

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 26, 2019

11 3:36 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

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

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 March 25, 2019, the Senate met pursuant to
17 adjournment. The Journal of Sunday, March 24,
18 2019, was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 on behalf of Senator Breslin, on page 5 I offer
8 the following amendments to Calendar 66, Senate
9 Print 783, and ask that said bill retain its
10 place on Third Reading Calendar.

11 ACTING PRESIDENT BENJAMIN: The
12 amendments are received, and the bill shall
13 retain its place on the Third Reading Calendar.

14 SENATOR GIANARIS: Please call on
15 Senator Griffo.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Griffo.

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

20 On behalf of Senator Ritchie, I move
21 that the following bills, Senate Bill 1409 and
22 1436, be discharged from their respective
23 committees and recommitted with instructions to
24 strike the enacting clause.

25 ACTING PRESIDENT BENJAMIN: It is

1 so ordered.

2 Senator Gianaris.

3 SENATOR GIANARIS: Mr. President,
4 can you please call on Senator O'Mara for an
5 introduction.

6 ACTING PRESIDENT BENJAMIN: Senator
7 O'Mara.

8 SENATOR O'MARA: Yes, thank you,
9 Mr. President.

10 It's my honor today, in recognition
11 of Motorsports Appreciation Week in the State of
12 New York, to welcome with us Michael Printup, the
13 president of Watkins Glen International;
14 Chris Banker, the director of PR at Watkins Glen
15 International; and Colin Braun, an IMSA sports
16 car race driver here.

17 You may have seen the race cars in
18 the entryway from the Concourse in the Capitol
19 and the LOB that are there on display for that.

20 Motor racing has a deep history in
21 New York State and provides a great economic
22 impact to our state as whole. Watkins Glen
23 International, in the heart of the Finger Lakes
24 region, alone accounts for \$204 million in annual
25 economic activity. The NASCAR event there is the

1 largest single sporting event in New York State
2 each year.

3 In addition to the auto racing there
4 at Watkins Glen, they do annual festivals and
5 concerts. They've had fish festivals. Those
6 activities account for an additional \$30 million
7 to \$50 million of economic activity. And this
8 year the track has announced that they will be
9 bringing the Woodstock 50-year anniversary to
10 Schuyler County at Watkins Glen this year.

11 So the great impact that motor
12 racing has in New York State, with the home of
13 motor racing in Watkins Glen, the International
14 Motor Racing Research Museum in Watkins Glen is a
15 great economic boon and a great addition to what
16 we have in the Finger Lakes with our wineries and
17 our lakes and our tourism.

18 So I just want to thank and welcome
19 Colin Braun and those representatives from
20 Watkins Glen International here with us today.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Thank
23 you, Senator O'Mara.

24 I welcome you on behalf of the
25 Senate. We extend to you the privileges and

1 courtesies of this house. Please rise and be
2 recognized.

3 (Standing ovation.)

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris.

6 SENATOR GIANARIS: Mr. President, I
7 now move to adopt the Resolution Calendar, with
8 the exception of Resolutions 836 and 773.

9 ACTING PRESIDENT BENJAMIN: All in
10 favor of adopting of the Resolution Calendar,
11 with the exception of Resolutions 836 and 773,
12 please signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT BENJAMIN:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT BENJAMIN: The
18 Resolution Calendar is adopted.

19 Senator Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 can we now please take up Resolution 836, by
22 Senator Liu, read that resolution in its
23 entirety, and recognize Senator Liu.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Senate Resolution
2 Number 836, by Senator Liu, recognizing March 26,
3 2019, as Bangladesh National Flag Day.

4 "WHEREAS, This Legislative Body is
5 justly proud to recognize March 26, 2019, as
6 Bangladesh National Flag Day; and

7 "WHEREAS, The war, also known as the
8 Bangladesh War of Independence, began after the
9 Pakistani military junta based in West Pakistan
10 launched Operation Searchlight against the people
11 of East Pakistan on the night of March 25, 1971;
12 and

13 "WHEREAS, The war ended on
14 December 16, 1971, after West Pakistan
15 surrendered and Bangladesh sent them back to
16 their country by expressing a spirit of
17 generosity and forgiveness; and

18 "WHEREAS, Bangladesh, as a state,
19 became independent on March 26th, as it had
20 started to possess all the elements of statehood
21 from this very day; and

22 "WHEREAS, March 26th, the day
23 Bangladesh declared independence from Pakistan,
24 is a national holiday and is in remembrance of
25 those who laid their lives down for independence

1 and fought hard; the 31-gunshot salute at dawn
2 marks the beginning of the day's celebrations;
3 and

4 "WHEREAS, Independence Day of
5 Bangladesh has a connection with the Proclamation
6 of Independence of 1971 and is considered to be
7 one of the bases of the national liberation and
8 present legal system; and

9 "WHEREAS, Victory Day is also a
10 national holiday in Bangladesh celebrated on
11 December 16th each year to commemorate the
12 victory of the allied forces over the Pakistani
13 forces in the Bangladesh Liberation War in 1971;
14 and

15 "WHEREAS, The commanding officer of
16 the Pakistani forces, General AAK Niazi,
17 surrendered with his forces to the joint forces
18 of Bangladesh, which marked the end of the
19 nine-month-long Bangladesh Liberation War and
20 1971 official secession of East Pakistan into
21 Bangladesh; and

22 "WHEREAS, Born on December 16, 1946,
23 Shib Narayan Das is the craftsman of the first
24 national flag of Bangladesh; and

25 "WHEREAS, As desired by the then

1 NUCLEUS, an organization involved in the
2 independence movement, Shib Narayan Das, using a
3 matchstick and yellow-colored paint, marked the
4 map of Bangladesh over the red circle of the
5 proposed flag in Dhaka University (DU), from deep
6 midnight of June 6th up to the dawn of June 7th
7 in 1970; and

8 "WHEREAS, On behalf of the NUCLEUS,
9 the same flag was unfurled by Abdur Rab along
10 with AFM Mahbubul Haq, Das and other student
11 league leaders from the rooftop of the western
12 porch of the Arts Faculty of DU on March 2, 1971,
13 shortly before the outbreak of the Bangladesh
14 Liberation War; and

15 "WHEREAS, After the independence of
16 Bangladesh in 1971, the map of Bangladesh was
17 removed from the flag as it had difficulty for
18 rendering the map correctly on both sides of the
19 flag; and

20 "WHEREAS, Artist Quamrul Hassan was
21 asked to report on the design, color, shape and
22 explanation; on January 17, 1972, the new design
23 was made the official national flag of
24 Bangladesh; and

25 "WHEREAS, The flag consists of a red

1 disc on top of a green field; the red disc is
2 offset slightly toward the hoist so that it
3 appears centered when the flag is flying; the red
4 disc represents the sun rising over Bengal, and
5 also the blood of those who died for the
6 independence of Bangladesh; and the green field
7 stands for the lushness of the land of
8 Bangladesh; and

9 "WHEREAS, As a symbol of their
10 pride, they honor their flag in the morning of
11 their Independence Day; and

12 "WHEREAS, Many Bangladesh people
13 have made New York their home, and this
14 Legislative Body, representing the people of the
15 State of New York, is pleased to thank the
16 Bangladesh people for their contributions to this
17 great Empire State; and

18 "WHEREAS, It is the custom of this
19 Legislative Body that those who enhance the
20 well-being and vitality of their community and
21 have shown a long and sustained commitment to
22 excellence certainly have earned the recognition
23 and applause of all the citizens of this great
24 Empire State; now, therefore, be it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to recognize
2 March 26, 2019, as Bangladesh National Flag Day;
3 and be it further

4 "RESOLVED, That copies of this
5 resolution, suitably engrossed, be transmitted to
6 South Asian Fund For Education, Scholarship and
7 Training (SAFEST,) Executive Director Mazeda A.
8 Uddin, Director-Adan Islam, Sahana Begum
9 Bangladesh Society Inc.; Abulfazal Didarul Islam,
10 president of the Jackson Heights Bangladesh
11 Business Association (JBBA), Mohammed Hossain
12 Khan, president of the Federation of Bangladesh
13 Associations in North America (FOBANA), Shameem
14 Ahmed, president of the Bangladesh American
15 Democratic Society (BADs), Mizanur Rahman,
16 founder of the Organization of Bangladeshi
17 American Community (OBAC), and Fakrul Islam
18 Delwar, founder of Jamaica Bangladesh."

19 ACTING PRESIDENT BENJAMIN: Senator
20 Liu on the resolution.

21 SENATOR LIU: Thank you,
22 Mr. President, for this opportunity to talk about
23 Bangladesh National Flag Day.

24 I know we have a busy schedule,
25 especially as we are trying to pass the

1 State Budget. Nonetheless, it is reasonable to
2 take a little bit of time to recognize this very
3 important day.

4 We have a large and fast-growing
5 Bangladeshi American community in Queens, in
6 New York City and other parts of the state. And
7 in fact we have a group of our fellow New Yorkers
8 who are Bangladeshi American; I want to recognize
9 them for a second here. This is a group from the
10 South Asian Fund for Education, Scholarship and
11 Training. Welcome to these chambers.

12 This is a day that is important to
13 Bangladeshi Americans because it goes to the very
14 heart of their history. The independence of
15 Bangladesh was hard-fought and is actually
16 symbolized in their flag, a red disk on a green
17 background -- the red disk not only representing
18 the rising sun, but also the blood that was
19 spilled for the independence of their country --
20 along a lush green backdrop which symbolizes the
21 fertility of the land of Bangladesh.

22 This is a community that is very
23 hardworking, came to America in search of the
24 American dream, worked so hard in small
25 businesses or various professions or livelihoods

1 and are raising the second and successive
2 generations in pursuit of the American dream.

3 And so I believe, Mr. President, it
4 is rightfully appropriate that we recognize this
5 special day on their behalf. Senator Ramos feels
6 very strongly about this as well.

7 And so I want to say thank you,
8 Mr. President. Thank you to the members of
9 SAFEST. And thank you to the Bangladeshi
10 American community for everything that they do
11 for our State of New York.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Stavisky on the resolution.

14 SENATOR STAVISKY: Thank you,
15 Mr. President. I too want to welcome our friends
16 from Bangladesh.

17 Your flag is our flag, because in
18 Queens we respect each other's flags. And there
19 are so many, many celebrations of so many
20 different flags. And the flag symbolizes
21 everything about your country.

22 But it's also about the people from
23 Bangladesh. We have a very large Bangladesh
24 population in New York City. I understand that
25 something like 85 percent of the Bangladesh

1 immigrants are from New York, and particularly
2 from Queens, where it's approximately two-thirds.
3 You found a home, as many other people did from
4 throughout the world, and we are delighted that
5 you are here.

6 And I also want to mention one other
7 aspect of your country, because you have a woman
8 prime minister.

9 GUESTS: (In unison.) Yes.

10 (Laughter.)

11 SENATOR STAVISKY: Mr. President, I
12 rest my case.

13 (Laughter.)

14 ACTING PRESIDENT BENJAMIN: Senator
15 Sepúlveda on the resolution.

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

18 As-salamu alaikum!

19 (Response from guests.)

20 SENATOR SEPÚLVEDA: Kemon achho?

21 (Response from guests.)

22 SENATOR SEPÚLVEDA: It's a pleasure
23 to have the Bangladeshi community here.

24 Tomorrow we're going to have a big
25 celebration where we have the second-largest

1 population of Bangladeshi Americans are coming
2 here, about 175 members of the community are
3 coming up here, we're going to have a big
4 celebration. I invite all my colleagues.

5 The Bangladesh community in the
6 State of New York is thriving. Their children
7 are doing exceedingly well in our schools. They
8 are participating at all levels of government.
9 They are enhancing certainly my community, and
10 we're very proud to have them living in the
11 Bronx, the best place in the world to live. And
12 we encourage more to move to the County of the
13 Bronx.

14 We're going to celebrate your
15 independence. We're going to celebrate your
16 culture. And we certainly are grateful. To me,
17 this community is like my family. You know, in
18 Bangladesh, my name is Luis Bha'i, which means
19 "Luis Brother." And that's something that I take
20 as a badge of honor.

21 So I want to say to all of you: {in
22 Bengali}. Dhonnobad.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Bailey on the resolution.

25 SENATOR BAILEY: Thank you,

1 Mr. President.

2 I rise in strong support of my
3 colleague Senator Liu. Thank you for bringing
4 this resolution to the floor. And for once,
5 apparently in this chamber the Bronx and Queens
6 can get along, and we can say "Kemon achhen."

7 So my Bangla is not great, but what
8 is great are the people of Bangladesh. In my
9 district they are around the Norwood area, and
10 they are a driving force in that area in
11 commerce, in education, but most importantly in
12 community. And I've been told by many members of
13 the Bangladesh community that my name, Jamaal, is
14 actually an Arabic name which means "handsome."
15 I think my parents were a little wrong --

16 (Laughter.)

17 SENATOR BAILEY: I think they were
18 incorrect when they named me.

19 But that notwithstanding,
20 Mr. President, you know, it shows that there's a
21 little bit of Bangladesh everywhere. And that on
22 any given day in our great city and state that we
23 are all members of your community.

24 I thank you for the work that you do
25 for our communities day in and day out. And as

1 Senator Sepúlveda aptly put it, making sure that
2 you've interwoven yourself into the fabric of
3 what America truly is.

4 So I too encourage you to continue
5 to move to the Bronx, God's country, and
6 dhonnobad.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Sanders on the resolution.

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

12 The world will not soon forget the
13 tragedies that led to the creation of Bangladesh.
14 The then-government of Pakistan shamed its people
15 with the brutality that it inflicted. The world
16 had to organize and join in and ensure the
17 triumph of the nation of Bangladesh -- yet
18 triumph they did.

19 And this is epitomized by some of
20 its best citizens, who have been brought here
21 today, many of them who are personal friends of
22 mine. I'm glad to see you here. I'm going to
23 show you my friendship and I will not try to say
24 these things in your language, because our
25 friendship would come to a screeching halt, I

1 would be so poor at it.

2 (Laughter.)

3 SENATOR SANDERS: But what I
4 wouldn't be poor at is saying that this community
5 has been resourceful, has been a change agent and
6 has been a benefit to the great City of New York.

7 I just encourage all of us -- one
8 more battle that we must fight, and that's good
9 for Bangladesh and good for the world, and that
10 of course is climate change. That is a real
11 danger to the nation of Bangladesh, a danger
12 that, if unresolved, will create major turmoil
13 there.

14 But I am glad that some of the
15 brightest minds have been gathered together in
16 one place, because if ever we can figure out how
17 to deal with that, we can -- in fact, if they
18 would just listen to you right here, they would
19 resolve that issue overnight, I'm sure.

20 But Mr. President, I just wanted to
21 show you my neighbors from Queens -- did I say
22 they were from Queens? Oh, I'm sorry -- from
23 Queens, that I wanted to make friends to all.
24 And if anyone ever wanted to find some people who
25 wanted to be your friend, they're right over

1 here, and representing a great nation, these
2 great people.

3 Thank you very much, Mr. President.
4 And thank you for being here.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Ramos on the resolution.

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

9 I rise to urge my Bangladeshi
10 neighbors to stay in Queens and not go to the
11 Bronx. I hear Parkchester is beautiful, but
12 Jackson Heights is even more beautiful. And it's
13 because of all of our Bangladeshi neighbors in
14 it.

15 So thank you so much to the entire
16 community, not only SAFEST, who I know is here,
17 but ACAL {ph} and so many other organizations
18 that our Bangladeshi community has put together,
19 not only in my district, in District 13 in
20 northwestern Queens, but across the city, to
21 ensure that they are in solidarity with a lot of
22 worker improvements, workers' rights issues that
23 we have been fighting for for a long time. And I
24 want to recognize, even though he's not here --
25 and I see his beautiful wife -- Maf Misbah Uddin,

1 from DC37.

2 And really I just want to express
3 that their contributions to our local economy in
4 District 13 and the city at large are numerous
5 and vibrant. And with that, I just want to say
6 {in Bengali}. Dhonnobad.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Jackson on the resolution.

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

11 I rise as a resident of Manhattan to
12 welcome my brothers and sisters from Queens and
13 all over the State of New York. As-salamu
14 alaikum!

15 (Response from guests.)

16 SENATOR JACKSON: Peace and
17 blessings to all of you, and thank you for coming
18 up to Albany and celebrating the independence of
19 your country. I appreciate you are being here
20 and understanding, from my perspective, you the
21 community, the Bangladeshi community, is very
22 actively involved in many aspects of life and
23 especially politically, organizing your community
24 to make sure that your children get a good
25 education.

1 And you have a strong work ethic,
2 and I thank you for that. You make America what
3 it is today, and I thank you for being a part of
4 it.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Thomas on the resolution.

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

9 I rise today not just as the first
10 Indian American to be in the State Senate, but as
11 the first South Asian to be in the State Senate.

12 And I am here to congratulate the
13 Bangladeshi community on their Independence Day.
14 And this is an appropriate time to basically read
15 the first stanza of their national anthem,
16 written by Rabindranath Tagore: "Amar shonar
17 Bangla, ami tomay bhalobashi."

18 (Response from guests.)

19 SENATOR THOMAS: The Bangladeshi
20 community has basically prospered here in
21 America, especially here in New York. I've heard
22 a number of things from my colleagues, Senator
23 Sepúlveda and Senator Ramos and Senator John Liu,
24 about their respective constituencies, but I want
25 to encourage all of you to come to Long Island,

1 especially District 6.

2 (Laughter.)

3 SENATOR THOMAS: It's great there.
4 The education is great, the water is great, and
5 there's a huge South Asian community there as
6 well.

7 I want to congratulate all of you
8 again. Happy Independence Day.

9 ACTING PRESIDENT BENJAMIN: The
10 question is on the resolution. All in favor
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT BENJAMIN:
14 Opposed?

15 (No response.)

16 ACTING PRESIDENT BENJAMIN: The
17 resolution is adopted.

18 To our guests, I welcome you on
19 behalf of the Senate. We extend to you the
20 privileges and courtesies of this house. Please
21 rise and be recognized.

22 (Standing ovation.)

23 ACTING PRESIDENT BENJAMIN: Senator
24 Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 at the request of Senator Liu, that resolution is
2 open for cosponsorship.

3 ACTING PRESIDENT BENJAMIN: The
4 resolution is open for cosponsorship. Should you
5 choose not to be a cosponsor of the resolution,
6 please notify the desk.

7 Senator Gianaris.

8 SENATOR GIANARIS: Can we now move
9 to Resolution 773, by Senator Jacobs, read its
10 title only, and recognize Senator Jacobs.

11 ACTING PRESIDENT BENJAMIN: The
12 Secretary will read.

13 THE SECRETARY: Senate Resolution
14 773, by Senator Jacobs, mourning the death of
15 Andrew J. Bouquard, Roswell Park researcher,
16 hockey coach, devoted family man, and pillar in
17 his community.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Jacobs on the resolution.

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

22 In Western New York we are so
23 blessed to have Roswell Park Cancer Institute in
24 our community. Roswell is the oldest
25 comprehensive cancer center in the nation. As a

1 pioneer in cancer research, Roswell has saved
2 countless lives by discovering lifesaving
3 treatments to a formerly terminal cancer
4 diagnosis. This cutting-edge research, combined
5 with community-based compassionate care, are
6 Roswell's formula for unparalleled success.

7 What makes Roswell the
8 internationally recognized cancer center that it
9 is today is due to literally hundreds of
10 passionate and devoted people associated with
11 Roswell -- whether it be those who work at
12 Roswell, those who volunteer for Roswell, or
13 those who are receiving a world-class cancer care
14 at Roswell.

15 Today I want to acknowledge the
16 passing of someone who is all three of these: A
17 Roswell employee, a devoted volunteer, and a
18 patient. Andrew Bouquard was diagnosed with
19 cancer at the young age of 19. He received a
20 lifesaving bone marrow transplant at Roswell the
21 day before his 21st birthday. Since that time,
22 Andrew committed his life to helping others
23 dealing with cancer. He worked at Roswell --

24 ACTING PRESIDENT BENJAMIN: Senator
25 Jacobs, excuse me. Order in the chamber, please.

1 Sorry, Senator Jacobs, hold on one second. Order
2 in the chamber, please.

3 Senator Jacobs, continue.

4 SENATOR JACOBS: Thank you.

5 Since that time, Andrew committed
6 his life to helping others dealing with cancer.
7 He worked at Roswell as a research specialist
8 involved with many of Roswell's groundbreaking
9 cancer research successes. But more importantly,
10 it was Andrew's one-on-one support and friendship
11 with those dealing with cancer and who were going
12 through the often grueling cancer treatment. It
13 was the hope and inspiration Andrew imparted, as
14 someone who had personally gone through similar
15 pain and endured to lead a full and enriching
16 life.

17 Andrew recently passed away at
18 43 years old, and it was a very sudden passing,
19 devastating so many who loved him, most
20 especially his wife Christa and their son
21 Brendan, who celebrated recently his
22 11th birthday. Our thoughts and prayers go out
23 to Andrew's wife, his son, his entire family and
24 countless friends.

25 This body today recognizes the

1 incredible life of Andrew Bouquard. With deep
2 gratitude, we express how much better our
3 community is because of the life he chose to
4 live.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: The
7 question is on the resolution. All in favor
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT BENJAMIN:
11 Opposed?

12 (No response.)

13 ACTING PRESIDENT BENJAMIN: The
14 resolution is adopted.

15 Senator Gianaris.

16 SENATOR GIANARIS: And at the
17 request of Senator Jacobs, that resolution is
18 also open for cosponsorship, Mr. President.

19 ACTING PRESIDENT BENJAMIN: The
20 resolution is open for cosponsorship. Should you
21 choose not to be a cosponsor of the resolution,
22 please notify the desk.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 there will be an immediate meeting of the Rules

1 Committee in Room 332.

2 ACTING PRESIDENT BENJAMIN: There
3 will be an immediate meeting of the Rules
4 Committee in Room 332.

5 SENATOR GIANARIS: The Senate will
6 stand at ease.

7 ACTING PRESIDENT BENJAMIN: The
8 Senate will stand at ease.

9 (Whereupon, the Senate stood at ease
10 at 4:00 p.m.)

11 (Whereupon, the Senate reconvened at
12 4:15 p.m.)

13 ACTING PRESIDENT BENJAMIN: The
14 Senate will return to order.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President,
17 there will be an immediate meeting of the Finance
18 Committee in Room 332. So members of the Finance
19 Committee, please proceed to Room 332.

20 ACTING PRESIDENT BENJAMIN: There
21 will be an immediate meeting of the Finance
22 Committee in Room 332.

23 SENATOR GIANARIS: Now,
24 Mr. President, can we return to reports of
25 standing committees.

1 Is there a Rules Committee report at
2 the desk?

3 ACTING PRESIDENT BENJAMIN: We will
4 return to reports of standing committees, and
5 there is a report of the Rules Committee at the
6 desk.

7 The Secretary will read.

8 THE SECRETARY: Senator
9 Stewart-Cousins, from the Committee on Rules,
10 reports the following bills:

11 Senate Print 41, by Senator Hoylman,
12 an act to amend the General Business Law and
13 Executive Law;

14 Senate Print 745A, by Senator
15 Montgomery, an act to amend the Executive Law;

16 Senate Print 984, by Senator
17 Breslin, an act to amend the Public Health Law;

18 Senate Print 1028, by Senator
19 Rivera, an act to amend the Public Health Law;

20 Senate Print 1403, by Senator
21 Carlucci, an act to amend the General Business
22 Law;

23 Senate Print 1427, by Senator
24 Serrano, an act to amend Chapter 899 of the Laws
25 of 1984;

1 Senate Print 1558, by Senator
2 Serrano, an act to amend the Parks, Recreation
3 and Historic Preservation Law;

4 Senate Print 1847, by Senator
5 Hoylman, an act to amend the Alcoholic Beverage
6 Control Law;

7 Senate Print 2113, by Senator
8 Sanders, an act to amend the Education Law;

9 Senate Print 2115, by Senator
10 Sanders, an act to establish a commission to
11 study the feasibility of establishing a bank
12 owned by the State of New York or by a public
13 authority constituted by the State of New York;

14 Senate Print 2283, by Senator
15 Sanders, an act to amend the Public Health Law;

16 Senate Print 2439, by Senator
17 Comrie, an act to amend the Education Law;

18 Senate Print 2570, by Senator
19 Bailey, an act to amend the Real Property Tax
20 Law;

21 Senate Print 2746, by Senator
22 Addabbo, an act to establish a task force to
23 study and to make recommendations on school
24 safety in the State of New York;

25 Senate Print 2797, by Senator

1 Comrie, an act to amend the Agriculture and
2 Markets Law;

3 Senate Print 2833, by Senator
4 Savino, an act to amend the Public Health Law and
5 the Penal Law;

6 Senate Print 3106, by Senator
7 Addabbo, an act to amend the General Business
8 Law;

9 Senate Print 3537, by Senator
10 Carlucci, an act to amend the Tax Law;

11 Senate Print 3610, by Senator
12 Comrie, an act to amend the Public Authorities
13 Law;

14 Senate Print 3657, by Senator
15 Kennedy, an act to establish the Aging in Place
16 Task Force;

17 Senate Print 3855, by Senator Lanza,
18 an act to amend Chapter 395 of the Laws of 1978;

19 Senate Print 3889, by Senator
20 Carlucci, an act to amend the Criminal Procedure
21 Law;

22 Senate Print 3917, by Senator
23 Stavisky, an act to amend the General Municipal
24 Law;

25 Senate Print 3999, by Senator

1 Hoylman, an act to amend the Domestic Relations
2 Law;

3 Senate Print 4543, by Senator
4 Parker, an act to amend the Executive Law;

5 Senate Print 4591, by Senator
6 Parker, an act to establish a pilot program
7 related to making the gluten content of food
8 available at certain state owned, operated or
9 leased cafeterias; and

10 Senate Print 4622, by Senator
11 Kaplan, an act to amend the Domestic Relations
12 Law.

13 All bills ordered direct to third
14 reading.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Gianaris.

17 SENATOR GIANARIS: I move to accept
18 the report of the Rules Committee.

19 ACTING PRESIDENT BENJAMIN: All in
20 favor of accepting the report of the Rules
21 Committee signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT BENJAMIN:
24 Opposed?

25 (No response.)

1 ACTING PRESIDENT BENJAMIN: The
2 report is adopted.

3 Senator Gianaris.

4 SENATOR GIANARIS: Can we now take
5 up the reading of the calendar, please.

6 ACTING PRESIDENT BENJAMIN: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 199, Senate Print 3707, by Senator Martinez, an
10 act to amend the Agriculture and Markets Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 90th day after it
15 shall have become a law.

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 265, Senate Print 3585, by Senator Parker, an act

1 to amend the Public Service Law.

2 SENATOR GRIFFO: Lay it aside.

3 ACTING PRESIDENT BENJAMIN: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 275, Senate Print 4182, by Senator Salazar, an
7 act to amend the Real Property Actions and
8 Proceedings Law.

9 SENATOR GRIFFO: Lay it aside.

10 ACTING PRESIDENT BENJAMIN: Lay it
11 aside.

12 THE SECRETARY: Calendar Number
13 301, Senate Print 4060, by Senator Hoylman, an
14 act to amend the Real Property Tax Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

17 THE SECRETARY: Section 4. This
18 act shall take effect on the 90th day after it
19 shall have become a law.

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 301, Senator Akshar recorded in the
2 negative.

3 Ayes, 60. Nays, 1.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 312, Senate Print 1624, by Senator Skoufis, an
8 act to amend the Education Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 Senator Gianaris, that completes the
22 reading of today's calendar.

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

25 The Senate will stand at ease while

1 we await the Finance Committee members' return.

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will stand at ease.

4 (Whereupon, the Senate stood at ease
5 at 4:21 p.m.)

6 (Whereupon, the Senate reconvened at
7 4:33 p.m.)

8 ACTING PRESIDENT BENJAMIN: The
9 Senate will return to order.

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President, I
12 believe there's a report of the Finance Committee
13 at the desk.

14 ACTING PRESIDENT BENJAMIN: There
15 is a report of the Finance Committee at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Krueger,
18 from the Committee on Finance, reports the
19 following bill direct to third reading:

20 Senate Print 1502, Senate Budget
21 Bill, an act making appropriations for the legal
22 requirements of the state debt service and lease
23 purchase payments and other special contractual
24 obligations.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Gianaris.

2 SENATOR GIANARIS: I move to accept
3 the report of the Finance Committee.

4 ACTING PRESIDENT BENJAMIN: All in
5 favor of accepting the report of the Finance
6 Committee signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT BENJAMIN:
9 Opposed?

10 (No response.)

11 ACTING PRESIDENT BENJAMIN: The
12 report is accepted.

13 Senator Gianaris.

14 SENATOR GIANARIS: Can we now take
15 up the supplemental calendar, please.

16 ACTING PRESIDENT BENJAMIN: The
17 Secretary will read the substitution.

18 THE SECRETARY: Senator Krueger
19 moves to discharge, from the Committee on
20 Finance, Assembly Bill Number 2002 and substitute
21 it for the identical Senate Bill 1502, Third
22 Reading Calendar 327.

23 ACTING PRESIDENT BENJAMIN: The
24 substitution is so ordered.

25 Read the last section.

1 SENATOR GRIFFO: Lay it aside.

2 ACTING PRESIDENT BENJAMIN: Lay it
3 aside.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 can we now take up the controversial supplemental
7 calendar, please.

8 ACTING PRESIDENT BENJAMIN: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 327, Assembly Print 2002, Assembly Budget Bill,
13 an act making appropriations for the legal
14 requirements of the state debt service and lease
15 purchase payments and other special contractual
16 obligations.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Seward.

19 SENATOR SEWARD: Yes,
20 Mr. President. Would Senator Krueger yield for a
21 few questions?

22 ACTING PRESIDENT BENJAMIN: Would
23 Senator Krueger yield?

24 SENATOR KRUEGER: I would be very
25 happy to yield for a few questions.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

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

5 What is the total amount of debt
6 this bill is servicing, the bill before us?

7 SENATOR KRUEGER: Just to make sure
8 I have the question correctly, Mr. President,
9 you're asking me for the total debt of the State
10 of New York up until now?

11 SENATOR SEWARD: I was --
12 Mr. President, I was referring to -- we're
13 looking at the state-related debt, yeah.

14 SENATOR KRUEGER: Yes, thank you.
15 57.3 billion.

16 SENATOR SEWARD: If Senator Krueger
17 would continue to yield.

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR KRUEGER: Yes, I will.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR SEWARD: Does the bill
24 before us assume any new debt issuances during
25 the next fiscal year, 2020? And if so, what is

1 the value of that assumed debt? I'm talking
2 about new debt.

3 SENATOR KRUEGER: So through you,
4 Mr. President, based on the Governor's budget,
5 we're projecting new state debt issued in 2020 to
6 be 7.3 billion, which is an increase of
7 1.8 billion over last year's level.

8 SENATOR SEWARD: If Senator Krueger
9 would continue to yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KRUEGER: Yes, I will.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR SEWARD: Senator Krueger,
16 can you share with us how close to the debt
17 ceiling of the state that this bill will take us?
18 How close? What kind of cushion do we have left?

19 SENATOR KRUEGER: So if we expend
20 that total amount, we would be 3.461 billion from
21 the available cap limit.

22 SENATOR SEWARD: Mr. President, if
23 Senator Krueger would continue to yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR KRUEGER: Yes, I will.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR SEWARD: My reading of the
5 Governor's financial plan is that in the 2019
6 budget, our current budget, that that budget was
7 5.899 billion below the debt ceiling. And this
8 proposal before us would take us down to
9 3.4 billion, as you had mentioned. Am I correct
10 with those numbers?

11 SENATOR KRUEGER: Yes, those are
12 exactly the numbers I'm looking at also. So you
13 are correct, for '18-'19, 5.899 billion below the
14 cap. And with the projected increased debt for
15 '19-'20, the budget year we're walking into, it
16 would bring us to 3.461 billion below. So I
17 think you and I are working off the same numbers.

18 SENATOR SEWARD: If Senator Krueger
19 would continue to yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR SEWARD: It would then --

1 I'm assuming, then, with these numbers that we
2 are in fact getting closer to that debt ceiling.

3 But I'd like to move on to the Debt
4 Reduction Reserve Fund. I see that there's
5 \$500 million for this Debt Reduction Reserve
6 Fund. What is that fund used for?

7 SENATOR KRUEGER: Thank you. I got
8 two excellent answers, so I was just comparing
9 them. So, one, it is a reserve fund to pay debt,
10 so it's giving us that base of 500 million, if
11 and when necessary.

12 But it also gives us the flexibility
13 to take advantage of changes in the possibilities
14 in the market to refinance our debt at a lower
15 rate, say, when we might take a look at
16 refinancing our home if mortgage rates went down.
17 So it gives us that flexibility as well.

18 SENATOR SEWARD: If Senator Krueger
19 would continue to yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR SEWARD: On this same

1 point, is there any cash behind the \$500 million
2 appropriation in this bill?

3 SENATOR KRUEGER: Through you,
4 Mr. President, the state financial plan has the
5 500 million cash that would be available for this
6 purpose if and when necessary.

7 I don't know that this specific --
8 and this specific bill also -- thank you -- the
9 bill itself has an appropriation, it's page 7 at
10 the top of the bill, also has the appropriation
11 language for the 500 million reserve fund.

12 SENATOR SEWARD: If Senator Krueger
13 would continue to yield.

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR KRUEGER: Yes, I will.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR SEWARD: There may be an
20 appropriation there, but the question was
21 regarding cash behind the appropriation. And as
22 I understand it, it's been past practice, at
23 least in recent years, that the cash comes from
24 transfer language that transfers the money from
25 the state's General Fund to this Debt Reduction

1 Reserve Fund. Is that your understanding as
2 well?

3 SENATOR KRUEGER: Through you,
4 Mr. President, that is my understanding. We all
5 seem to have the same understanding of this bill,
6 yes.

7 SENATOR SEWARD: If Senator Krueger
8 would continue to yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KRUEGER: Certainly.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR SEWARD: A week or so ago
15 when we were together talking about the Senate
16 one-house budget, didn't your one-house budget
17 deny that transfer?

18 SENATOR KRUEGER: We did propose --
19 through you, Mr. President -- using that fund.
20 We are past the point of one-house budgets and we
21 are still in negotiations with the Governor, but
22 I don't believe the Governor has accepted that
23 proposal.

24 SENATOR SEWARD: If Senator Krueger
25 would continue to yield, Mr. President.

1 ACTING PRESIDENT BENJAMIN: You
2 want to finish the last --

3 SENATOR KRUEGER: Through you,
4 Mr. President.

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR KRUEGER: Yes, I do.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR SEWARD: You were finished
11 with your answer, then.

12 SENATOR KRUEGER: I think I was,
13 yes.

14 SENATOR SEWARD: Okay. A follow-up
15 question. Do you anticipate that this transfer
16 will be put back in the final budget that we hope
17 to see by the end of the week?

18 SENATOR KRUEGER: I'm sorry,
19 Mr. President, I took my attention away from
20 Senator Seward inappropriately and I missed his
21 full question. Could you ask him to repeat it,
22 please.

23 ACTING PRESIDENT BENJAMIN: Can you
24 please repeat your question, Senator Seward?

25 SENATOR SEWARD: Be happy to.

1 The question is, will that transfer
2 be put back in the final budget that we
3 anticipate, hope for, by the end of the week?

4 SENATOR KRUEGER: That's unclear at
5 this time, Mr. President.

6 SENATOR SEWARD: Moving on, you
7 know, the Governor's 30-day --

8 ACTING PRESIDENT BENJAMIN: Are you
9 asking the sponsor to yield?

10 SENATOR SEWARD: Oh, excuse me,
11 would Senator Krueger continue to yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR KRUEGER: Yes, I will.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR SEWARD: The Governor's
18 30-day amendments, in the financial plan
19 accompanying that it says that the \$500 million
20 in Debt Reduction Reserve Fund was going to be
21 used to prepay the state's pension debt
22 obligations for future years. Will that plan
23 still go forward and will this \$500 million be
24 used to prepay pension debt payments?

25 SENATOR KRUEGER: We don't know

1 that yet, Mr. President.

2 SENATOR SEWARD: If Senator Krueger
3 would continue to yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR KRUEGER: Yes, I do.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR SEWARD: If future debt
10 payments are prepaid in the next fiscal year,
11 2020 -- and I certainly hope that they are --
12 with that 500 million, do you know how much that
13 that would save the state in interest costs if we
14 prepaid the pension debt payments utilizing that
15 500 million as the Governor has suggested?

16 SENATOR KRUEGER: One moment,
17 please.

18 So even though I think the question
19 wasn't completely how much is the interest that
20 would be saved if we prepaid, we estimate that
21 that would be \$33 million.

22 SENATOR SEWARD: Mr. President,
23 that is my understanding as well.

24 SENATOR KRUEGER: Okay.

25 SENATOR SEWARD: And a -- just a

1 rhetorical question, I --

2 ACTING PRESIDENT BENJAMIN: Are you
3 asking the sponsor to yield, or are you on the
4 bill?

5 SENATOR SEWARD: No, just a -- I'd
6 like to ask a rhetorical question to say that --

7 SENATOR KRUEGER: So you'll be
8 answering it?

9 SENATOR SEWARD: Yeah.

10 (Laughter.)

11 ACTING PRESIDENT BENJAMIN: So
12 Senator Seward on the bill.

13 SENATOR SEWARD: On the bill. On
14 the bill.

15 Just on that final point, I thank
16 Senator Krueger for her responses to our
17 inquiries. I certainly hope that that
18 \$500 million will be available. It's unclear at
19 this time, according to Senator Krueger. But I
20 certainly hope that that \$500 million will be
21 available to prepay our pension debt payments so
22 that the taxpayers of the state can save that
23 \$33 million, which we both agree is the number.

24 I also have concerns about the fact
25 that we're getting closer and closer to the

1 state's debt ceiling, almost \$2 billion closer to
2 that ceiling, not giving us a good cushion there.
3 And of course the fact that this budget increases
4 new state debt well over last year's number.
5 It's up to 7.3 billion in new debt this year.

6 But I appreciate the responses to
7 the questions. Thank you, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Are
9 there any other Senators wishing to be heard?

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

12 The Secretary will ring the bell.

13 Senator Gianaris.

14 SENATOR GIANARIS: Mr. President,
15 without objection, can we restore this bill to
16 the noncontroversial calendar and take it up.

17 ACTING PRESIDENT BENJAMIN: So
18 ordered.

19 Read the last section.

20 THE SECRETARY: This act shall take
21 effect immediately.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN: Senator

1 Krueger to explain her vote.

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

4 Whenever we do this each year, I'm
5 always fascinated to see who actually is willing
6 to vote no on this bill. And we didn't have an
7 explanation of the bill, even though Senator
8 Seward and I went back and forth with some
9 mathematical questions.

10 So for the record, this is the bill
11 that guarantees the State of New York is going to
12 pay its debt. If we were not to pass this bill,
13 which I don't think will be a problem, we would
14 have a crisis because it would be the State of
15 New York saying to everyone who has bonds, every
16 debt holder of state funds that no, the
17 Legislature has decided that we're going to have
18 a revolution and borrow money and not pay it
19 back.

20 So whatever anyone thinks about the
21 uses of money in a state budget, the concept that
22 a legislator or a legislature would actually say,
23 Never mind, we decided to default on our debts,
24 seems to me to be almost completely
25 un-understandable. It would be the ultimate in

1 failure of responsibility.

2 I would also simply point out that
3 since my colleagues from the other side of the
4 aisle were in the majority pretty much all of the
5 20th and 21st centuries, with an exception of two
6 or three years, almost all of this debt was
7 actually approved by them when they were in the
8 majority -- and yet now they would choose to vote
9 no to pay it back?

10 I think that's a serious mistake.
11 And I would urge all my colleagues to do the
12 obvious and vote for this bill. I certainly vote
13 for this bill.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Krueger to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 327, those Senators recorded in
20 the negative are Senators Akshar, Amedore,
21 Antonacci, Flanagan, Funke, Gallivan, Griffo,
22 Helming, Jacobs, Jordan, Lanza, LaValle, O'Mara,
23 Ortt, Ranzenhofer, Ritchie, Robach, Serino and
24 Tedisco.

25 Ayes, 42. Nays, 19.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 Senator Gianaris.

4 SENATOR GIANARIS: Can we now go to
5 the reading of the controversial calendar from
6 earlier today, please, Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will ring the bell.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 265, Senate Print 3585, by Senator Parker, an act
12 to amend the Public Service Law.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Griffo, why do you rise?

15 SENATOR GRIFFO: Mr. President, I
16 believe there's an amendment at the desk. I
17 waive the reading of that amendment and ask that
18 you call upon Senator Funke to be heard.

19 ACTING PRESIDENT BENJAMIN: Thank
20 you, Senator Griffo.

21 Upon review of the amendment, in
22 accordance with Rule 6, Section 4B, I rule it
23 nongermane and out of order at this time.

24 SENATOR GRIFFO: Accordingly,
25 Mr. President, I would appeal your ruling and ask

1 that you recognize Senator Funke to be heard on
2 that appeal.

3 ACTING PRESIDENT BENJAMIN: The
4 appeal has been made and recognized, and
5 Senator Funke may be heard.

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

8 It won't shock anybody to hear me
9 say that I believe that this amendment is very
10 much germane and the bill-in-chief -- this
11 amendment and the bill-in-chief deal directly
12 with bills, utility bills, and relate directly to
13 cost.

14 In my view, the bill-in-chief will
15 raise costs for utility ratepayers as a whole
16 because with any prospective tenant being able to
17 get copies of various utility bills for any
18 apartment that they look at --

19 ACTING PRESIDENT BENJAMIN: Senator
20 Funke -- Senator Funke, hold on for a second.

21 Can I have order in the chamber,
22 please?

23 Please continue, Senator Funke.

24 SENATOR FUNKE: I'm going to start
25 again. Because I believe that both the amendment

1 and the bill-in-chief deal with utility bills and
2 relate directly to cost. That's the point here.

3 In my view, the bill-in-chief will
4 raise costs for utility ratepayers as a whole
5 because when any prospective tenant is able to
6 get copies of various utility bills for any
7 apartment that they look at, it takes staff time
8 to find it, redact and transmit that information.
9 And time is money, and costs go up and they get
10 passed along to you and me in our bills.

11 My amendment does the opposite. My
12 amendment will cut energy taxes by requiring that
13 the regulatory duties of the Public Service
14 Commission be funded through the General Fund and
15 not through 18A assessment. Right now the 18A
16 and gross receipts taxes hit every New Yorker,
17 rich and poor, equally on a percentage basis.
18 They are regressive, they are expensive, and they
19 should be eliminated.

20 And my amendment would save
21 New Yorkers \$280 million if we did that. The
22 bill-in-chief would cost them money.

23 And I think really this highlights
24 the basic difference between the two sides of the
25 aisle. On this side we want to cut taxes. But

1 history shows that my Democratic friends on the
2 other side have increased taxes and fees in the
3 past by \$14 billion, including increasing the 18A
4 assessment by 500 percent. And now we're
5 proposing another \$1 billion in increased taxes
6 in the proposed budget.

7 If all of us are serious about
8 making New York more affordable for middle-class
9 people, if we're all serious about finally
10 getting a handle on our high tax burden, reducing
11 energy costs is certainly one very important
12 first step.

13 So here's the simple choice.
14 Support the amendment and cut taxes, or support
15 this bill and increase them. I vote for cutting
16 them, Mr. President, and I urge everyone else to
17 do the same.

18 Thank you.

19 ACTING PRESIDENT BENJAMIN: Thank
20 you, Senator.

21 I want to remind the house that this
22 vote is on the procedures of the house and the
23 ruling of the chair.

24 Those in favor of overruling the
25 chair signify by saying aye.

1 (Response of "Aye.")

2 SENATOR GRIFFO: Show of hands,
3 please.

4 ACTING PRESIDENT BENJAMIN: A show
5 of hands has been requested and so ordered.

6 (Show of hands.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 21.

10 ACTING PRESIDENT BENJAMIN: The
11 ruling of the chair stands, and the bill-in-chief
12 is before the house.

13 Senator Griffo.

14 SENATOR GRIFFO: Mr. President,
15 would you recognize Senator Tedisco, please.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Tedisco.

18 SENATOR TEDISCO: Yes, would
19 Senator Parker please yield for a few questions?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR PARKER: Yes,
23 Mr. President.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

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

3 Senator, is this bill related just
4 to the rental of apartments and the rental of a
5 home itself or the purchase of a home also?

6 SENATOR PARKER: Through you,
7 Mr. President, it just deals with rentals, not
8 with purchasing.

9 SENATOR TEDISCO: Would the
10 gentleman yield again.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR PARKER: Absolutely.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR TEDISCO: So it's a person
17 come in to rent an apartment and a person who may
18 be renting an entire home?

19 SENATOR PARKER: Through you,
20 Mr. President, yes. Rent or lease.

21 SENATOR TEDISCO: Rental or lease.

22 SENATOR PARKER: Check.

23 SENATOR TEDISCO: Now, don't
24 landlords --

25 ACTING PRESIDENT BENJAMIN: Are

1 you --

2 SENATOR TEDISCO: Excuse me. Would
3 Senator Parker yield?

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR PARKER: Yes.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR TEDISCO: Is this for
10 landlords that can have access to this
11 information and the people who are presently
12 renting are going to leave and the people who are
13 going to come in can contact the energy companies
14 and get these bills for gas and electric? Or
15 just the landlord?

16 SENATOR PARKER: Through you,
17 Mr. President, either the landlord or the new
18 leasee {sic} or renter. So either/or, the
19 landlord and/or the renter or leaser.

20 SENATOR TEDISCO: Okay. Would they
21 be mandated to do --

22 ACTING PRESIDENT BENJAMIN: Are you
23 asking the sponsor to yield?

24 SENATOR TEDISCO: I'm sorry.
25 Mr. President, will the gentleman yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR PARKER: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR TEDISCO: Would they be
7 mandated to do this, make these requests?

8 SENATOR PARKER: Through you,
9 Mr. President, the landlord nor the renter or
10 leaser is mandated to make the request.

11 SENATOR TEDISCO: Would the
12 gentleman yield for another question.

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR PARKER: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR TEDISCO: So if the person
19 who wants to lease it asks the landlord for this
20 information, he's not required to call the energy
21 companies to get that information?

22 SENATOR PARKER: Through you,
23 Mr. President. The bill doesn't govern the
24 relationship between the leaser or the renter and
25 the landlord. It actually regulates the

1 relationship between the utility company and
2 either the landlord, renter or leaser in terms of
3 access to the information.

4 So it doesn't require -- this
5 current bill does not require the landlord to
6 provide information to either the renter or the
7 leaser. They can actually request it themselves
8 from the utility company.

9 SENATOR TEDISCO: Will the
10 gentleman yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR PARKER: I do.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR TEDISCO: So according to
17 this bill, if I'm going to rent an apartment, I
18 call the energy company, I give them the number
19 and the name of the apartment, the address, and
20 they will be required to send me past bills?

21 SENATOR PARKER: Through you,
22 Mr. President, yes.

23 SENATOR TEDISCO: Will the
24 gentleman yield further?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR PARKER: Yes.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR TEDISCO: Thank you.

6 Now, how many requests can I make?

7 SENATOR PARKER: Through you,
8 Mr. President, it doesn't specify. But the
9 assumption is that you would only be making one
10 request per place that you were considering
11 renting or leasing.

12 SENATOR TEDISCO: Will the
13 gentleman yield further?

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR PARKER: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR TEDISCO: So -- well, if I
20 was going to really rent that first apartment I
21 went to -- but maybe I went to 20 or 25
22 apartments and I want to find the best one, the
23 best cost, each one of those would be required --
24 or would have to make a request -- or I could
25 make a request for those and the energy companies

1 would have to send me 25 times those energy
2 bills; is that right? If I went to 25 different
3 rentals because I want the best deal.

4 SENATOR PARKER: Through you,
5 Mr. President, yes.

6 But also if we're going to talk
7 about hypotheticals, if in fact landlords are
8 making those requests, a landlord can make the
9 request once and then as people are asking to
10 rent the apartment, they could have it and show
11 it to every single person. So there may not be a
12 need for 25.

13 SENATOR TEDISCO: Would the
14 gentleman yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR PARKER: I do.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR TEDISCO: How far back
21 could I request these energy costs? If the house
22 was 40 years old or 110 years old, could I say
23 I'd like 110 copies of the bills that were sent
24 out for this home, I'd like to have them sent to
25 me promptly?

1 SENATOR PARKER: Through you,
2 Mr. President, two years.

3 SENATOR TEDISCO: It's in the bill,
4 two years?

5 SENATOR PARKER: Two years.

6 SENATOR TEDISCO: Will the
7 gentleman yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR PARKER: I do.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR TEDISCO: Is there any
14 estimate on how much this would cost the energy
15 companies? I would imagine that they could email
16 these -- or would they have to be required to
17 mail them this information?

18 SENATOR PARKER: Through you,
19 Mr. President, they're not required to mail them.
20 They can email them.

21 But also the utility companies are
22 already required -- so we're not actually making
23 a requirement in this particular bill. The
24 utility companies are already required by law to
25 provide this information. We're just simply

1 adding a time frame and making sure that it
2 happens in a timely manner.

3 SENATOR TEDISCO: Will the
4 gentleman yield?

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR PARKER: I will yield.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR TEDISCO: What is that
11 timely manner?

12 SENATOR PARKER: Through you,
13 Mr. President, 10 days.

14 SENATOR TEDISCO: So they have
15 10 days to send that information.

16 SENATOR PARKER: Through you,
17 Mr. President, yes.

18 SENATOR TEDISCO: Would the
19 gentleman yield further?

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR PARKER: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR TEDISCO: Has there been

1 problems with landlords accessing this
2 information or people who want to rent apartments
3 for within that time period? How long are they
4 usually taking now?

5 SENATOR PARKER: Through you,
6 Mr. President, there has been a number of
7 problems. Sometimes energy companies are not
8 providing at all or providing it in such a long
9 time period that the information becomes useless
10 for either the landlord, the renter or the
11 leasee.

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

14 Thank you, Senator Parker.

15 SENATOR PARKER: Thank you.

16 ACTING PRESIDENT BENJAMIN: Are
17 there any other Senators wishing to be heard?

18 Seeing and hearing none, the debate
19 is closed.

20 The Secretary will ring the bell.

21 Senator Gianaris.

22 SENATOR GIANARIS: Mr. President,
23 can we please return this to the noncontroversial
24 calendar as well.

25 ACTING PRESIDENT BENJAMIN: It is

1 so ordered.

2 The Secretary will read the last
3 section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the 120th day after it
6 shall have become a law.

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 265, those Senators recorded in
14 the negative are Senators Akshar, Antonacci,
15 Flanagan, Funke, Gallivan, Griffo, Helming,
16 Jordan, Lanza, LaValle, Little, O'Mara, Ortt,
17 Ritchie, Robach, Serino and Tedisco.

18 Ayes, 44. Nays, 17.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 275, Senate Print 4182, by Senator Salazar, an
23 act to amend the Real Property Actions and
24 Proceedings Law.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Griffo, why do you rise?

2 SENATOR GRIFFO: Mr. President, I
3 believe there's an amendment at the desk. I
4 waive the reading of that amendment, and I ask
5 that Senator Seward be recognized.

6 ACTING PRESIDENT BENJAMIN: Thank
7 you, Senator Griffo.

8 Upon review of the amendment, in
9 accordance with Rule 6, Section 4B, I rule it
10 nongermane and out of order at this time.

11 SENATOR GRIFFO: Accordingly,
12 Mr. President, I ask that you recognize Senator
13 Seward that he may be heard on the appeal.

14 ACTING PRESIDENT BENJAMIN: The
15 appeal has been made and recognized, and Senator
16 Seward may be heard.

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

19 The amendment that I am seeking to
20 bring before the house this afternoon would amend
21 Senate Bill 4182 that requires the continued
22 payment of homeowner association fees on
23 abandoned properties.

24 And our amendment would do the
25 following: Number one, make the state real

1 property tax cap permanent. Two, impose a
2 2 percent cap on state spending, which is
3 currently only self-imposed. We'd like to put it
4 in statute with this amendment. And thirdly,
5 require that the state provide funding for all
6 mandates it would impose upon local governments,
7 thus saving monies for local governments and
8 local property taxpayers.

9 This amendment is clearly germane to
10 Senate Bill 4182, as the bill relates to
11 abandoned properties under the jurisdictions of
12 localities and financial institutions, requiring
13 the mortgage holder to take action with respect
14 to the property, and thereby clearly has a local
15 and state fiscal impact.

16 You know, abandoned or foreclosed or
17 so-called zombie properties have a dramatic
18 effect on local real property taxes, the value of
19 properties in the neighborhoods, and the cost of
20 the provision of state and local governments.
21 This amendment addresses those costs in a germane
22 and responsible manner. By making the 2 percent
23 tax cap permanent, every real property taxpayer
24 outside the City of New York, which refuses to
25 enact a tax cap, would be guaranteed these

1 savings on their already crushing property tax
2 burden -- all homeowners outside of New York
3 City.

4 And by imposing the same reasonable
5 2 percent restraint on state spending, every
6 taxpayer in the state would equally be afforded
7 meaningful tax savings, checking the
8 irresponsible and wasteful growth of government.

9 And lastly but perhaps, I think,
10 most importantly, by requiring the state to
11 provide funding for any mandate that it imposes
12 upon local government, this amendment would end
13 this disgraceful practice where the state hides
14 its spending on programs by pushing it down to
15 local government and local taxpayers.

16 This amendment addresses that
17 chronic problem that we have seen in the State of
18 New York in every respect, and I urge its
19 passage.

20 ACTING PRESIDENT BENJAMIN: Thank
21 you, Senator Seward.

22 I want to remind the house that the
23 vote is on the procedures of the house and the
24 rule of the chair.

25 Those in favor of overruling the

1 chair signify by saying aye.

2 (Response of "Aye.")

3 SENATOR GRIFFO: Show of hands.

4 ACTING PRESIDENT BENJAMIN: A show
5 of hands has been requested and so ordered.

6 (Show of hands.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 21.

10 ACTING PRESIDENT BENJAMIN: The
11 ruling of the chair stands, and the bill-in-chief
12 is before the house.

13 SENATOR GIANARIS: Mr. President,
14 can we without objection return this bill to the
15 noncontroversial calendar.

16 ACTING PRESIDENT BENJAMIN: It is
17 so ordered.

18 Read the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 275, those Senators voting in the
3 negative are Senators Amedore, Antonacci,
4 Flanagan, Funke, Gallivan, Griffo, Jacobs,
5 Jordan, Lanza, LaValle, Little, O'Mara, Ortt,
6 Ritchie, Robach, Serino, Seward and Tedisco.

7 Ayes, 43. Nays, 18.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 Senator Gianaris, that completes the
11 reading of the controversial calendar.

12 SENATOR GIANARIS: Mr. President,
13 is there any further business at the desk today?

14 ACTING PRESIDENT BENJAMIN: There
15 is no further business at the desk.

16 SENATOR GIANARIS: I move to
17 adjourn until tomorrow, Wednesday, March 27th, at
18 3:00 p.m.

19 ACTING PRESIDENT BENJAMIN: On
20 motion, the Senate stands adjourned until
21 Wednesday, March 27th, at 3:00 p.m.

22 (Whereupon, at 5:12 p.m., the Senate
23 adjourned.)

24

25