANCISCO:
9 Mr. President, is the vote closed at this point?
10 Okay, the vote is closed, thank you.

11 ACTING PRESIDENT GRIFFO: The vote
12 is closed. The bill has been passed, and the
13 controversial calendar has been concluded.

14 And the Senate will stand
15 temporarily at ease.

16 (Whereupon, the Senate stood at ease
17 at 3:36 p.m.)

18 (Whereupon, the Senate reconvened at
19 5:56 p.m.)

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

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Yes, we're
24 going to remain at ease until 7 o'clock, at which
25 time we will begin discussing the capital portion

1 of the budget. And hopefully while that's being
2 done, the remaining parts of the budget will be
3 in print and provided to all interested parties
4 so that we can continue the process in a more
5 orderly fashion.

6 ACTING PRESIDENT GRIFFO: The
7 Senate will remain at ease and is expected to
8 come in at 7:00 p.m.

9 The Senate is at ease.

10 (Whereupon, the Senate stood at ease
11 at 5:57 p.m.)

12 (Whereupon, the Senate reconvened at
13 7:27 p.m.)

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

16 SENATOR DeFRANCISCO:
17 Mr. President, there will be an immediate meeting
18 of the Finance Committee in Room 332.

19 ACTING PRESIDENT GRIFFO: There's
20 an immediate meeting of the Finance Committee in
21 Room 332.

22 The Senate is at ease.

23 (Whereupon, the Senate stood at ease
24 at 7:27 p.m.)

25 (Whereupon, the Senate reconvened at

1 7:40 p.m.)

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

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Is there a
6 report of the Finance Committee at the desk?

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

10 THE SECRETARY: Senator Young, from
11 the Committee on Finance, reports the following
12 bill direct to third reading:

13 Senate Print 7504D, Senate Budget
14 Bill, an act making appropriations for the
15 support of government: CAPITAL PROJECTS BUDGET.

16 SENATOR DeFRANCISCO: Move to
17 accept the report of the Rules Committee {sic}.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of accepting the Finance Committee report
20 signify by saying aye.

21 (Response of "Aye.")

22 SENATOR DeFRANCISCO: I mean
23 Finance Committee.

24 ACTING PRESIDENT GRIFFO: Opposed?

25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 Finance Committee report has been accepted and is
3 before the house.

4 The Secretary will read Supplemental
5 Calendar 29C.

6 THE SECRETARY: Calendar Number
7 738, Senate Budget Bill, Senate Print 7504D, an
8 act making appropriations for the support of
9 government: CAPITAL PROJECTS BUDGET.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Is there a
13 message of necessity at the desk?

14 ACTING PRESIDENT GRIFFO: There is
15 a message at the desk.

16 SENATOR DeFRANCISCO: I move to
17 accept the message of necessity.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of accepting the message of necessity at
20 the desk by the Governor indicate by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: The
25 message is accepted, and the bill is before the

1 house.

2 The Secretary will read the last
3 section.

4 SENATOR GIANARIS: Lay it aside.

5 ACTING PRESIDENT GRIFFO: Lay it
6 aside.

7 SENATOR DeFRANCISCO: Can we now
8 have the controversial reading of that calendar.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will ring the bell.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 738. Senate Budget Bill, Senate Print 7504D, an
14 act making appropriations for the support of
15 government: CAPITAL PROJECTS BUDGET.

16 SENATOR DeFRANCISCO: I'm sorry,
17 can we stand at ease?

18 ACTING PRESIDENT GRIFFO: The
19 Senate is temporarily at ease.

20 (Whereupon, the Senate stood at ease
21 at 7:42 p.m.)

22 (Whereupon, the Senate reconvened at
23 7:51 p.m.)

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

1 return to order.

2 We've already had the bill -- Print
3 Number 7504D has already been read. It's before
4 the house, controversial. And I believe Senator
5 Krueger would like to be recognized.

6 Senator Krueger.

7 SENATOR KRUEGER: Good evening,
8 Mr. President.

9 ACTING PRESIDENT GRIFFO: Good
10 evening. Happy Passover.

11 SENATOR KRUEGER: Ah, just how I
12 thought I'd be spending my Passover.

13 If the sponsor would please yield.

14 SENATOR YOUNG: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR KRUEGER: Thank you.

18 So one section of this capital bill
19 provides for \$250 million over the Executive's
20 original proposal for the New York City Housing
21 Authority. Now, that excites many of us who know
22 that the New York City Housing Authority, or
23 NYCHA, is desperate for additional funds and is
24 literally at risk of collapsing in on itself if
25 it doesn't get the government investment it

1 needs.

2 But there's also a reference to this
3 money only being available pursuant to a plan in
4 Section 402D of the Public Housing Law, but there
5 is no Section 402D of the Public Housing Law. So
6 could the sponsor help me understand what this
7 part means? What is 402D? What will it require
8 as part of the possibility of new funds for
9 NYCHA?

10 SENATOR YOUNG: Through you,
11 Mr. President, I'd be glad to answer Senator
12 Krueger's question.

13 So that particular part of the NYCHA
14 allocation will be in the revenue bill.

15 SENATOR KRUEGER: Through you,
16 Mr. President --

17 SENATOR YOUNG: But there is
18 250 million in capital. But there's language in
19 the revenue bill.

20 SENATOR KRUEGER: So through you,
21 Mr. President, just so that we all understand, I
22 think the sponsor is answering that yes, there's
23 250 million in capital, but the availability of
24 that capital will be dependent on something in
25 the revenue bill. And no one can right now

1 answer my question what that something might be?

2 SENATOR YOUNG: So I'm just trying
3 to understand exactly your point, Senator
4 Krueger. Could you please repeat the question?

5 ACTING PRESIDENT GRIFFO: Excuse
6 me. Could I have some order in the house -- it's
7 getting a little noisy here -- so the two members
8 can hear clearly.

9 Senator Krueger.

10 SENATOR KRUEGER: So my
11 understanding is there's a requirement in the
12 capital bill that NYCHA can only receive the
13 \$250 million pursuant to a plan in Section 402D
14 of the Public Housing Law. But as of yet I don't
15 believe we have a Section 402D. Although as the
16 sponsor just answered, that may be in the revenue
17 bill. But I was curious whether those of us who
18 are looking at this capital bill now might have
19 any idea what requirements are going to be
20 applied that don't yet exist somewhere for us to
21 look at.

22 SENATOR YOUNG: So through you,
23 Mr. President, we do have in this capital bill a
24 \$250 million allocation for NYCHA. And I believe
25 that the section that you're referring to will be

1 in the revenue bill. And so it was put together,
2 negotiated by the Governor, the Assembly and the
3 Senate. And I know that it's an important
4 priority for many of the parties at the table.

5 So I think that your question will
6 be answered when we get to the revenue bill. But
7 it should be a workable program, Senator Krueger.

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

11 SENATOR YOUNG: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR KRUEGER: Thank you.

15 You know, there's a separate section
16 that provides for \$475 million for the State and
17 Municipal Facilities Program, what we often call
18 SAM, capital costs for construction, improvement
19 rehab construction, et cetera.

20 Will there be an itemized list of
21 what this \$470 million is intended for either in
22 a later bill or at some time before this money is
23 actually released?

24 SENATOR YOUNG: Through you,
25 Mr. President, no, there will not.

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: So in referencing
8 the 2007 budget reform bill, any appropriation
9 added pursuant to -- and I will skip all that and
10 just highlight -- shall be included in a
11 concurrent resolution calling for the
12 expenditures of such monies.

13 So through you, Mr. President, is
14 there an expectation that there will be a
15 concurrent resolution laying out the itemization
16 of how this \$475 million is intended to be spent?

17 SENATOR YOUNG: Through you,
18 Mr. President. Actually, the parameters of how
19 the money can be spent will be in the
20 appropriation, and that meets the requirements.

21 So there are very, very detailed
22 requirements as to how these funds can be spent,
23 and those are included in the description.

24 SENATOR KRUEGER: Through you,
25 Mr. President, could the sponsor please cite me

1 the section of the bill that lays out the very
2 specific requirements of how this money is spent?

3 SENATOR YOUNG: Through you,
4 Mr. President, it's right in the appropriation
5 language.

6 SENATOR KRUEGER: I'm sorry, I
7 don't have a printed copy, so it will take me a
8 minute.

9 SENATOR YOUNG: Want me to read it
10 to you? It's quite lengthy.

11 SENATOR KRUEGER: Or someone could
12 just hand me a copy if someone else has a printed
13 copy.

14 SENATOR YOUNG: I mean, I'll read
15 it. I don't care.

16 For payment of the capital costs of
17 construction, improvement, rehabilitation or
18 reconstruction of facilities owned by eligible
19 entities; the acquisition of capital facilities
20 and assets by eligible entities, including fixed
21 capital assets; the acquisition by eligible
22 entities of equipment and other capital assets,
23 including vehicles, in support of health, safety,
24 technology or innovation; the acquisition by an
25 eligible entity of capital assets with a useful

1 life of not less than 10 years purchased for the
2 sole purpose of preserving and protecting
3 infrastructure that is owned, controlled or
4 appurtenant to an eligible entity, including but
5 not limited to heavy duty road maintenance and
6 construction vehicles, pavers, snow plows, street
7 sweepers and heavy duty fire, emergency response
8 and law enforcement vehicles; economic
9 development projects sponsored by the state or
10 municipal corporations, as defined in Section 2
11 of the General Municipal Law, that will create or
12 retain jobs in New York State as certified by the
13 commissioner of the Department of Economic
14 Development; or environmental projects sponsored
15 by the state or municipal corporations as defined
16 in Section 2 of the General Municipal Law.
17 Eligible entities shall consist of the state;
18 municipal corporations as defined in Section 2 of
19 the General Municipal Law; water and sewer
20 districts; the Metropolitan Transportation
21 Authority; a college or university established
22 pursuant to Section 352 of the Education Law --
23 and it goes on. I can continue to read, but I
24 feel like I'm eating a lot of your time.

25 SENATOR KRUEGER: That's okay.

1 Through you, Mr. President, on this
2 section of the bill.

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

5 SENATOR KRUEGER: I appreciate the
6 sponsor's answers.

7 I am quite sure that if we all go
8 back and revisit the budget reform bill, we will
9 probably all agree that there should be some form
10 of resolution laid out and voted on by both
11 houses of the Legislature prior to any money
12 being appropriated and spent for specific
13 projects, because it falls under the category of
14 these lump sums that we actually recognized
15 opened up too many problems in history, not
16 having the Legislature see or vote upon what
17 those monies would be spent on. And I think we
18 would all agree half a billion dollars is a
19 significant amount of money.

20 And I also don't think I see
21 "notwithstanding" language in this section of the
22 bill -- because of course we know that it's the
23 most dangerous word in Albany, notwithstanding
24 any other law.

25 So I won't spend our time here

1 tonight, I will just reemphasize to people that
2 there's a good reason several years ago we all
3 decided to move forward to not allow MOUs,
4 memorandums of understanding within budget bills,
5 or large lump sums of money to be allowed to be
6 spent without someone evaluating and knowing --
7 and the public knowing -- what those monies were
8 being used for.

9 But through you, Mr. President, if
10 the sponsor would continue to yield.

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

13 SENATOR YOUNG: Senator Krueger, I
14 do have a copy of the language that's going to be
15 in the revenue bill regarding NYCHA. Would you
16 be interested in hearing that?

17 SENATOR KRUEGER: Absolutely.
18 Thank you.

19 ACTING PRESIDENT GRIFFO: Senator
20 Young yields.

21 SENATOR YOUNG: So it's Section 1.
22 The Public Housing Law is amended by adding a new
23 section, 402D, to read as follows:

24 The Governor may issue an executive
25 order pursuant to Article 2B of the Executive

1 Law, and subject to the availability of a state
2 appropriation, which shall govern the examination
3 and remediation of conditions, including the
4 construction or reconstruction as may be required
5 of residential properties owned by the authority
6 and the development and execution of a plan to
7 remediate such conditions. And this act shall
8 take effect immediately.

9 SENATOR KRUEGER: Thank you. I
10 want to thank the sponsor for finding that answer
11 for me.

12 It does raise additional concerns
13 that we probably can get to when we get to that
14 section in the revenue bill. Is that what you're
15 reading from?

16 SENATOR YOUNG: Yes.

17 SENATOR KRUEGER: Thank you.

18 Because again, you appropriate money
19 in the capital budget, but then it's pending an
20 executive order that, just in the reading of that
21 initial description, opens up all kinds of new
22 questions about how this will work and whether
23 NYCHA will actually get the money it needs from
24 the state.

25 But I would like to, Mr. President,

1 if you don't mind, continue my questioning in
2 another section of the bill.

3 SENATOR YOUNG: Certainly.

4 ACTING PRESIDENT GRIFFO: The
5 Senator yields.

6 SENATOR KRUEGER: Thank you.

7 There's another section of the
8 capital budget, under the Urban Development
9 Corporation/Empire State Development, creating a
10 High Technology Innovation and Economic
11 Development Infrastructure Program, and also
12 taking \$300 million of taxpayers' money to be
13 used in this new program.

14 Could the sponsor help me understand
15 what this new program is for and how it's
16 different than all the other monies that State
17 Economic Development already has available to
18 them?

19 SENATOR YOUNG: Certainly. Through
20 you, Mr. President. We know that economic
21 development and growth is crucial to the people
22 of the state but also to the future of the state.
23 So this is designed to attract high-tech
24 projects. The Legislature would have input on it
25 and some form of oversight, just because it would

1 have to be approved by the PACB board.

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

5 SENATOR YOUNG: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: And there's one
9 additional new fund here in the capital budget
10 for \$200 million in capital funding for the
11 New York Works Economic Development Fund. Could
12 the sponsor explain what this money is for and
13 how it differs from the High Technology
14 Innovation and Economic Development
15 Infrastructure fund or the SAM funds?

16 SENATOR YOUNG: Through you,
17 Mr. President. Actually, the New York Works
18 Economic Development Fund is nothing new. We've
19 done it in the past. And it actually has
20 infrastructure projects that are included.

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

24 SENATOR YOUNG: Yes.

25 And I do want to add, too, you know,

1 when you think about our state, we're a very old
2 state from a historical standpoint. We do have
3 many, many infrastructure needs across the
4 state -- water systems, sewer systems and so on.
5 And so this money is very well spent and very
6 much needed, and it also will put people to work.

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: The sponsor is
14 absolutely right. I misspoke. The \$200 million
15 for the New York Works Economic Development Fund
16 was not a new project, it was continuing funding
17 or new funding.

18 I meant to ask about the
19 \$122 million in new money for the New York City
20 Capital Assistance Program for Transportation,
21 Infrastructure and Economic Development. Could
22 the sponsor help me understand how that's
23 different than the New York Works Economic
24 Development Fund, the High Technology Innovation
25 and Economic Development Infrastructure Program,

1 and/or the SAM funds?

2 SENATOR YOUNG: Certainly. And so
3 through you, Mr. President, to answer Senator
4 Krueger's question, there is actually
5 \$122 million, she is correct, included in the
6 capital budget, and it covers a wide range of
7 projects, transportation-related infrastructure
8 projects such as roads, it can be used for
9 bridges, it can be used for rail lines, it can be
10 used for aviation. But it's certainly designed
11 to meet critical infrastructure needs that we
12 have across the state.

13 SENATOR KRUEGER: Through you,
14 Mr. President, on the bill.

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

17 SENATOR KRUEGER: I want to thank
18 the sponsor for her answers to my questions.

19 I wanted to highlight the fact that
20 in this bill, in this capital bill which has many
21 important things we all need and are looking for,
22 we are investing or spending the taxpayers'
23 money -- if I add up the 300 million, the 200
24 million, that's 500 million. The SAM is another
25 \$475 million. So that's just short of a billion.

1 And then the additional \$122 million. So
2 approximately \$1.1 billion of monies that will be
3 available for distribution through State Urban
4 Development and Empire State Development, an
5 entity that many people in this room --
6 including, I have to say, the deputy leader has
7 been very outspoken in his concerns about how we
8 don't actually ever see how the money is being
9 spent in advance or even afterwards. There have
10 been any number of investigations, scandals and
11 even court cases tied into the use of these kinds
12 of large amounts of categorical money to go
13 through EDC/UDC without any oversight or
14 transparency to the people or even for the
15 Legislature to see what it is for and to be
16 participants in it.

17 And I think frankly that's a big
18 mistake. I'm not saying we shouldn't be spending
19 \$1.1 billion on these kinds of activities in the
20 State of New York, I'm saying that the
21 Legislature and the public should know what it's
22 being spent on and be able to track, then, how it
23 is used, who received the money, what were the
24 outcomes, were there jobs created, how many; if
25 there were not, did we get the money back.

1 I think we owe it to the public, we
2 owe it to the people to actually know exactly how
3 their taxpayer money is being spent, especially
4 when you're talking about already within budgets
5 multiple billions of dollars. And tonight, just
6 through one bill, adding over another
7 \$1.1 billion to the pots of money that there's so
8 little accountability to the people for. I think
9 all of us would want to make sure that we are
10 holding our government accountable to explain
11 what they're doing with the taxpayer money.

12 And so I'm not arguing people should
13 vote against this bill tonight, but I want to
14 highlight how sorry I am that yet again we have
15 not been able to establish in the State of
16 New York rules, regulations and laws passed by
17 this Legislature -- and I don't think it's a
18 partisan issue, and I don't think it's a one
19 house or the other issue -- that we should have
20 far greater transparency and accountability of
21 how we spend the taxpayers' money, rather than
22 simply allow it to be lump-summed into these
23 enormous pots of money with nice titles about
24 jobs and innovation and technology, without
25 actually ever tracking is that what the money

1 gets spent for and is it successful or not,
2 should it be replicated, should it be clawed
3 back.

4 Whoever knows? Frankly, a lot of us
5 learn about this through newspaper stories when
6 the scandals break or court cases when the
7 scandals break. And that's not a very good model
8 of transparency. I'd rather know up-front. I'd
9 rather know what am I voting for, do I
10 believe that's the best use of the taxpayers'
11 money. So my frustration grows out of years and
12 years and years of asking questions and urging
13 changes and not getting them.

14 So I won't ask anyone to vote no on
15 this capital budget, a bill I am sure that each
16 and every one of us has something in here that we
17 know our communities need and are hoping for.
18 But I'm telling you, Mr. President, I'm telling
19 all my colleagues there is so much better we can
20 do in monitoring, tracking, identifying all for
21 transparency and allowing the public to see
22 exactly how we're spending their money and
23 letting us and them ask hard questions if it
24 doesn't seem to be doing what it was supposed to.
25 Because too many times it isn't used the way it

1 was intended and we're not getting the outcomes
2 we were hoping for, we're getting more court
3 cases and scandals.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Seeing
6 and hearing no other Senator who wishes to be
7 heard, debate is closed and the Secretary will
8 ring the bell.

9 Senator Marchione.

10 SENATOR MARCHIONE: Mr. President,
11 I'd like to announce that there will be a Senate
12 Republican conference immediately following in
13 Room 332.

14 ACTING PRESIDENT GRIFFO:
15 Immediately following the vote, there will
16 be a Senate Republican conference in Room 332.

17 Senator Gianaris.

18 SENATOR GIANARIS: Thank you,
19 Mr. President. There will be a Democratic
20 conference in the Democratic Conference at 9:30.

21 ACTING PRESIDENT GRIFFO: There
22 will be a Democrat conference in the Democratic
23 Conference Room at 9:30.

24 Read the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 Absent from voting: Senators Croci
7 and Felder.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator DeFrancisco, that completes
11 the controversial reading of Senate Supplemental
12 Calendar 29C.

13 SENATOR DeFRANCISCO: To give
14 everybody a score as to where we are, two bills
15 left. The last bill is going to be state ops,
16 which has been reviewed by all parties involved
17 in this budget process.

18 Right now the purpose of the
19 conferences are to allow everyone to review the
20 other bill, the last of the bills -- not
21 timewise, but the last to be reviewed. That's
22 revenue. And we are going to reconvene here at
23 10:15. And because the bill is extensive and
24 we've got to give everybody an opportunity to
25 read it, just so you know that the other bill,

1 state ops, has been reviewed and we will be able
2 to move most likely right on to that bill as soon
3 as the revenue bill is addressed.

4 ACTING PRESIDENT GRIFFO: Let me
5 make sure I have this correct.

6 The Republican Conference will meet
7 immediately now following this vote in the
8 Republican Conference Room.

9 Senator Gianaris, did you say 9:30?
10 The Democrat Conference will meet in the Democrat
11 Conference Room.

12 The Senate will stand at ease until
13 10:15 p.m. this evening.

14 Any further announcements? There
15 being no further announcements, the Senate stands
16 at ease.

17 (Whereupon, the Senate stood at ease
18 at 8:14 p.m.)

19 (Whereupon, the Senate reconvened at
20 11:01 p.m.)

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

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: I'd like to
25 call an immediate meeting of the Finance

1 Committee in Room 332.

2 ACTING PRESIDENT GRIFFO: There is
3 an immediate meeting of the Finance Committee in
4 Room 332, an immediate meeting of the Finance
5 Committee in Room 332.

6 The Senate is at ease.

7 (Whereupon, the Senate stood at ease
8 at 11:02 p.m.)

9 (Whereupon, the Senate reconvened at
10 11:15 p.m.)

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

13 SENATOR DeFRANCISCO: Is there a
14 report of the Rules Committee at the desk?

15 ACTING PRESIDENT GRIFFO: There is
16 a Finance Committee report at the desk.

17 SENATOR DeFRANCISCO: Yes, I meant
18 Finance.

19 I move to accept the report of the
20 Finance Committee.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Senator Young, from
24 the Committee on Finance, reports the following
25 bills:

1 Senate Print 7500D, Senate Budget
2 Bill, an act making appropriations for the
3 support of government: STATE OPERATIONS BUDGET;
4 and

5 Senate 7509C, Senate Budget Bill,
6 enacts into law components for the 2018-2019
7 state fiscal year.

8 Both bills reported direct to third
9 reading.

10 ACTING PRESIDENT GRIFFO: On motion
11 from Senator DeFrancisco, all in favor of
12 accepting the Committee on Finance report signify
13 by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: The
18 committee report has been accepted. And the
19 bills are before the house.

20 Senator DeFrancisco.

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

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco, we'll begin reading and then accept
25 the message. Calendar Number 740.

1 SENATOR DeFRANCISCO: Okay, last
2 section.

3 THE SECRETARY: Calendar Number
4 740, Senate Budget Bill, Senate Print 7509C,
5 enacts into law components for the 2018-2019
6 state fiscal year.

7 ACTING PRESIDENT GRIFFO: The
8 inquiry from Senator DeFrancisco was, was there a
9 message at the desk, and it is present at the
10 desk. So I'll entertain a motion, Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: So moved.

13 ACTING PRESIDENT GRIFFO: Senator
14 DeFrancisco moves that we accept the message of
15 necessity. All in favor of accepting the message
16 signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The
21 message of necessity has been accepted, and the
22 bill is before the house.

23 The Secretary will read the last
24 section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 SENATOR GIANARIS: Lay it aside,
3 please.

4 ACTING PRESIDENT GRIFFO: Lay it
5 aside.

6 The Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 740, Senate Budget Bill, Senate Print 7509C,
10 enacts into law components for the 2018-2019
11 state fiscal year.

12 ACTING PRESIDENT GRIFFO: Senator
13 Krueger.

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

16 So it is now Good Friday --

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

19 SENATOR KRUEGER: On the bill.

20 -- Good Friday and Seder. And so
21 why is this night different than any other night?
22 Not so clear that it is.

23 Although I will note that on this
24 night, if you happen to be from the City of
25 New York, despite the earlier discussion about

1 somehow the west side of Manhattan being special,
2 it turns out all of New York City is special,
3 because we don't have any rights to home rule
4 anymore. And this budget bill explicitly makes
5 it clear that we are going to have design-build
6 if the Governor signs off on things, we're going
7 to have schools having to report at such a micro
8 detail that they may face never seeing increases
9 in their education funding if they do not respond
10 correctly.

11 We will have a one-year extension of
12 the MWBE program with none of the reforms that
13 the task force worked so hard on, and actually
14 making the state's program much more difficult
15 than the City of New York's program. But I'm not
16 sure we'll be able to use the City of New York's
17 program.

18 We will see design-build for NYCHA,
19 as we discussed at an earlier point in the
20 evening. But interestingly and perhaps very
21 complicatedly, the executive order that will
22 determine whether or not NYCHA can receive money
23 that it desperately needs also appears to give
24 the Executive the power to determine how all
25 money is spent on all construction and all

1 reconstruction at NYCHA, not just the state money
2 coming in. And that is of enormous concern to
3 every representative who has NYCHA complexes and
4 tenants in their district. And this is the
5 change of NYCHA rules to be the New York City
6 Emergency Management Agency.

7 We have a proposal that's included,
8 Penn Station redevelopment, that is written in
9 such a way that it could possibly take -- at
10 least in an earlier draft -- up to eight blocks
11 of New York City, take it out of zoning, height,
12 community participation, revenue. Singapore
13 right there on the west side of Manhattan. Lucky
14 you, Brad Hoylman. Lucky me, just a few blocks
15 over.

16 It also in it includes -- excuse me.
17 Oh. It includes something that apparently some
18 people are excited about, a legislative and state
19 officer compensation committee.

20 It's really late, and so I'm not
21 debating anything tonight. But for the record,
22 people should read the fine print on this
23 proposal, because you're basically setting up a
24 situation where you might see a small raise in
25 one year, but any COLA increase ever again will

1 be dependent on on-time and many other
2 requirements that perhaps this Legislature might
3 not choose to wish to abide by.

4 I feel like a lot of this revenue
5 bill -- that I'm not recommending we vote
6 against, because obviously the State of New York
7 needs to get this budget put to bed, and revenue
8 is a key component. I often point out we really
9 should do the revenue bill first, not last,
10 because it establishes what money we're going to
11 have to spend. Well, we already passed the bills
12 spending it, so we sort of need to pass the bill
13 for the revenue.

14 But on piece after piece, I just
15 feel like this night is not different than all
16 other nights, because it's Charlie Brown and the
17 football and we're doing the same thing. And
18 we'll all wake up with a little bit of a
19 hangover, perhaps from the seder wine or whatever
20 we might choose to drink on Easter. But I'm not
21 recommending a no vote.

22 I will be voting yes, Mr. President.
23 I just wish one year we could get this right.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Krueger.

2 Senator Klein on the bill.

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

5 I want to thank Senator Young,
6 Senator Savino for really sitting through many
7 hours of budget hearings and really presenting
8 and I think defending a budget that is very good
9 for New Yorkers.

10 A lot of our accomplishments are
11 contained in this revenue bill. And I know most
12 of us know that we started off this budget season
13 in a very precarious situation, a \$4.5 billion
14 budget deficit. We were, I think, under attack
15 by the federal government when it comes to the
16 elimination of our SALT deduction, the cap on our
17 property taxes. And I think we really responded
18 in kind to what we needed to do to make sure the
19 middle class especially, and homeowners
20 especially, were protected.

21 I think everyone knows by now we
22 have a new charitable deduction to help taxpayers
23 stay whole, and we allow businesses to switch to
24 a payroll tax, again so they can -- especially
25 New York workers -- be able to survive the

1 elimination of the state and local tax deduction.

2 I know one of the things that I've
3 worked for and worked on, I should say, for
4 several years is the crisis at the New York City
5 Housing Authority. I think over the years I have
6 passed a bill to appoint a state monitor for
7 NYCHA two years in a row. Just maybe, maybe, if
8 we actually would have had a state monitor in
9 place several years ago, we wouldn't have put the
10 400,000 tenants that call NYCHA their home in
11 danger of lead paint poisoning, contamination by
12 mold, and a boiler system that kept them under
13 frozen conditions all winter long.

14 But the bill before us today not
15 only allocates \$250 million more money for
16 NYCHA -- which brings our total, by the way, over
17 the last several years to \$550 million. Well,
18 many of you may ask, Well, why is it that these
19 repairs weren't made? Well, out of the previous
20 money -- we're talking about the \$300 million --
21 only \$100 million was spent. And it was only
22 spent a couple of months ago. They haven't been
23 able to even take these funds, make the repairs
24 that are needed and keep our NYCHA tenants safe
25 and secure.

1 What we're doing here today I think
2 is an important first step. Through executive
3 order, there will be a monitor. That monitor
4 will be appointed in conjunction with the
5 New York City Council and the Council of Tenant
6 Presidents at NYCHA developments. That
7 individual will have full authority to move in,
8 make repairs under design-build in a timely
9 fashion, make sure they're done quickly, and make
10 sure we actually make sure that NYCHA is not the
11 worst landlord any longer, not only in the City
12 of New York but certainly in the State of
13 New York.

14 One of the other things that we
15 worked on here in the Independent Democratic
16 Conference, which again I'm happy to report is
17 contained in this budget, is the work we have to
18 do for the MTA. I think we all know that over
19 the last summer we experienced the Summer from
20 Hell for anyone who rode our subway system. I
21 wanted to make sure that every season wasn't a
22 season from hell, and I advocated very strongly
23 to make sure that the whole \$840 million towards
24 the initial infrastructure repair was done right
25 away.

1 This is a must. These are things
2 like the repair of signals and tracks, hiring
3 more workers, make sure we have that
4 infrastructure done which has been ignored for
5 many, many years. The next step, of course, is
6 to make sure that we have ongoing maintenance so
7 we make sure the problems don't come back again.

8 There was a give and take, a back
9 and forth, who's going to pay for it. The state
10 quickly came up with the \$440 million. The City
11 of New York said, It's not our responsibility. I
12 stepped in and said, Well, I think it is, and I
13 think the fairest way to do it is to be able to
14 capture sales tax, only once. And we collect
15 every year \$7 billion in sales tax on behalf of
16 the City of New York. Less than 6 percent, one
17 time, is the \$440 million we need.

18 In this bill we give the State
19 Comptroller the authority, potentially, if
20 New York City does not have that \$440 million in
21 their budget in June, the State Comptroller will
22 have the authority to sweep funds that would go
23 to the city or actually take sales tax.

24 So I think we're finally going to
25 get our subway system in place by making these

1 repairs very, very quickly.

2 One of the things that I think is
3 extremely important as well is what we did for
4 the labor movement in this bill that we're voting
5 on today. And I'm very proud that we did this in
6 a bipartisan fashion. New York is and will
7 always be a union state. And we're all
8 anticipating the worst, unfortunately, in the
9 Supreme Court decision called Janus, which would
10 do away with the ability to actually have unions
11 be able to collect dues to actually make sure
12 that workers are protected.

13 I'm also very proud that the sponsor
14 of this bill last year -- and the bill before us
15 today in this revenue bill is identical to the
16 chair of the Labor Committee's bill, Marisol
17 Alcantara. So I think we're sending a strong
18 message today that regardless of the Supreme
19 Court decision, and we don't think it will be
20 good, that New York welcomes workers. We don't
21 want New York to become a right-to-work state.
22 We want to make sure New York has the right to
23 collectively bargain, and I think we take a giant
24 step forward for organized labor today in this
25 bill.

1 So I know we also eventually are
2 going to get to domestic violence, guns, which
3 Senator Phillips is going to sponsor. But I also
4 want to point out a very important program that
5 again is in this bill of teacher loan
6 forgiveness. This will make sure that we have
7 teachers going into areas like math and science,
8 teaching our kids in high-needs districts. We
9 have to encourage more and more people to enter
10 the teaching profession, and I think that's
11 something important.

12 So I want to say a very special
13 thank you to all. And thank you, Mr. President.
14 I vote yes on this bill.

15 ACTING PRESIDENT GRIFFO: Senator
16 Savino.

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

19 I also rise in support of this piece
20 of legislation, for many of the reasons that
21 Senator Klein just outlined -- the focus on the
22 New York City Housing Authority, an issue that
23 many of us have put in a tremendous amount of
24 work and effort into. The concerns that Senator
25 Klein has raised I completely support.

1 But I want to talk about an issue
2 that I think is particularly important, not just
3 to me but to workers everywhere in the State of
4 New York. This is a unique historic moment in a
5 unique historic chamber. Many of us who have
6 served in the Senate know that when you first get
7 here, you're assigned a desk. When you open your
8 desk, you'll notice that there are signatures in
9 there. Some of them are dated in the 1800s, the
10 1900s. One of these desks is the desk that
11 belonged to Franklin Delano Roosevelt, who served
12 as a member of this Senate between 1910 and 1912
13 before he became the Secretary of the Navy. Then
14 he came back to the State of New York and became
15 the Governor of the State of New York. A
16 historic desk, a historic man who understood the
17 issues that affected working people probably
18 better than anybody. And then he went on to
19 Washington and he got elected the President of
20 the United States, and we all know that he
21 crafted the New Deal. And he was the principal
22 mover and shaker behind the National Labor
23 Relations Act, which was passed into law in 1935.

24 But even Franklin Delano Roosevelt,
25 as brilliant as he was, and the icon of the labor

1 movement, didn't understand the need for
2 public-sector collective bargaining rights. He
3 didn't think we needed it. In fact, he believed
4 that the issues that public-sector workers faced
5 were dealt with by someone else named Roosevelt,
6 who also served in this building -- not in this
7 chamber, but in the Assembly, and also as the
8 Governor of the State of New York. That was
9 Teddy Roosevelt.

10 Teddy Roosevelt created the civil
11 service merit system because he understood that
12 public service belonged to the public and not the
13 political class. He took on Tammany Hall, and he
14 broke it. And he created the civil service merit
15 system. And FDR believed that that was
16 sufficient enough for public employees, that the
17 private sector needed collective bargaining
18 rights and Labor Law protection. And it is the
19 one area where those of who think that FDR walked
20 on water, we disagreed with.

21 In 1965 in this state, after several
22 strikes -- the teachers, the Social Service
23 Employees Union, the Transport Workers Union, one
24 after the other went on strike in the city and
25 the State of New York. Buffalo teachers, because

1 they wanted the right to collective bargain.
2 They forced this Legislature to pass and enact
3 the Taylor Law. And it became the defining
4 public-sector labor law in this country.

5 And so why is this moment important?
6 Because in this revenue bill is a piece of
7 legislation that was crafted by my colleague
8 Senator Alcantara, a freshman legislator who
9 understands what it means to represent workers,
10 to protect us against what is an onslaught coming
11 from those who have been organized across the
12 country to take away workers' rights.

13 The decision before the United
14 States Supreme Court is not just about an
15 individual named Janus who objects to his union
16 dues being used for partisan political purposes.
17 It is a concerted effort by the enemies of
18 working people across this country who are
19 seeking to defund unions, who are seeking to
20 silence workers' rights.

21 In this chamber, 50 years ago,
22 public sector labor law and collective bargaining
23 rights was born and enshrined into law. And
24 tonight we are saying again, forcefully, that we
25 believe that public-sector workers have the right

1 to have a say in the workplace, to dignity,
2 respect, income security in their retirement, and
3 all of the full benefits of all workers that even
4 FDR didn't represent.

5 So I ask all of my colleagues to
6 please vote in favor of this legislation to
7 protect workers everywhere.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Seeing
10 and hearing no other Senator that wishes to be
11 heard, debate is closed and the Secretary will
12 ring the bell.

13 Read the last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Kaminsky to explain his vote.

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

23 I think one of the things we could
24 all be proud of in this chamber and that we've
25 worked on on both sides of the aisle is getting

1 transparency into our electoral process. And I'm
2 talking about social media.

3 Right now, whether it's coming from
4 another country or whether it's coming from
5 within our own state, people are bombarded in
6 their social media feeds where many of our
7 neighbors get their news with political ads
8 saying terrible things about people, and they
9 have no idea where it comes from.

10 And our state took a big step
11 forward today by requiring, on paid
12 advertisements, disclosures of who paid for that
13 ad so that voters can assess for themselves and
14 weigh the information for themselves. It's a big
15 step forward.

16 There are also lots of other
17 protections in here, including ads having to be
18 filed with the Board of Elections so we know who
19 paid for what. This is a really big step
20 forward.

21 And I think voters expect for us to
22 do the best we can to give them the best chance
23 to evaluate the candidates and participate in our
24 system. With all of the stuff, especially
25 negative stuff, they're bombarded with, people

1 are sick and fed up. Between the arrests they
2 see and the crap put out on social media, you can
3 understand why people don't want to participate.

4 We're taking a big step of cleaning
5 that up, getting negative forces, foreign or
6 domestic, out of our democratic process. And I'm
7 proud to support this. I vote yes especially for
8 this reason, Mr. President.

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

11 Senator Bailey to explain his vote.

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

14 Yesterday I spoke at length, I
15 believe, about what bills didn't have and what we
16 should do to improve this bill. And the budget
17 process can definitely be done better. We can
18 definitely do more for our state, as Senator
19 Krueger alluded to earlier.

20 But there are a couple of things,
21 really good things in this bill that I wanted to
22 highlight and indicate why I'm voting yes.
23 One -- nobody's touched on this yet, so I'll be
24 the first to -- about the introduction of five
25 new Supreme Court justices.

1 As you know, there are significant
2 backlogs in our judicial system. We often forget
3 about the judicial branch of government. As the
4 Executive and legislators, we get the press and
5 the accolades, but it's important to have good
6 judges, people who have good dispositions who are
7 able to dispense justice in a fair and equitable
8 manner. And how that judge in each of those
9 counties -- judicial districts, I should say,
10 will be chosen is to be determined. But having
11 more judges is always a good thing. So I am in
12 full support of that.

13 And I'm also in full support of
14 being able to have design-build for NYCHA. No
15 matter what side of the issue that you may have
16 looked at NYCHA on, the reality is that what we
17 should be doing, Mr. President and my colleagues,
18 is that we should be looking at tenants.
19 Tenants are the focus. It doesn't matter who
20 thought of what or how it came to the table. To
21 be able to provide necessary repairs for 400,000
22 residents, who often are living in deplorable
23 conditions, is important.

24 It's also important that this
25 agreement has an MWBE component. It's also

1 important that this agreement also has a project
2 labor agreement component, and also that it has a
3 public works component so that it will be a
4 prevailing wage so that people are paid livable
5 wages while they are doing this work,
6 Mr. President.

7 You know, I spoke about the criminal
8 justice reforms that we didn't have. And I'll
9 just briefly mention that once again that, you
10 know, we could have done some bail reform, some
11 speedy trial and discovery, because I think
12 that's what the residents of our state need.

13 But I think there's time in the
14 session for that, and I look forward to a robust
15 discussion on issues that matter to those in
16 New York State.

17 I vote aye, Mr. President.

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

20 Senator Kavanagh to explain his
21 vote.

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

24 I rise to just note several
25 important features of this bill that I'll be

1 voting for tonight.

2 First of all, my colleague Senator
3 Bailey discussed the steps we're taking to
4 improve NYCHA's ability to spend capital dollars
5 to improve some very grave conditions throughout
6 the homes of half a million New Yorkers.

7 It's also important to note that
8 we're taking a very big step forward, as some of
9 my colleagues noted earlier, to put substantial
10 capital, state capital, behind those repairs. At
11 \$250 million, I think we're finally putting a
12 significant down payment toward that need.

13 Many of us have been advocating for
14 many years for an annual allocation that would be
15 substantially larger than that, but it is a great
16 step forward that we're putting in \$250 million.
17 I hope that we won't next year be thinking that
18 we've done the work this year and don't need to
19 do it again next year. Capital maintenance
20 requires ongoing commitment of capital. So this
21 is going to be a continuing fight, but it's a big
22 step forward we're taking tonight.

23 I also want to thank everybody who
24 supported design-build for the Brooklyn-Queens
25 Expressway. We are concerned there are some

1 provisions in here that have the State DOT
2 involved in that project at each step of the way.
3 But I'm confident that the State DOT will
4 understand the significance of this project and
5 will not unduly impede the city DOT, which is
6 paying the entire cost of that project, from
7 getting a design-build contract out and
8 getting -- moving forward this project. And I've
9 articulated the reasons for that a number of
10 times on this floor already.

11 So with that, Mr. President, I'll be
12 voting yes. Thank you.

13 ACTING PRESIDENT GRIFFO: Senator
14 Kavanagh to be recorded in the affirmative.

15 Senator Sanders to explain his vote.

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

18 A budget, of course, is a sign of
19 how we view the priorities of any given place.
20 In this case, we're viewing the priorities of the
21 state. So on one hand we can say good things and
22 we can say bad things about this budget.

23 Part of the bad things that we must
24 say is that you really have seen a loss of power
25 to New York City, to the rights of the mayor and

1 to the people there, and a moving, a shifting of
2 those rights and powers to other places,
3 especially seen in terms of NYCHA and in terms of
4 MTA.

5 However, as a proponent of both
6 NYCHA and MTA, on the positive it must be said
7 that the crisis of both of these places are so
8 acute that we have to deal with them now. We
9 cannot wait another day. In fact, we have waited
10 too long.

11 I do want to point out and give
12 special praise to some people who worked hard on
13 this. I want to praise Senator Krueger, who has
14 championed so many of these battles. I have no
15 idea how she does it, but I just hope to get some
16 of her strength. She has really gone there.

17 And of course I have to speak of
18 Senator Gianaris, who has really been marshaling
19 forces.

20 But I would not be right if I did
21 not speak of my leader, Andrea Stewart-Cousins,
22 who somehow holds us all together aiming at one
23 place, which is amazing. Some people say it's
24 like herding cats. But she does it so well, she
25 makes it look easy.

1 So having said those things, I look
2 forward to continuing our, as my colleague said,
3 robust debate that we must have over priorities
4 and over districts and places like this. This is
5 just a beginning of what we need to do for the
6 people of New York State, who deserve the very
7 best from us, and we have an obligation to give
8 our very best.

9 So I want to commend all people on
10 all sides of the aisle who have worked hard to
11 bring it here, and I will heed my president's
12 suggestion that I call it quits.

13 Thank you very much, sir.

14 ACTING PRESIDENT GRIFFO: Senator
15 Sanders to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 740, those recorded in the negative are
19 Senators Amedore, Hoylman, Marchione, Ortt,
20 Serino and Tedisco.

21 Absent from voting: Senators Croci
22 and Felder.

23 Ayes, 52. Nays, 6.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: There will be
3 an immediate meeting of the Rules Committee in
4 Room 332.

5 ACTING PRESIDENT GRIFFO: There
6 will be an immediate meeting of the Rules
7 Committee in Room 332.

8 The Senate will stand at ease.

9 (Whereupon, the Senate stood at ease
10 at 11:44 p.m.)

11 (Whereupon, the Senate reconvened at
12 11:49 p.m.)

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

15 SENATOR DeFRANCISCO: Is there a
16 report of the Rules Committee at the desk?

17 ACTING PRESIDENT GRIFFO: There is
18 a report of the Rules Committee at the desk.

19 The Secretary will read.

20 THE SECRETARY: Senator Flanagan,
21 from the Committee on Rules, reports the
22 following bill direct to third reading:

23 Senate Print 8121, by Senator
24 Phillips, an act to amend the Penal Law.

25 SENATOR DeFRANCISCO: I move to

1 approve the report of the Rules Committee.

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

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO: Opposed?

7 (No response.)

8 ACTING PRESIDENT GRIFFO: The
9 committee report is accepted, and the bill is
10 before the house.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Is there a
13 message of necessity at the desk?

14 ACTING PRESIDENT GRIFFO: There is
15 a message at the desk.

16 The Secretary will call the bill up
17 first.

18 THE SECRETARY: Calendar Number
19 741, by Senator Phillips, Senate Print 8121, an
20 act to amend the Penal Law.

21 ACTING PRESIDENT GRIFFO: The
22 message is present. I'll entertain a motion,
23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: I don't have
25 a motion, but I'd call for the reading of the

1 last section.

2 ACTING PRESIDENT GRIFFO: Are we
3 entertaining a message of necessity?

4 SENATOR DeFRANCISCO: I thought I
5 just did that.

6 ACTING PRESIDENT GRIFFO: No.

7 (Laughter.)

8 ACTING PRESIDENT GRIFFO: You asked
9 if there was one present. So we'll take -- all
10 in favor of accepting --

11 SENATOR DeFRANCISCO: I have
12 witnesses. I have witnesses.

13 ACTING PRESIDENT GRIFFO: The
14 stenographer is our witness.

15 SENATOR DeFRANCISCO: Okay, I'll do
16 it again. I move to accept the message of
17 necessity.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of accepting the message of necessity
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: The
25 message is accepted.

1 SENATOR DeFRANCISCO: Last section.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 8. This
5 act shall take effect on the 60th day.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Senator Gianaris to
10 explain his vote.

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

13 This is a bill that helps keep guns
14 and other firearms out of the hands of those who
15 have committed domestic violence. And I will be
16 supporting this bill, obviously, and I want to
17 spend some time thanking my leader, Andrea
18 Stewart-Cousins, and my conference.

19 As everyone here knows, we have been
20 struggling to address the issue of gun violence
21 in this chamber for some months. And we have
22 been very aggressive about it, and with good
23 reason. And I daresay although we have much more
24 work to be done -- we talked over the last
25 several months about improving background checks,

1 we talked about banning bump stocks, we talked
2 about the critical issue of keeping guns out of
3 the hands of people who are dangerous beyond just
4 being perpetrators of domestic violence, and so
5 we have more work to do.

6 But I daresay, especially as I see
7 the hands rising up on the other side of the
8 aisle, that this bill is passing on the strength
9 of the votes of our conference and the conference
10 behind us. And I think it's a credit to the
11 leadership that our leader has shown, that even
12 though we are not serving in the Majority, we are
13 making advances on issues of importance as it
14 relates to gun violence.

15 I mean, this is a simple bill that
16 you'd think wouldn't be so difficult, and yet
17 we're seeing so many hands on the side of my
18 Republican colleagues going up in opposition.
19 The simple proposition that those who are
20 perpetrators of domestic violence should not get
21 their hands on firearms is something that a large
22 number of people in this chamber oppose.

23 So obviously this is something that
24 has come to the floor because of the great work
25 that we have done on this side of the aisle, and

1 I'm very proud of that. And we will take this on
2 behalf of the people of the State of New York and
3 pass it and continue to roll up our sleeves and
4 work to pass the other measures that are
5 important, to make sure that we make the people
6 of New York State as safe as they can possibly
7 be.

8 I'll be voting in the affirmative,
9 Mr. President. Thank you.

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

12 Senator Bailey to explain his vote.

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

15 I would like to echo the sentiments
16 of Senator Gianaris in thanking my leader for her
17 steadfast commitment to this issue. I appreciate
18 that long before we had the mass shooting,
19 unfortunately, in Florida, that this was already
20 on our list of accomplishments to come for this
21 session.

22 I thank Senator Kavanagh for his
23 institute, the work that he's doing as being a
24 leader -- not just in the state, folks,
25 nationwide. People look to Senator Brian

1 Kavanagh for what he does.

2 Senator Roxanne Persaud, her
3 eloquent comments yesterday about how gun
4 violence is a scourge in her community and in
5 mine as well.

6 And to those who are voting against
7 this, I respect the Second Amendment and I
8 appreciate it. The right to bear arms is
9 something fundamental in our Constitution. But
10 we should be very clear about there are certain
11 people that simply should not have weapons. We
12 would not allow someone to drive a car after they
13 were involved in multiple, multiple accidents.
14 Their license would be suspended. And yet we'd
15 like to allow people convicted of domestic
16 violence crimes to possess a firearm.

17 We're not looking to take the guns.
18 That's not something I'm looking to do. But I'm
19 looking to protect the people.

20 I commend the sponsor, Senator
21 Phillips, for her work on this matter as well.
22 Because guns don't just proliferate in Democratic
23 districts. There is no "D" next to gun violence;
24 there is no "R" next to gun violence. Gun
25 violence must be stopped at all costs, across all

1 borders, all shades, all shapes, all sizes.

2 I support this legislation
3 wholeheartedly, and I urge all of my colleagues
4 to do the same. I vote aye, Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Bailey in the affirmative.

7 Senator Krueger to explain her vote.

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

10 I also rise to proudly vote yes on
11 this bill and to thank the colleagues in my
12 conference, my leader, Andrea Stewart-Cousins,
13 for the work we have been doing for years to try
14 to move important commonsense gun bills.

15 This bill is particularly important
16 because of the relationship between domestic
17 violence and people being shot not by strangers,
18 but by people they live with, they know, they may
19 be married to.

20 When I spoke out about these issues
21 and accused the NRA of dictating to the majority
22 of Americans who felt the way I did, I actually
23 faced death threats, as have other legislators
24 who have spoken out for commonsense gun bills
25 such as this.

1 There is no easier example than the
2 concept of removing guns from people who have
3 threatened other people. In fact, one might
4 argue to not do it is a bit insane. You know
5 that they are threatening violence, and you know
6 they have guns, but you choose to do nothing
7 about it.

8 So I'm very glad that we are taking
9 up this bill, even at midnight, when we'd like to
10 go home for the holidays. And it is rumored that
11 this bill will pass the Assembly and the Governor
12 will sign this into law, since it's the
13 Governor's program bill. And I think that those
14 of us who support it can recognize we're taking a
15 big step forward for New York. We have many
16 other steps to take, but this is a very nice
17 beginning of a new approach to commonsense gun
18 bills in New York State.

19 I vote aye. Thank you.

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

22 Senator Kavanagh to explain his
23 vote.

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

1 I've risen on this topic a number of
2 times in recent days, and I just wanted to rise
3 tonight briefly. First of all, to commend the
4 sponsor and the Governor for putting this forth
5 as a program bill, and also the sponsor in the
6 Assembly, who I understand is Danny O'Donnell,
7 who has been working on this nexus of domestic
8 violence and guns for a while and has in fact
9 passed a bill on this topic in the past in the
10 Assembly that hasn't been picked up by this house
11 before.

12 But I do want to note, as has been
13 said by some of my colleagues, that although this
14 is an important step and if you are somebody who
15 is concerned about domestic violence and you're
16 dealing with someone who is armed and might be
17 intending to harm you in a domestic circumstance,
18 this is a profoundly important bill for you and
19 anybody who might be affected by the violence
20 that somebody might perpetrate in that
21 circumstance.

22 But our efforts to prevent gun
23 violence are part of a larger system. One of the
24 things this bill does, it says if you're
25 convicted of certain crimes, you will be in the

1 NICS database that prevents the purchase of a
2 gun. And yet we are declining, in this house, to
3 close loopholes in the background check system.
4 It is still the case after we pass this bill
5 tonight that after three days, if the background
6 check is indeterminate, the person can still be
7 sold a gun in New York.

8 It is still the case that if the
9 evidence that someone might be dangerous is
10 something other than a domestic violence offense,
11 we don't have a broader-based method like we
12 would if we passed extreme risk protection orders
13 to address that situation and ensure that those
14 many, many other people who might be dangerous
15 don't have access to firearms.

16 Notwithstanding that, this is a good
17 strong bill on its own terms on this topic. I
18 note it also has provisions to ensure that if
19 your guns are -- if you do relinquish your guns
20 and you're entitled to get them back, that
21 there's a more formal mechanism for doing that
22 that's included in this bill. Those of us who
23 care about constitutional rights and due process
24 also want people who are deprived of their
25 property to be able to get it back in the

1 appropriate way.

2 So again --

3 ACTING PRESIDENT GRIFFO: Senator
4 Kavanagh --

5 SENATOR KAVANAGH: -- I commend
6 everyone who's supporting this, and again I join
7 my colleagues in thanking our leadership, who
8 really have made this from the beginning -- I'll
9 be voting in the affirmative. Thank you.

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

12 Senator Savino.

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

15 I also rise in support of this
16 legislation. And I want to thank Senator
17 Phillips and congratulate her on bringing this
18 bill across the finish line.

19 You know, they say politics is the
20 art of compromise. And earlier this year I was
21 very pleased and proud to see that the Governor
22 included in his State of the State and his budget
23 address a piece of legislation that addressed
24 many of the same issues in this bill that I
25 carried with Assemblywoman Amy Paulin. But I

1 guess through the process, it was determined that
2 this bill was stronger and it would actually do
3 more to protect domestic violence victims in
4 issues of intimate partner violence.

5 So I am proud to stand here tonight
6 and cast a vote in favor of this piece of
7 legislation and thank Senator Phillips for
8 helping bring it across the finish line when I
9 couldn't do it.

10 So it's a critically important
11 issue, as many members have said. We know that
12 victims of domestic violence are particularly at
13 risk from those who continue to maintain firearms
14 in their home. Intimate partner violence leads
15 to more deaths in this state than we care to
16 announce.

17 And I am proud to cast a vote in
18 favor of this legislation and thank you for your
19 partnership on this issue, Senator Phillips.

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Savino to be recorded in the affirmative.

23 Senator DeFrancisco, why do you
24 rise?

25 SENATOR DeFRANCISCO: Yes.

1 Pursuant to Rule 6, Section 2, I move that the
2 Senate remain in session to complete the measures
3 upon which debate was begun prior to midnight, as
4 well as those measures for which a message of
5 necessity has been received.

6 ACTING PRESIDENT GRIFFO: In
7 accordance with Rule 6, Section 2, the Senate
8 will remain in session without objection.

9 Senator Kaminsky to explain his
10 vote.

11 SENATOR KAMINSKY: Thank you very
12 much, Mr. President.

13 I want to thank the sponsor for this
14 bill. I was a domestic violence prosecutor, and
15 there is no situation more tragic or more
16 heartbreaking that when a victim who is known to
17 your office and that you've worked with gets
18 murdered. It happens far too frequently, and
19 it's always -- it's almost always a case where
20 there was a sign of something smaller that was
21 not dealt with, someone goes home and gets a gun
22 or some other weapon and kills somebody.

23 This bill is completely commonsense.
24 And unfortunately, tonight, we have the great
25 evidence of the wide gulf that divides us in this

1 state. This is the Newsday story from tonight:
2 "The one gun proposal accepted by all sides was a
3 proposal to remove firearms from abusers in
4 domestic violence cases."

5 This is a factually untrue
6 statement. This is not accepted by all sides. I
7 have never seen more exercised arms before than
8 when a number of members just voted this down.
9 And I'm at a loss as to why anyone would do this.

10 On the one hand, we have a convicted
11 person of a misdemeanor or a felony -- and it's
12 kind of funny how the roles are reversed now,
13 because there's great concern for defendants who
14 could lose their right to have a gun -- versus
15 someone getting killed. And we know this
16 happens. I'm waiting for someone to explain to
17 me how they could vote no on this.

18 We've got a lot more work to do with
19 protecting students in our schools, protecting
20 our society. The fact that this is the bare
21 minimum we could do shows the gulf between us.

22 I vote in the affirmative. But
23 this -- this is tough. We could do better.

24 ACTING PRESIDENT GRIFFO: Senator
25 Kaminsky in the affirmative.

1 Senator Alcantara.

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

4 I first would like to thank the
5 Governor, the sponsor, Elaine Phillips, and of
6 course my colleague Diane Savino.

7 We all know that gun violence is an
8 epidemic in this country, whether we want to
9 admit it or not. But it is. We saw what
10 happened in Florida, Vegas and other places.
11 This is an important piece of legislation,
12 especially for women.

13 Last year we were able to get orders
14 of protection for domestic violence victims to be
15 translated. And today we are saying we are
16 taking guns away from those who have committed
17 domestic violence.

18 Again, thank you. And I hope that
19 this is the beginning of what our state can do in
20 terms of ending the epidemic of gun violence and
21 the work that we need to do to protect everyone
22 out there, especially women, who oftentimes are
23 the primary victim of domestic violence.

24 Again, I would like to thank my
25 colleagues Elaine Phillips and Diane Savino for

1 working on this important issue that is a step up
2 on what we can do to take guns out of every
3 New Yorker.

4 ACTING PRESIDENT GRIFFO: Senator
5 Alcantara to be recorded in the affirmative.

6 Senator Hoylman to explain his vote.

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

9 This is a bill I can certainly feel
10 good about, especially after the Big Ugly -- or
11 maybe we should call it the Coyote Ugly, given
12 what's happened this week.

13 (Laughter.)

14 SENATOR HOYLMAN: I think my
15 colleagues might be surprised to know on the
16 other side of the aisle that I actually grew up
17 in rural West Virginia. My father was a lifetime
18 member of the National Rifle Association. And
19 when he died, my mother found that he owned 250
20 guns. So I understand gun culture.

21 But I also understand the fact that
22 some people shouldn't have guns. And that group
23 that we're identifying tonight is domestic
24 abusers.

25 So I appreciate our friends across

1 the aisle who are supporting this legislation. I
2 hope it's a breakthrough. I hope this is a
3 breakthrough moment where we can work together
4 and pass extreme risk protection orders, finally
5 ban bump stocks -- a piece of plastic, for God's
6 sake -- fund research in gun science, have better
7 background checks, and make certain that teachers
8 are not armed.

9 So I vote in the affirmative,
10 Mr. President. Thank you.

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

13 Anyone else wishing to explain their
14 vote?

15 Senator DeFrancisco to close.

16 SENATOR DeFRANCISCO: I know, to
17 some people, all bills are black and white. And
18 oftentimes those black-and-white bills are based
19 upon a political philosophy rather than
20 necessarily the reading of the actual bill.

21 Right now, under federal law,
22 domestic violence-type crimes do result in the
23 taking of weapons, and in some instances the
24 permanent taking of weapons, when there's a
25 conviction.

1 And under those circumstances,
2 obviously, if you've ever been to a court on a
3 domestic violence case, the first thing the
4 police do when they come to the house, "Are there
5 any weapons in the house?" And they seize them.
6 And that's a good thing. And that's already
7 provided by federal law.

8 What's being talked about here, it
9 seems like it's -- this is the gun control bill
10 of the year. The fact of the matter is these
11 things already happen. But if you bothered to
12 read the bill, sometimes there's situations maybe
13 there's an overreach. Because every so often,
14 someone, believe it or not, is innocent.
15 Innocent. You can't believe that, I know, but it
16 happens.

17 But one of the laws with which you
18 can have the person whose gun's being seized, one
19 of these domestic violence, under this bill, is
20 criminal tampering in the third degree, a Class B
21 misdemeanor.

22 A person who's guilty of criminal
23 tampering in the third degree, when having no
24 right to do so, nor any reasonable ground to
25 believe that he has such a right, he tampers with

1 property of another person, with intent to cause
2 substantial inconvenience. Now, to me that
3 doesn't sound like a domestic violence crime, but
4 it is under this bill. So there are reasonable
5 people that may disagree.

6 Secondly, we've passed a bill on
7 school safety in this house. The Assembly's
8 counterpart was something dealing with guns, gun
9 control and the like. There was not one bit of
10 negotiation that would have allowed school safety
11 that we here passed.

12 So sometimes you have to trade one
13 thing for another. So whether you agree with me
14 or not, I don't really care, quite frankly, but
15 my point is that there are reasons and reasonable
16 reasons why someone may vote no here. So those
17 who are wondering how anybody could be so foolish
18 and ignorant and just wrong, at least I provided
19 some reasons that some people feel that are valid
20 ones, maybe in disagreement with the other side
21 of the issue.

22 Thank you. I vote no.

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

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 741, those recorded in the negative are
3 Senators Akshar, Amedore, Bonacic, Boyle,
4 DeFrancisco, Funke, Gallivan, Griffio, Helming,
5 Larkin, Marchione, O'Mara, Ortt, Ranzenhofer,
6 Ritchie, Serino, Seward, Tedisco and Young.

7 Ayes, 40. Nays, 19.

8 Absent from voting: Senator Croci.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 Senator DeFrancisco, that completes
12 the reading of the bill that was before the
13 house.

14 SENATOR DeFRANCISCO: And now we
15 have one last bill that's on Supplemental
16 Calendar Number 29D. It's the budget bill
17 dealing with state operations, Calendar 739.

18 If we could do the noncontroversial
19 reading of that bill.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 739, Senate Budget Bill, Senate Print 7500D, an
24 act making appropriations for the support of
25 government: STATE OPERATIONS BUDGET.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: Is there a
4 message of necessity at the desk?

5 ACTING PRESIDENT GRIFFO: There is
6 a message present at the desk -- there is not.
7 There is not a message at the desk currently.

8 SENATOR DeFRANCISCO: There is not.

9 ACTING PRESIDENT GRIFFO: We have
10 been informed, Senator DeFrancisco, that the
11 message is en route.

12 SENATOR DeFRANCISCO: Okay. It's
13 too bad that Senator Squadron is not here to do a
14 little rap for us at the --

15 (Laughter.)

16 ACTING PRESIDENT GRIFFO: We have
17 Senators Bailey and Comrie, though.

18 SENATOR DeFRANCISCO: Rather than
19 doing that, why don't we just stand at ease.

20 ACTING PRESIDENT GRIFFO: The
21 Senate will stand at ease.

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

24 (Whereupon, the Senate reconvened at
25 12:14 a.m.)

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

3 Senator DeFrancisco, the message has
4 arrived. What is your --

5 SENATOR DeFRANCISCO: I'd move to
6 accept the message of necessity.

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

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 message is accepted, and the bill is before the
15 house.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 59.

23 Absent from voting: Senator Croci.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 SENATOR DeFRANCISCO: Is there any
2 further business at the desk?

3 ACTING PRESIDENT GRIFFO: There is
4 no further business before the desk.

5 SENATOR DeFRANCISCO: In that case,
6 I move to adjourn until Monday, April 16th, at
7 3:00 p.m., intervening days being legislative
8 days.

9 ACTING PRESIDENT GRIFFO: On
10 motion, the Senate will stand adjourned until
11 Monday, April 16th, at 3:00 p.m., intervening
12 days being legislative days.

13 The Senate is adjourned. Happy
14 Passover. Happy Easter.

15 (Whereupon, at 12:15 a.m., the
16 Senate adjourned.)

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