NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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9:29 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

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

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

The Senate stands temporarily at ease.

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

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

ACTING PRESIDENT GRIFFO: The

Senate will return to order.

Senator DeFrancisco.

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

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

The Secretary will read.

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

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

Reported direct to third reading.

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

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

SENATOR DeFRANCISCO: That's a great idea.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we take up the bill.

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

SENATOR GIANARIS: There is.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

The Secretary will ring the bell.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: The bill has been laid aside.

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

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

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

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

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

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

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

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

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

So by not being perfect, we say

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

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

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

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

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

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

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

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

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

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

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

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

SENATOR YOUNG: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Good morning.

Through you, Mr. President, the

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

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

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

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

As for the remaining noncompliant

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

based on your answer. So thank you.

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

and actually are more carcinogenic than secondhand smoke?

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

SENATOR HOYLMAN: Will the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

SENATOR HOYLMAN: Will the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

do you disclaim responsibility for its implementation?

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

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

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

SENATOR HOYLMAN: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the bill.

SENATOR HOYLMAN: I think the

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Benjamin.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR YOUNG: Sure.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR BENJAMIN: Okay. On the bill.

ACTING PRESIDENT GRIFFO: Senator Benjamin on the bill.

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

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

So I just want to make sure that

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

SENATOR KRUEGER: Sure. Absolutely. So the $25 million for new supportive housing.

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

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

SENATOR YOUNG: Pardon me.

SENATOR KRUEGER: No, take your

time.

SENATOR YOUNG: Pardon me.

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

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

ACTING PRESIDENT GRIFFO: The sponsor will yield.

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

SENATOR YOUNG: No, it's fine.

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

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

SENATOR KRUEGER: Through you,

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

SENATOR YOUNG: Thank you. That's helpful.

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

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

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

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

legislation. So we can talk about it then.

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

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

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

SENATOR KRUEGER: Okay, got it. thank you.

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

SENATOR KRUEGER: Excuse me, Mr. President.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator

Young.

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

ACTING PRESIDENT GRIFFO: Without objection, Senator Krueger?

SENATOR KRUEGER: Without objection.

ACTING PRESIDENT GRIFFO: Senator Young.

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

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

acted.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

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

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

I also just wanted to be on record

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Kavanagh.

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

ACTING PRESIDENT GRIFFO: Senator Kavanagh on the bill.

SENATOR KAVANAGH: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator Young.

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

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

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

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

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

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

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

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

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

later in this budget process.

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

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

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you.

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

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

And in fact states are moving

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

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

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

I vote no, Mr. President.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

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

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

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

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

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

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

et cetera.

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

I vote no, Mr. President.

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

Senator Parker to explain his vote.

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

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

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

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

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

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

And of course around the Women and

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

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

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

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: I'll pass.

ACTING PRESIDENT GRIFFO: Senator Kavanagh is okay.

Senator Young to close comments.

SENATOR YOUNG: Thank you, Mr. President.

I did want to correct for the record

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

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

Thank you, Mr. President.

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

Announce the results.

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

Ayes, 52. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

And Senator Gianaris has an announcement.

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

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: And the Senate will stand at ease.

ACTING PRESIDENT GRIFFO: The

Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR DeFRANCISCO: Mr. Co-Presidents --

(Laughter.)

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

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

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

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

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

The Senate stands temporarily at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will return to order.

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

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

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

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

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

Both bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

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

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

So the Secretary will read.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it

aside.

Senator DeFrancisco, that completes the noncontroversial reading.

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

SENATOR GIANARIS: That's correct.

SENATOR DeFRANCISCO: Okay.

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

Without objection, we'll begin debate.

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

SENATOR GIANARIS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Senator

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

The Secretary will read.

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

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

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

(Laughter.)

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

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

And Senator Krueger, you may speak.

SENATOR KRUEGER: Thank you, Mr. President.

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

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

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

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

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

danger.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

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

(Response of "Aye.")

SENATOR GIANARIS: Show of hands, please.

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

THE SECRETARY: Ayes, 28.

ACTING PRESIDENT GRIFFO: The ruling of the chair stands.

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

Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

Would the sponsor please yield to some questions?

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

SENATOR HANNON: On which part of the bill?

SENATOR KRUEGER: Oh, Part B, sexual harassment.

SENATOR YOUNG: Sure.

SENATOR KRUEGER: Is that a yes?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator

Young yields.

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

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

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

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

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

SENATOR YOUNG: Sure.

ACTING PRESIDENT GRIFFO: The

Senator yields.

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

SENATOR YOUNG: Yes, federal law preempts.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

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

SENATOR YOUNG: Yes.

SENATOR KRUEGER: Thank you.

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

SENATOR MARCELLINO: Can she speak a little louder?

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

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

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

Are any of these proposals included in this final agreement?

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

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: So in the

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

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

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

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

SENATOR YOUNG: Yes.

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

But sure.

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

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

How would that exactly work?

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

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

SENATOR YOUNG: Through you,

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

SENATOR KRUEGER: Certainly.

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

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

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

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

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

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

SENATOR KRUEGER: Yes, I do.

SENATOR YOUNG: Okay, thank you.

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

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

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

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

SENATOR YOUNG: Yup.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

So it discusses model policy that

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

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

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

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

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

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

So I'm --

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

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

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

ACTING PRESIDENT GRIFFO: Are you on the bill?

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

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

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

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

It's also not clear to me -- and

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Young.

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

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

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

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

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

And I do want to stress, this is

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

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

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

ACTING PRESIDENT GRIFFO: Senator Hannon on the bill.

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

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

for nursing homes --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Hannon.

Can I have some order in the house, please.

Senator Hannon.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Hannon.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

Would the sponsor yield for a couple of questions?

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

SENATOR HOYLMAN: Whoever is --

SENATOR YOUNG: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young yields.

SENATOR HOYLMAN: Thank you.

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

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

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

SENATOR HOYLMAN: Through you, Mr. President --

ACTING PRESIDENT GRIFFO: Senator Hoylman.

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

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

SENATOR HOYLMAN: Would the sponsor please yield.

ACTING PRESIDENT GRIFFO: Senator Young yields. Go ahead.

SENATOR YOUNG: Yes.

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

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

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

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

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

SENATOR HOYLMAN: Will the sponsor continue to yield?

SENATOR YOUNG: Yes.

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

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

SENATOR HOYLMAN: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the bill.

SENATOR HOYLMAN: I disagree with

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

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

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

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

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

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

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

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

SENATOR GIANARIS: Yes, but Senator Hoylman --

ACTING PRESIDENT GRIFFO: Senator Hoylman, you may continue.

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

ACTING PRESIDENT GRIFFO: So noted, Senator Gianaris.

Senator Hoylman.

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

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

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

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

ACTING PRESIDENT GRIFFO: Well, hang on --

SENATOR HOYLMAN: I was on the bill.

SENATOR YOUNG: Okay.

ACTING PRESIDENT GRIFFO: Senator Hoylman is on the bill.

SENATOR HOYLMAN: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Senator Young.

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

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

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

The Secretary will ring the bell.

Senator Gallivan.

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

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

SENATOR GALLIVAN: Can you temporarily lay the bill aside.

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

SENATOR GALLIVAN: The Assembly

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

(Laughter.)

SENATOR GALLIVAN: I was never even in the Assembly.

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

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

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

SENATOR GALLIVAN: Thank you.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you.

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

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

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

The Senate is at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will return to order.

Senator DeFrancisco.

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

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

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

enter the chamber.

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

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

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

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

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

Announce the results.

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

Absent from voting: Senator Croci.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

SENATOR DeFRANCISCO: Move to accept.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

SENATOR VALESKY: Lay it aside.

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

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

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

ACTING PRESIDENT GRIFFO: We've read noncontroversial.

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

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

government: AID TO LOCALITIES BUDGET.

SENATOR VALESKY: Mr. President.

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

SENATOR VALESKY: Is there an amendment at the desk?

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

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

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

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

ACTING PRESIDENT GRIFFO: Your appeal is noted.

Senator Peralta, you are recognized to speak.

SENATOR PERALTA: Thank you, Mr. President.

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

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

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

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

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

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

And what happens? Their children go

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

only for themselves, but for their children.

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rivera.

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

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

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

THE SECRETARY: Ayes, 28.

ACTING PRESIDENT GRIFFO: The ruling of the chair stands.

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

Senator Hoylman.

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

ACTING PRESIDENT GRIFFO: Will the sponsor yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

Senator Hoylman.

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Sure.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR HOYLMAN: Will the sponsor

continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR HOYLMAN: Will the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

get those for you quickly.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

SENATOR YOUNG: Through you,

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

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

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

oversight, I can assure you.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR YOUNG: Yes.

SENATOR HOYLMAN: These are specific questions, believe me.

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

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

SENATOR HOYLMAN: Will the sponsor continue to yield?

SENATOR YOUNG: Yes.

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

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

Would the sponsor continue to yield?

SENATOR YOUNG: That was a statement, but yes.

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

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

SENATOR HOYLMAN: Will the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

SENATOR HOYLMAN: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the bill.

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

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

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

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

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

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

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

How about Project GIVE, Gun Involved Violence Elimination?

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

SENATOR YOUNG: Will Senator Hoylman yield?

ACTING PRESIDENT GRIFFO: Senator Hoylman, do you yield?

SENATOR HOYLMAN: In a minute, thank you.

ACTING PRESIDENT GRIFFO: The Senator does not yield.

Senator, you may continue.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR HOYLMAN: But I yield to --

ACTING PRESIDENT GRIFFO: Senator Young now has the floor.

Senator Young.

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

I said this was a great investment

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

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

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

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

to the facts.

ACTING PRESIDENT GRIFFO: Senator Kavanagh.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

The sponsor yields.

SENATOR KAVANAGH: Thank you, Senator Young.

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

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

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

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

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

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

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

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

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

SENATOR KAVANAGH: Okay, and the --

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

SENATOR KAVANAGH: Forgive me,

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

Would the sponsor continue to yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Young yields.

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

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

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

SENATOR KAVANAGH: Okay, thank you.

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

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Akshar to explain his vote.

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

Senator Akshar.

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

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

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

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

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

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

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

This is a good wise investment.

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

I'm voting aye.

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

Senator Bonacic to explain his vote.

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

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

So when we did the license review

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

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

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

So I vote aye.

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

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you,

Mr. President.

First of all, let me clarify that. I believe it's Senator Akshar, not Ashkar.

(Inaudible comment; laughter.)

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

(Laughter.)

SENATOR GIANARIS: Thank you for noticing.

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

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

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

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

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

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Benjamin to explain his vote.

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

Let me first say that I am an aye on this legislation.

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

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

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

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

Thank you.

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

Senator Alcantara.

SENATOR ALCANTARA: Thank you.

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Alcantara in the affirmative.

We're on explanation of votes, Senator Akshar.

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

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

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

(Laughter.)

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

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

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

(Laughter.)

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

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

Thank you.

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

(Laughter.)

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

Senator Savino to be recorded in the affirmative.

Senator Kavanagh to explain his vote.

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

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

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

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

(Laughter.)

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

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

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

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

on track.

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

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

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

Thank you, Mr. President. I vote aye.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

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

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

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

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

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

(Laughter.)

ACTING PRESIDENT GRIFFO: Before Holy Saturday.

Senator Sanders is to be recorded in the affirmative.

SENATOR SANDERS: I'm a yes, absolutely.

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

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

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

(Laughter.)

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

Announce the results.

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

Absent from voting: Senators Croci and Felder.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

Senator DeFrancisco.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

Senator DeFrancisco.

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

With that said, we now stand at ease.

ACTING PRESIDENT GRIFFO: There's

an immediate meeting of the Republican Conference in Room 332.

A reminder of the Democrat conference at 4:15.

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

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

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

And the Senate will stand temporarily at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

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

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

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

The Senate is at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

The Senate is at ease.

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

(Whereupon, the Senate reconvened at

7:40 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

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

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

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

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

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

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

(Response of "Aye.")

SENATOR DeFRANCISCO: I mean Finance Committee.

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

The Secretary will read Supplemental Calendar 29C.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

house.

The Secretary will read the last section.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: The Senate is temporarily at ease.

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

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

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

return to order.

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

Senator Krueger.

SENATOR KRUEGER: Good evening, Mr. President.

ACTING PRESIDENT GRIFFO: Good evening. Happy Passover.

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

If the sponsor would please yield.

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

needs.

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

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

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

SENATOR KRUEGER: Through you, Mr. President --

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

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

answer my question what that something might be?

SENATOR YOUNG: So I'm just trying to understand exactly your point, Senator Krueger. Could you please repeat the question?

ACTING PRESIDENT GRIFFO: Excuse me. Could I have some order in the house -- it's getting a little noisy here -- so the two members can hear clearly.

Senator Krueger.

SENATOR KRUEGER: So my understanding is there's a requirement in the capital bill that NYCHA can only receive the $250 million pursuant to a plan in Section 402D of the Public Housing Law. But as of yet I don't believe we have a Section 402D. Although as the sponsor just answered, that may be in the revenue bill. But I was curious whether those of us who are looking at this capital bill now might have any idea what requirements are going to be applied that don't yet exist somewhere for us to look at.

SENATOR YOUNG: So through you, Mr. President, we do have in this capital bill a $250 million allocation for NYCHA. And I believe that the section that you're referring to will be

in the revenue bill. And so it was put together, negotiated by the Governor, the Assembly and the Senate. And I know that it's an important priority for many of the parties at the table.

So I think that your question will be answered when we get to the revenue bill. But it should be a workable program, Senator Krueger.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

You know, there's a separate section that provides for $475 million for the State and Municipal Facilities Program, what we often call SAM, capital costs for construction, improvement rehab construction, et cetera.

Will there be an itemized list of what this $470 million is intended for either in a later bill or at some time before this money is actually released?

SENATOR YOUNG: Through you, Mr. President, no, there will not.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: So in referencing the 2007 budget reform bill, any appropriation added pursuant to -- and I will skip all that and just highlight -- shall be included in a concurrent resolution calling for the expenditures of such monies.

So through you, Mr. President, is there an expectation that there will be a concurrent resolution laying out the itemization of how this $475 million is intended to be spent?

SENATOR YOUNG: Through you, Mr. President. Actually, the parameters of how the money can be spent will be in the appropriation, and that meets the requirements.

So there are very, very detailed requirements as to how these funds can be spent, and those are included in the description.

SENATOR KRUEGER: Through you, Mr. President, could the sponsor please cite me

the section of the bill that lays out the very specific requirements of how this money is spent?

SENATOR YOUNG: Through you, Mr. President, it's right in the appropriation language.

SENATOR KRUEGER: I'm sorry, I don't have a printed copy, so it will take me a minute.

SENATOR YOUNG: Want me to read it to you? It's quite lengthy.

SENATOR KRUEGER: Or someone could just hand me a copy if someone else has a printed copy.

SENATOR YOUNG: I mean, I'll read it. I don't care.

For payment of the capital costs of construction, improvement, rehabilitation or reconstruction of facilities owned by eligible entities; the acquisition of capital facilities and assets by eligible entities, including fixed capital assets; the acquisition by eligible entities of equipment and other capital assets, including vehicles, in support of health, safety, technology or innovation; the acquisition by an eligible entity of capital assets with a useful

life of not less than 10 years purchased for the sole purpose of preserving and protecting infrastructure that is owned, controlled or appurtenant to an eligible entity, including but not limited to heavy duty road maintenance and construction vehicles, pavers, snow plows, street sweepers and heavy duty fire, emergency response and law enforcement vehicles; economic development projects sponsored by the state or municipal corporations, as defined in Section 2 of the General Municipal Law, that will create or retain jobs in New York State as certified by the commissioner of the Department of Economic Development; or environmental projects sponsored by the state or municipal corporations as defined in Section 2 of the General Municipal Law. Eligible entities shall consist of the state; municipal corporations as defined in Section 2 of the General Municipal Law; water and sewer districts; the Metropolitan Transportation Authority; a college or university established pursuant to Section 352 of the Education Law -- and it goes on. I can continue to read, but I feel like I'm eating a lot of your time.

SENATOR KRUEGER: That's okay.

Through you, Mr. President, on this section of the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I appreciate the sponsor's answers.

I am quite sure that if we all go back and revisit the budget reform bill, we will probably all agree that there should be some form of resolution laid out and voted on by both houses of the Legislature prior to any money being appropriated and spent for specific projects, because it falls under the category of these lump sums that we actually recognized opened up too many problems in history, not having the Legislature see or vote upon what those monies would be spent on. And I think we would all agree half a billion dollars is a significant amount of money.

And I also don't think I see "notwithstanding" language in this section of the bill -- because of course we know that it's the most dangerous word in Albany, notwithstanding any other law.

So I won't spend our time here

tonight, I will just reemphasize to people that there's a good reason several years ago we all decided to move forward to not allow MOUs, memorandums of understanding within budget bills, or large lump sums of money to be allowed to be spent without someone evaluating and knowing -- and the public knowing -- what those monies were being used for.

But through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

SENATOR YOUNG: Senator Krueger, I do have a copy of the language that's going to be in the revenue bill regarding NYCHA. Would you be interested in hearing that?

SENATOR KRUEGER: Absolutely. Thank you.

ACTING PRESIDENT GRIFFO: Senator Young yields.

SENATOR YOUNG: So it's Section 1. The Public Housing Law is amended by adding a new section, 402D, to read as follows:

The Governor may issue an executive order pursuant to Article 2B of the Executive

Law, and subject to the availability of a state appropriation, which shall govern the examination and remediation of conditions, including the construction or reconstruction as may be required of residential properties owned by the authority and the development and execution of a plan to remediate such conditions. And this act shall take effect immediately.

SENATOR KRUEGER: Thank you. I want to thank the sponsor for finding that answer for me.

It does raise additional concerns that we probably can get to when we get to that section in the revenue bill. Is that what you're reading from?

SENATOR YOUNG: Yes.

SENATOR KRUEGER: Thank you.

Because again, you appropriate money in the capital budget, but then it's pending an executive order that, just in the reading of that initial description, opens up all kinds of new questions about how this will work and whether NYCHA will actually get the money it needs from the state.

But I would like to, Mr. President,

if you don't mind, continue my questioning in another section of the bill.

SENATOR YOUNG: Certainly.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

There's another section of the capital budget, under the Urban Development Corporation/Empire State Development, creating a High Technology Innovation and Economic Development Infrastructure Program, and also taking $300 million of taxpayers' money to be used in this new program.

Could the sponsor help me understand what this new program is for and how it's different than all the other monies that State Economic Development already has available to them?

SENATOR YOUNG: Certainly. Through you, Mr. President. We know that economic development and growth is crucial to the people of the state but also to the future of the state. So this is designed to attract high-tech projects. The Legislature would have input on it and some form of oversight, just because it would

have to be approved by the PACB board.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor could continue to yield.

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: And there's one additional new fund here in the capital budget for $200 million in capital funding for the New York Works Economic Development Fund. Could the sponsor explain what this money is for and how it differs from the High Technology Innovation and Economic Development Infrastructure fund or the SAM funds?

SENATOR YOUNG: Through you, Mr. President. Actually, the New York Works Economic Development Fund is nothing new. We've done it in the past. And it actually has infrastructure projects that are included.

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

SENATOR YOUNG: Yes.

And I do want to add, too, you know,

when you think about our state, we're a very old state from a historical standpoint. We do have many, many infrastructure needs across the state -- water systems, sewer systems and so on. And so this money is very well spent and very much needed, and it also will put people to work.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: The sponsor is absolutely right. I misspoke. The $200 million for the New York Works Economic Development Fund was not a new project, it was continuing funding or new funding.

I meant to ask about the $122 million in new money for the New York City Capital Assistance Program for Transportation, Infrastructure and Economic Development. Could the sponsor help me understand how that's different than the New York Works Economic Development Fund, the High Technology Innovation and Economic Development Infrastructure Program,

and/or the SAM funds?

SENATOR YOUNG: Certainly. And so through you, Mr. President, to answer Senator Krueger's question, there is actually $122 million, she is correct, included in the capital budget, and it covers a wide range of projects, transportation-related infrastructure projects such as roads, it can be used for bridges, it can be used for rail lines, it can be used for aviation. But it's certainly designed to meet critical infrastructure needs that we have across the state.

SENATOR KRUEGER: Through you, Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I want to thank the sponsor for her answers to my questions.

I wanted to highlight the fact that in this bill, in this capital bill which has many important things we all need and are looking for, we are investing or spending the taxpayers' money -- if I add up the 300 million, the 200 million, that's 500 million. The SAM is another $475 million. So that's just short of a billion.

And then the additional $122 million. So approximately $1.1 billion of monies that will be available for distribution through State Urban Development and Empire State Development, an entity that many people in this room -- including, I have to say, the deputy leader has been very outspoken in his concerns about how we don't actually ever see how the money is being spent in advance or even afterwards. There have been any number of investigations, scandals and even court cases tied into the use of these kinds of large amounts of categorical money to go through EDC/UDC without any oversight or transparency to the people or even for the Legislature to see what it is for and to be participants in it.

And I think frankly that's a big mistake. I'm not saying we shouldn't be spending $1.1 billion on these kinds of activities in the State of New York, I'm saying that the Legislature and the public should know what it's being spent on and be able to track, then, how it is used, who received the money, what were the outcomes, were there jobs created, how many; if there were not, did we get the money back.

I think we owe it to the public, we owe it to the people to actually know exactly how their taxpayer money is being spent, especially when you're talking about already within budgets multiple billions of dollars. And tonight, just through one bill, adding over another $1.1 billion to the pots of money that there's so little accountability to the people for. I think all of us would want to make sure that we are holding our government accountable to explain what they're doing with the taxpayer money.

And so I'm not arguing people should vote against this bill tonight, but I want to highlight how sorry I am that yet again we have not been able to establish in the State of New York rules, regulations and laws passed by this Legislature -- and I don't think it's a partisan issue, and I don't think it's a one house or the other issue -- that we should have far greater transparency and accountability of how we spend the taxpayers' money, rather than simply allow it to be lump-summed into these enormous pots of money with nice titles about jobs and innovation and technology, without actually ever tracking is that what the money

gets spent for and is it successful or not, should it be replicated, should it be clawed back.

Whoever knows? Frankly, a lot of us learn about this through newspaper stories when the scandals break or court cases when the scandals break. And that's not a very good model of transparency. I'd rather know up-front. I'd rather know what am I voting for, do I believe that's the best use of the taxpayers' money. So my frustration grows out of years and years and years of asking questions and urging changes and not getting them.

So I won't ask anyone to vote no on this capital budget, a bill I am sure that each and every one of us has something in here that we know our communities need and are hoping for. But I'm telling you, Mr. President, I'm telling all my colleagues there is so much better we can do in monitoring, tracking, identifying all for transparency and allowing the public to see exactly how we're spending their money and letting us and them ask hard questions if it doesn't seem to be doing what it was supposed to. Because too many times it isn't used the way it

was intended and we're not getting the outcomes we were hoping for, we're getting more court cases and scandals.

Thank you, Mr. President.

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

Senator Marchione.

SENATOR MARCHIONE: Mr. President, I'd like to announce that there will be a Senate Republican conference immediately following in Room 332.

ACTING PRESIDENT GRIFFO: Immediately following the vote, there will be a Senate Republican conference in Room 332.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. There will be a Democratic conference in the Democratic Conference at 9:30.

ACTING PRESIDENT GRIFFO: There will be a Democrat conference in the Democratic Conference Room at 9:30.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

Absent from voting: Senators Croci and Felder.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the controversial reading of Senate Supplemental Calendar 29C.

SENATOR DeFRANCISCO: To give everybody a score as to where we are, two bills left. The last bill is going to be state ops, which has been reviewed by all parties involved in this budget process.

Right now the purpose of the conferences are to allow everyone to review the other bill, the last of the bills -- not timewise, but the last to be reviewed. That's revenue. And we are going to reconvene here at 10:15. And because the bill is extensive and we've got to give everybody an opportunity to read it, just so you know that the other bill,

state ops, has been reviewed and we will be able to move most likely right on to that bill as soon as the revenue bill is addressed.

ACTING PRESIDENT GRIFFO: Let me make sure I have this correct.

The Republican Conference will meet immediately now following this vote in the Republican Conference Room.

Senator Gianaris, did you say 9:30? The Democrat Conference will meet in the Democrat Conference Room.

The Senate will stand at ease until 10:15 p.m. this evening.

Any further announcements? There being no further announcements, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 8:14 p.m.)

(Whereupon, the Senate reconvened at 11:01 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd like to call an immediate meeting of the Finance

Committee in Room 332.

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

The Senate is at ease.

(Whereupon, the Senate stood at ease at 11:02 p.m.)

(Whereupon, the Senate reconvened at 11:15 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR DeFRANCISCO: Is there a report of the Rules Committee at the desk?

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

SENATOR DeFRANCISCO: Yes, I meant Finance.

I move to accept the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

Senate Print 7500D, Senate Budget Bill, an act making appropriations for the support of government: STATE OPERATIONS BUDGET; and

Senate 7509C, Senate Budget Bill, enacts into law components for the 2018-2019 state fiscal year.

Both bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: On motion from Senator DeFrancisco, all in favor of accepting the Committee on Finance report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The committee report has been accepted. And the bills are before the house.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there a message at the desk?

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, we'll begin reading and then accept the message. Calendar Number 740.

SENATOR DeFRANCISCO: Okay, last section.

THE SECRETARY: Calendar Number 740, Senate Budget Bill, Senate Print 7509C, enacts into law components for the 2018-2019 state fiscal year.

ACTING PRESIDENT GRIFFO: The inquiry from Senator DeFrancisco was, was there a message at the desk, and it is present at the desk. So I'll entertain a motion, Senator DeFrancisco.

SENATOR DeFRANCISCO: So moved.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco moves that we accept the message of necessity. All in favor of accepting the message signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

The Secretary will read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

SENATOR GIANARIS: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 740, Senate Budget Bill, Senate Print 7509C, enacts into law components for the 2018-2019 state fiscal year.

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

So it is now Good Friday --

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: On the bill.

-- Good Friday and Seder. And so why is this night different than any other night? Not so clear that it is.

Although I will note that on this night, if you happen to be from the City of New York, despite the earlier discussion about

somehow the west side of Manhattan being special, it turns out all of New York City is special, because we don't have any rights to home rule anymore. And this budget bill explicitly makes it clear that we are going to have design-build if the Governor signs off on things, we're going to have schools having to report at such a micro detail that they may face never seeing increases in their education funding if they do not respond correctly.

We will have a one-year extension of the MWBE program with none of the reforms that the task force worked so hard on, and actually making the state's program much more difficult than the City of New York's program. But I'm not sure we'll be able to use the City of New York's program.

We will see design-build for NYCHA, as we discussed at an earlier point in the evening. But interestingly and perhaps very complicatedly, the executive order that will determine whether or not NYCHA can receive money that it desperately needs also appears to give the Executive the power to determine how all money is spent on all construction and all

reconstruction at NYCHA, not just the state money coming in. And that is of enormous concern to every representative who has NYCHA complexes and tenants in their district. And this is the change of NYCHA rules to be the New York City Emergency Management Agency.

We have a proposal that's included, Penn Station redevelopment, that is written in such a way that it could possibly take -- at least in an earlier draft -- up to eight blocks of New York City, take it out of zoning, height, community participation, revenue. Singapore right there on the west side of Manhattan. Lucky you, Brad Hoylman. Lucky me, just a few blocks over.

It also in it includes -- excuse me. Oh. It includes something that apparently some people are excited about, a legislative and state officer compensation committee.

It's really late, and so I'm not debating anything tonight. But for the record, people should read the fine print on this proposal, because you're basically setting up a situation where you might see a small raise in one year, but any COLA increase ever again will

be dependent on on-time and many other requirements that perhaps this Legislature might not choose to wish to abide by.

I feel like a lot of this revenue bill -- that I'm not recommending we vote against, because obviously the State of New York needs to get this budget put to bed, and revenue is a key component. I often point out we really should do the revenue bill first, not last, because it establishes what money we're going to have to spend. Well, we already passed the bills spending it, so we sort of need to pass the bill for the revenue.

But on piece after piece, I just feel like this night is not different than all other nights, because it's Charlie Brown and the football and we're doing the same thing. And we'll all wake up with a little bit of a hangover, perhaps from the seder wine or whatever we might choose to drink on Easter. But I'm not recommending a no vote.

I will be voting yes, Mr. President. I just wish one year we could get this right.

Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Krueger.

Senator Klein on the bill.

SENATOR KLEIN: Thank you, Mr. President.

I want to thank Senator Young, Senator Savino for really sitting through many hours of budget hearings and really presenting and I think defending a budget that is very good for New Yorkers.

A lot of our accomplishments are contained in this revenue bill. And I know most of us know that we started off this budget season in a very precarious situation, a $4.5 billion budget deficit. We were, I think, under attack by the federal government when it comes to the elimination of our SALT deduction, the cap on our property taxes. And I think we really responded in kind to what we needed to do to make sure the middle class especially, and homeowners especially, were protected.

I think everyone knows by now we have a new charitable deduction to help taxpayers stay whole, and we allow businesses to switch to a payroll tax, again so they can -- especially New York workers -- be able to survive the

elimination of the state and local tax deduction.

I know one of the things that I've worked for and worked on, I should say, for several years is the crisis at the New York City Housing Authority. I think over the years I have passed a bill to appoint a state monitor for NYCHA two years in a row. Just maybe, maybe, if we actually would have had a state monitor in place several years ago, we wouldn't have put the 400,000 tenants that call NYCHA their home in danger of lead paint poisoning, contamination by mold, and a boiler system that kept them under frozen conditions all winter long.

But the bill before us today not only allocates $250 million more money for NYCHA -- which brings our total, by the way, over the last several years to $550 million. Well, many of you may ask, Well, why is it that these repairs weren't made? Well, out of the previous money -- we're talking about the $300 million -- only $100 million was spent. And it was only spent a couple of months ago. They haven't been able to even take these funds, make the repairs that are needed and keep our NYCHA tenants safe and secure.

What we're doing here today I think is an important first step. Through executive order, there will be a monitor. That monitor will be appointed in conjunction with the New York City Council and the Council of Tenant Presidents at NYCHA developments. That individual will have full authority to move in, make repairs under design-build in a timely fashion, make sure they're done quickly, and make sure we actually make sure that NYCHA is not the worst landlord any longer, not only in the City of New York but certainly in the State of New York.

One of the other things that we worked on here in the Independent Democratic Conference, which again I'm happy to report is contained in this budget, is the work we have to do for the MTA. I think we all know that over the last summer we experienced the Summer from Hell for anyone who rode our subway system. I wanted to make sure that every season wasn't a season from hell, and I advocated very strongly to make sure that the whole $840 million towards the initial infrastructure repair was done right away.

This is a must. These are things like the repair of signals and tracks, hiring more workers, make sure we have that infrastructure done which has been ignored for many, many years. The next step, of course, is to make sure that we have ongoing maintenance so we make sure the problems don't come back again.

There was a give and take, a back and forth, who's going to pay for it. The state quickly came up with the $440 million. The City of New York said, It's not our responsibility. I stepped in and said, Well, I think it is, and I think the fairest way to do it is to be able to capture sales tax, only once. And we collect every year $7 billion in sales tax on behalf of the City of New York. Less than 6 percent, one time, is the $440 million we need.

In this bill we give the State Comptroller the authority, potentially, if New York City does not have that $440 million in their budget in June, the State Comptroller will have the authority to sweep funds that would go to the city or actually take sales tax.

So I think we're finally going to get our subway system in place by making these

repairs very, very quickly.

One of the things that I think is extremely important as well is what we did for the labor movement in this bill that we're voting on today. And I'm very proud that we did this in a bipartisan fashion. New York is and will always be a union state. And we're all anticipating the worst, unfortunately, in the Supreme Court decision called Janus, which would do away with the ability to actually have unions be able to collect dues to actually make sure that workers are protected.

I'm also very proud that the sponsor of this bill last year -- and the bill before us today in this revenue bill is identical to the chair of the Labor Committee's bill, Marisol Alcantara. So I think we're sending a strong message today that regardless of the Supreme Court decision, and we don't think it will be good, that New York welcomes workers. We don't want New York to become a right-to-work state. We want to make sure New York has the right to collectively bargain, and I think we take a giant step forward for organized labor today in this bill.

So I know we also eventually are going to get to domestic violence, guns, which Senator Phillips is going to sponsor. But I also want to point out a very important program that again is in this bill of teacher loan forgiveness. This will make sure that we have teachers going into areas like math and science, teaching our kids in high-needs districts. We have to encourage more and more people to enter the teaching profession, and I think that's something important.

So I want to say a very special thank you to all. And thank you, Mr. President. I vote yes on this bill.

ACTING PRESIDENT GRIFFO: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I also rise in support of this piece of legislation, for many of the reasons that Senator Klein just outlined -- the focus on the New York City Housing Authority, an issue that many of us have put in a tremendous amount of work and effort into. The concerns that Senator Klein has raised I completely support.

But I want to talk about an issue that I think is particularly important, not just to me but to workers everywhere in the State of New York. This is a unique historic moment in a unique historic chamber. Many of us who have served in the Senate know that when you first get here, you're assigned a desk. When you open your desk, you'll notice that there are signatures in there. Some of them are dated in the 1800s, the 1900s. One of these desks is the desk that belonged to Franklin Delano Roosevelt, who served as a member of this Senate between 1910 and 1912 before he became the Secretary of the Navy. Then he came back to the State of New York and became the Governor of the State of New York. A historic desk, a historic man who understood the issues that affected working people probably better than anybody. And then he went on to Washington and he got elected the President of the United States, and we all know that he crafted the New Deal. And he was the principal mover and shaker behind the National Labor Relations Act, which was passed into law in 1935.

But even Franklin Delano Roosevelt, as brilliant as he was, and the icon of the labor

movement, didn't understand the need for public-sector collective bargaining rights. He didn't think we needed it. In fact, he believed that the issues that public-sector workers faced were dealt with by someone else named Roosevelt, who also served in this building -- not in this chamber, but in the Assembly, and also as the Governor of the State of New York. That was Teddy Roosevelt.

Teddy Roosevelt created the civil service merit system because he understood that public service belonged to the public and not the political class. He took on Tammany Hall, and he broke it. And he created the civil service merit system. And FDR believed that that was sufficient enough for public employees, that the private sector needed collective bargaining rights and Labor Law protection. And it is the one area where those of who think that FDR walked on water, we disagreed with.

In 1965 in this state, after several strikes -- the teachers, the Social Service Employees Union, the Transport Workers Union, one after the other went on strike in the city and the State of New York. Buffalo teachers, because

they wanted the right to collective bargain. They forced this Legislature to pass and enact the Taylor Law. And it became the defining public-sector labor law in this country.

And so why is this moment important? Because in this revenue bill is a piece of legislation that was crafted by my colleague Senator Alcantara, a freshman legislator who understands what it means to represent workers, to protect us against what is an onslaught coming from those who have been organized across the country to take away workers' rights.

The decision before the United States Supreme Court is not just about an individual named Janus who objects to his union dues being used for partisan political purposes. It is a concerted effort by the enemies of working people across this country who are seeking to defund unions, who are seeking to silence workers' rights.

In this chamber, 50 years ago, public sector labor law and collective bargaining rights was born and enshrined into law. And tonight we are saying again, forcefully, that we believe that public-sector workers have the right

to have a say in the workplace, to dignity, respect, income security in their retirement, and all of the full benefits of all workers that even FDR didn't represent.

So I ask all of my colleagues to please vote in favor of this legislation to protect workers everywhere.

Thank you, Mr. President.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Mr. President.

I think one of the things we could all be proud of in this chamber and that we've worked on on both sides of the aisle is getting

transparency into our electoral process. And I'm talking about social media.

Right now, whether it's coming from another country or whether it's coming from within our own state, people are bombarded in their social media feeds where many of our neighbors get their news with political ads saying terrible things about people, and they have no idea where it comes from.

And our state took a big step forward today by requiring, on paid advertisements, disclosures of who paid for that ad so that voters can assess for themselves and weigh the information for themselves. It's a big step forward.

There are also lots of other protections in here, including ads having to be filed with the Board of Elections so we know who paid for what. This is a really big step forward.

And I think voters expect for us to do the best we can to give them the best chance to evaluate the candidates and participate in our system. With all of the stuff, especially negative stuff, they're bombarded with, people

are sick and fed up. Between the arrests they see and the crap put out on social media, you can understand why people don't want to participate.

We're taking a big step of cleaning that up, getting negative forces, foreign or domestic, out of our democratic process. And I'm proud to support this. I vote yes especially for this reason, Mr. President.

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

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

Yesterday I spoke at length, I believe, about what bills didn't have and what we should do to improve this bill. And the budget process can definitely be done better. We can definitely do more for our state, as Senator Krueger alluded to earlier.

But there are a couple of things, really good things in this bill that I wanted to highlight and indicate why I'm voting yes. One -- nobody's touched on this yet, so I'll be the first to -- about the introduction of five new Supreme Court justices.

As you know, there are significant backlogs in our judicial system. We often forget about the judicial branch of government. As the Executive and legislators, we get the press and the accolades, but it's important to have good judges, people who have good dispositions who are able to dispense justice in a fair and equitable manner. And how that judge in each of those counties -- judicial districts, I should say, will be chosen is to be determined. But having more judges is always a good thing. So I am in full support of that.

And I'm also in full support of being able to have design-build for NYCHA. No matter what side of the issue that you may have looked at NYCHA on, the reality is that what we should be doing, Mr. President and my colleagues, is that we should be looking at tenants. Tenants are the focus. It doesn't matter who thought of what or how it came to the table. To be able to provide necessary repairs for 400,000 residents, who often are living in deplorable conditions, is important.

It's also important that this agreement has an MWBE component. It's also

important that this agreement also has a project labor agreement component, and also that it has a public works component so that it will be a prevailing wage so that people are paid livable wages while they are doing this work, Mr. President.

You know, I spoke about the criminal justice reforms that we didn't have. And I'll just briefly mention that once again that, you know, we could have done some bail reform, some speedy trial and discovery, because I think that's what the residents of our state need.

But I think there's time in the session for that, and I look forward to a robust discussion on issues that matter to those in New York State.

I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bailey to be recorded in the affirmative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

I rise to just note several important features of this bill that I'll be

voting for tonight.

First of all, my colleague Senator Bailey discussed the steps we're taking to improve NYCHA's ability to spend capital dollars to improve some very grave conditions throughout the homes of half a million New Yorkers.

It's also important to note that we're taking a very big step forward, as some of my colleagues noted earlier, to put substantial capital, state capital, behind those repairs. At $250 million, I think we're finally putting a significant down payment toward that need.

Many of us have been advocating for many years for an annual allocation that would be substantially larger than that, but it is a great step forward that we're putting in $250 million. I hope that we won't next year be thinking that we've done the work this year and don't need to do it again next year. Capital maintenance requires ongoing commitment of capital. So this is going to be a continuing fight, but it's a big step forward we're taking tonight.

I also want to thank everybody who supported design-build for the Brooklyn-Queens Expressway. We are concerned there are some

provisions in here that have the State DOT involved in that project at each step of the way. But I'm confident that the State DOT will understand the significance of this project and will not unduly impede the city DOT, which is paying the entire cost of that project, from getting a design-build contract out and getting -- moving forward this project. And I've articulated the reasons for that a number of times on this floor already.

So with that, Mr. President, I'll be voting yes. Thank you.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

A budget, of course, is a sign of how we view the priorities of any given place. In this case, we're viewing the priorities of the state. So on one hand we can say good things and we can say bad things about this budget.

Part of the bad things that we must say is that you really have seen a loss of power to New York City, to the rights of the mayor and

to the people there, and a moving, a shifting of those rights and powers to other places, especially seen in terms of NYCHA and in terms of MTA.

However, as a proponent of both NYCHA and MTA, on the positive it must be said that the crisis of both of these places are so acute that we have to deal with them now. We cannot wait another day. In fact, we have waited too long.

I do want to point out and give special praise to some people who worked hard on this. I want to praise Senator Krueger, who has championed so many of these battles. I have no idea how she does it, but I just hope to get some of her strength. She has really gone there.

And of course I have to speak of Senator Gianaris, who has really been marshaling forces.

But I would not be right if I did not speak of my leader, Andrea Stewart-Cousins, who somehow holds us all together aiming at one place, which is amazing. Some people say it's like herding cats. But she does it so well, she makes it look easy.

So having said those things, I look forward to continuing our, as my colleague said, robust debate that we must have over priorities and over districts and places like this. This is just a beginning of what we need to do for the people of New York State, who deserve the very best from us, and we have an obligation to give our very best.

So I want to commend all people on all sides of the aisle who have worked hard to bring it here, and I will heed my president's suggestion that I call it quits.

Thank you very much, sir.

ACTING PRESIDENT GRIFFO: Senator Sanders to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 740, those recorded in the negative are Senators Amedore, Hoylman, Marchione, Ortt, Serino and Tedisco.

Absent from voting: Senators Croci and Felder.

Ayes, 52. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: There will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:44 p.m.)

(Whereupon, the Senate reconvened at 11:49 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR DeFRANCISCO: Is there a report of the Rules Committee at the desk?

ACTING PRESIDENT GRIFFO: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Flanagan, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 8121, by Senator Phillips, an act to amend the Penal Law.

SENATOR DeFRANCISCO: I move to

approve the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Rules Committee report say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The committee report is accepted, and the bill is before the house.

Senator DeFrancisco.

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

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

The Secretary will call the bill up first.

THE SECRETARY: Calendar Number 741, by Senator Phillips, Senate Print 8121, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: The message is present. I'll entertain a motion, Senator DeFrancisco.

SENATOR DeFRANCISCO: I don't have a motion, but I'd call for the reading of the

last section.

ACTING PRESIDENT GRIFFO: Are we entertaining a message of necessity?

SENATOR DeFRANCISCO: I thought I just did that.

ACTING PRESIDENT GRIFFO: No.

(Laughter.)

ACTING PRESIDENT GRIFFO: You asked if there was one present. So we'll take -- all in favor of accepting --

SENATOR DeFRANCISCO: I have witnesses. I have witnesses.

ACTING PRESIDENT GRIFFO: The stenographer is our witness.

SENATOR DeFRANCISCO: Okay, I'll do it again. I move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

SENATOR DeFRANCISCO: Last section.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

This is a bill that helps keep guns and other firearms out of the hands of those who have committed domestic violence. And I will be supporting this bill, obviously, and I want to spend some time thanking my leader, Andrea Stewart-Cousins, and my conference.

As everyone here knows, we have been struggling to address the issue of gun violence in this chamber for some months. And we have been very aggressive about it, and with good reason. And I daresay although we have much more work to be done -- we talked over the last several months about improving background checks,

we talked about banning bump stocks, we talked about the critical issue of keeping guns out of the hands of people who are dangerous beyond just being perpetrators of domestic violence, and so we have more work to do.

But I daresay, especially as I see the hands rising up on the other side of the aisle, that this bill is passing on the strength of the votes of our conference and the conference behind us. And I think it's a credit to the leadership that our leader has shown, that even though we are not serving in the Majority, we are making advances on issues of importance as it relates to gun violence.

I mean, this is a simple bill that you'd think wouldn't be so difficult, and yet we're seeing so many hands on the side of my Republican colleagues going up in opposition. The simple proposition that those who are perpetrators of domestic violence should not get their hands on firearms is something that a large number of people in this chamber oppose.

So obviously this is something that has come to the floor because of the great work that we have done on this side of the aisle, and

I'm very proud of that. And we will take this on behalf of the people of the State of New York and pass it and continue to roll up our sleeves and work to pass the other measures that are important, to make sure that we make the people of New York State as safe as they can possibly be.

I'll be voting in the affirmative, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Senator Gianaris in the affirmative.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

I would like to echo the sentiments of Senator Gianaris in thanking my leader for her steadfast commitment to this issue. I appreciate that long before we had the mass shooting, unfortunately, in Florida, that this was already on our list of accomplishments to come for this session.

I thank Senator Kavanagh for his institute, the work that he's doing as being a leader -- not just in the state, folks, nationwide. People look to Senator Brian

Kavanagh for what he does.

Senator Roxanne Persaud, her eloquent comments yesterday about how gun violence is a scourge in her community and in mine as well.

And to those who are voting against this, I respect the Second Amendment and I appreciate it. The right to bear arms is something fundamental in our Constitution. But we should be very clear about there are certain people that simply should not have weapons. We would not allow someone to drive a car after they were involved in multiple, multiple accidents. Their license would be suspended. And yet we'd like to allow people convicted of domestic violence crimes to possess a firearm.

We're not looking to take the guns. That's not something I'm looking to do. But I'm looking to protect the people.

I commend the sponsor, Senator Phillips, for her work on this matter as well. Because guns don't just proliferate in Democratic districts. There is no "D" next to gun violence; there is no "R" next to gun violence. Gun violence must be stopped at all costs, across all

borders, all shades, all shapes, all sizes.

I support this legislation wholeheartedly, and I urge all of my colleagues to do the same. I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bailey in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I also rise to proudly vote yes on this bill and to thank the colleagues in my conference, my leader, Andrea Stewart-Cousins, for the work we have been doing for years to try to move important commonsense gun bills.

This bill is particularly important because of the relationship between domestic violence and people being shot not by strangers, but by people they live with, they know, they may be married to.

When I spoke out about these issues and accused the NRA of dictating to the majority of Americans who felt the way I did, I actually faced death threats, as have other legislators who have spoken out for commonsense gun bills such as this.

There is no easier example than the concept of removing guns from people who have threatened other people. In fact, one might argue to not do it is a bit insane. You know that they are threatening violence, and you know they have guns, but you choose to do nothing about it.

So I'm very glad that we are taking up this bill, even at midnight, when we'd like to go home for the holidays. And it is rumored that this bill will pass the Assembly and the Governor will sign this into law, since it's the Governor's program bill. And I think that those of us who support it can recognize we're taking a big step forward for New York. We have many other steps to take, but this is a very nice beginning of a new approach to commonsense gun bills in New York State.

I vote aye. Thank you.

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

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

I've risen on this topic a number of times in recent days, and I just wanted to rise tonight briefly. First of all, to commend the sponsor and the Governor for putting this forth as a program bill, and also the sponsor in the Assembly, who I understand is Danny O'Donnell, who has been working on this nexus of domestic violence and guns for a while and has in fact passed a bill on this topic in the past in the Assembly that hasn't been picked up by this house before.

But I do want to note, as has been said by some of my colleagues, that although this is an important step and if you are somebody who is concerned about domestic violence and you're dealing with someone who is armed and might be intending to harm you in a domestic circumstance, this is a profoundly important bill for you and anybody who might be affected by the violence that somebody might perpetrate in that circumstance.

But our efforts to prevent gun violence are part of a larger system. One of the things this bill does, it says if you're convicted of certain crimes, you will be in the

NICS database that prevents the purchase of a gun. And yet we are declining, in this house, to close loopholes in the background check system. It is still the case after we pass this bill tonight that after three days, if the background check is indeterminate, the person can still be sold a gun in New York.

It is still the case that if the evidence that someone might be dangerous is something other than a domestic violence offense, we don't have a broader-based method like we would if we passed extreme risk protection orders to address that situation and ensure that those many, many other people who might be dangerous don't have access to firearms.

Notwithstanding that, this is a good strong bill on its own terms on this topic. I note it also has provisions to ensure that if your guns are -- if you do relinquish your guns and you're entitled to get them back, that there's a more formal mechanism for doing that that's included in this bill. Those of us who care about constitutional rights and due process also want people who are deprived of their property to be able to get it back in the

appropriate way.

So again --

ACTING PRESIDENT GRIFFO: Senator Kavanagh --

SENATOR KAVANAGH: -- I commend everyone who's supporting this, and again I join my colleagues in thanking our leadership, who really have made this from the beginning -- I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT GRIFFO: Senator Kavanagh in the affirmative.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I also rise in support of this legislation. And I want to thank Senator Phillips and congratulate her on bringing this bill across the finish line.

You know, they say politics is the art of compromise. And earlier this year I was very pleased and proud to see that the Governor included in his State of the State and his budget address a piece of legislation that addressed many of the same issues in this bill that I carried with Assemblywoman Amy Paulin. But I

guess through the process, it was determined that this bill was stronger and it would actually do more to protect domestic violence victims in issues of intimate partner violence.

So I am proud to stand here tonight and cast a vote in favor of this piece of legislation and thank Senator Phillips for helping bring it across the finish line when I couldn't do it.

So it's a critically important issue, as many members have said. We know that victims of domestic violence are particularly at risk from those who continue to maintain firearms in their home. Intimate partner violence leads to more deaths in this state than we care to announce.

And I am proud to cast a vote in favor of this legislation and thank you for your partnership on this issue, Senator Phillips.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino to be recorded in the affirmative.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: Yes.

Pursuant to Rule 6, Section 2, I move that the Senate remain in session to complete the measures upon which debate was begun prior to midnight, as well as those measures for which a message of necessity has been received.

ACTING PRESIDENT GRIFFO: In accordance with Rule 6, Section 2, the Senate will remain in session without objection.

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you very much, Mr. President.

I want to thank the sponsor for this bill. I was a domestic violence prosecutor, and there is no situation more tragic or more heartbreaking that when a victim who is known to your office and that you've worked with gets murdered. It happens far too frequently, and it's always -- it's almost always a case where there was a sign of something smaller that was not dealt with, someone goes home and gets a gun or some other weapon and kills somebody.

This bill is completely commonsense. And unfortunately, tonight, we have the great evidence of the wide gulf that divides us in this

state. This is the Newsday story from tonight: "The one gun proposal accepted by all sides was a proposal to remove firearms from abusers in domestic violence cases."

This is a factually untrue statement. This is not accepted by all sides. I have never seen more exercised arms before than when a number of members just voted this down. And I'm at a loss as to why anyone would do this.

On the one hand, we have a convicted person of a misdemeanor or a felony -- and it's kind of funny how the roles are reversed now, because there's great concern for defendants who could lose their right to have a gun -- versus someone getting killed. And we know this happens. I'm waiting for someone to explain to me how they could vote no on this.

We've got a lot more work to do with protecting students in our schools, protecting our society. The fact that this is the bare minimum we could do shows the gulf between us.

I vote in the affirmative. But this -- this is tough. We could do better.

ACTING PRESIDENT GRIFFO: Senator Kaminsky in the affirmative.

Senator Alcantara.

SENATOR ALCANTARA: Thank you, Mr. President.

I first would like to thank the Governor, the sponsor, Elaine Phillips, and of course my colleague Diane Savino.

We all know that gun violence is an epidemic in this country, whether we want to admit it or not. But it is. We saw what happened in Florida, Vegas and other places. This is an important piece of legislation, especially for women.

Last year we were able to get orders of protection for domestic violence victims to be translated. And today we are saying we are taking guns away from those who have committed domestic violence.

Again, thank you. And I hope that this is the beginning of what our state can do in terms of ending the epidemic of gun violence and the work that we need to do to protect everyone out there, especially women, who oftentimes are the primary victim of domestic violence.

Again, I would like to thank my colleagues Elaine Phillips and Diane Savino for

working on this important issue that is a step up on what we can do to take guns out of every New Yorker.

ACTING PRESIDENT GRIFFO: Senator Alcantara to be recorded in the affirmative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

This is a bill I can certainly feel good about, especially after the Big Ugly -- or maybe we should call it the Coyote Ugly, given what's happened this week.

(Laughter.)

SENATOR HOYLMAN: I think my colleagues might be surprised to know on the other side of the aisle that I actually grew up in rural West Virginia. My father was a lifetime member of the National Rifle Association. And when he died, my mother found that he owned 250 guns. So I understand gun culture.

But I also understand the fact that some people shouldn't have guns. And that group that we're identifying tonight is domestic abusers.

So I appreciate our friends across

the aisle who are supporting this legislation. I hope it's a breakthrough. I hope this is a breakthrough moment where we can work together and pass extreme risk protection orders, finally ban bump stocks -- a piece of plastic, for God's sake -- fund research in gun science, have better background checks, and make certain that teachers are not armed.

So I vote in the affirmative, Mr. President. Thank you.

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

Anyone else wishing to explain their vote?

Senator DeFrancisco to close.

SENATOR DeFRANCISCO: I know, to some people, all bills are black and white. And oftentimes those black-and-white bills are based upon a political philosophy rather than necessarily the reading of the actual bill.

Right now, under federal law, domestic violence-type crimes do result in the taking of weapons, and in some instances the permanent taking of weapons, when there's a conviction.

And under those circumstances, obviously, if you've ever been to a court on a domestic violence case, the first thing the police do when they come to the house, "Are there any weapons in the house?" And they seize them. And that's a good thing. And that's already provided by federal law.

What's being talked about here, it seems like it's -- this is the gun control bill of the year. The fact of the matter is these things already happen. But if you bothered to read the bill, sometimes there's situations maybe there's an overreach. Because every so often, someone, believe it or not, is innocent. Innocent. You can't believe that, I know, but it happens.

But one of the laws with which you can have the person whose gun's being seized, one of these domestic violence, under this bill, is criminal tampering in the third degree, a Class B misdemeanor.

A person who's guilty of criminal tampering in the third degree, when having no right to do so, nor any reasonable ground to believe that he has such a right, he tampers with

property of another person, with intent to cause substantial inconvenience. Now, to me that doesn't sound like a domestic violence crime, but it is under this bill. So there are reasonable people that may disagree.

Secondly, we've passed a bill on school safety in this house. The Assembly's counterpart was something dealing with guns, gun control and the like. There was not one bit of negotiation that would have allowed school safety that we here passed.

So sometimes you have to trade one thing for another. So whether you agree with me or not, I don't really care, quite frankly, but my point is that there are reasons and reasonable reasons why someone may vote no here. So those who are wondering how anybody could be so foolish and ignorant and just wrong, at least I provided some reasons that some people feel that are valid ones, maybe in disagreement with the other side of the issue.

Thank you. I vote no.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 741, those recorded in the negative are Senators Akshar, Amedore, Bonacic, Boyle, DeFrancisco, Funke, Gallivan, Griffo, Helming, Larkin, Marchione, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Seward, Tedisco and Young.

Ayes, 40. Nays, 19.

Absent from voting: Senator Croci.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the reading of the bill that was before the house.

SENATOR DeFRANCISCO: And now we have one last bill that's on Supplemental Calendar Number 29D. It's the budget bill dealing with state operations, Calendar 739.

If we could do the noncontroversial reading of that bill.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 739, Senate Budget Bill, Senate Print 7500D, an act making appropriations for the support of government: STATE OPERATIONS BUDGET.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: There is a message present at the desk -- there is not. There is not a message at the desk currently.

SENATOR DeFRANCISCO: There is not.

ACTING PRESIDENT GRIFFO: We have been informed, Senator DeFrancisco, that the message is en route.

SENATOR DeFRANCISCO: Okay. It's too bad that Senator Squadron is not here to do a little rap for us at the --

(Laughter.)

ACTING PRESIDENT GRIFFO: We have Senators Bailey and Comrie, though.

SENATOR DeFRANCISCO: Rather than doing that, why don't we just stand at ease.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco, the message has arrived. What is your --

SENATOR DeFRANCISCO: I'd move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

Absent from voting: Senator Croci.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR DeFRANCISCO: In that case, I move to adjourn until Monday, April 16th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, April 16th, at 3:00 p.m., intervening days being legislative days.

The Senate is adjourned. Happy Passover. Happy Easter.

(Whereupon, at 12:15 a.m., the Senate adjourned.)