NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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March 31, 2019

11:09 a.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Saturday, March 30, 2019, the Senate met pursuant to adjournment. The Journal of Friday, March 29, 2019, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BENJAMIN: Without objection, the Journal stands 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 Gianaris.

SENATOR GIANARIS: Mr. President, on behalf of Senator Skoufis, on page 14 I offer the following amendments to Calendar 269, Senate Print 1630A, and ask that the bill will retain its place on the Third Reading Calendar.

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

Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease

at 11:11 a.m.)

(Whereupon, the Senate reconvened at 12:03 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: There is a report of the Finance Committee at the desk. The Secretary will read.

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

Senate Budget Bill, Senate Print 1503D, an act making appropriations for the support of government: AID TO LOCALITIES BUDGET;

Senate Budget Bill, Senate Print 1504D, an act making appropriations for the support of government: CAPITAL PROJECTS BUDGET;

Senate Budget Bill, Senate Print 1505C, an act to amend the Civil Service Law;

Senate Budget Bill, Senate Print 1506C, an act to amend the Education Law;

Senate Budget Bill, Senate Print 1507C, an act to amend the Social Services Law; and

Senate Budget Bill, Senate Print 1508C, an act to amend the Public Authorities Law.

All bills reported direct to third reading.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, move to accept the Finance Committee report.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(No response.)

ACTING PRESIDENT BENJAMIN: The Committee on Finance report is accepted and before the house.

SENATOR GIANARIS: Thank you, Mr. President.

Can you please call on Senator

Griffo.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Mr. President, there will be an immediate meeting of the Republican Conference in Room 315, a brief conference in Room 315.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Republican Conference in Room 315.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:05 p.m.)

(Whereupon, the Senate reconvened at 12:42 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: The

Secretary will read.

THE SECRETARY: Calendar Number 355, Senate Budget Bill, Senate Print 1503D, an act making appropriations for the support of government.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

SENATOR GIANARIS: Lay the bill aside temporarily, please.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

THE SECRETARY: Calendar Number 356, Senate Budget Bill, Senate Print 1504D, an act making appropriations for the support of government.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

SENATOR GIANARIS: Lay the bill aside temporarily.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

THE SECRETARY: Calendar Number 357, Senate Budget Bill, Senate Print 1505C, an

act to amend the Civil Service Law.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 358, Senate Budget Bill, Senate Print 1506C, an act to amend the Education Law.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 359, Senate Budget Bill, Senate Print 1507C, an act to amend the Public Health Law.

SENATOR GIANARIS: Lay it aside temporarily.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

THE SECRETARY: Calendar Number 360, Senate Budget Bill, Senate Print 1508C, an act to amend the Public Authorities Law.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

Senator Gianaris.

SENATOR GIANARIS: Mr. President,

can we now move to the controversial calendar and take up Calendar Number 360.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 360, Senate Budget Bill, Senate Print 1508C, an act to amend the Public Authorities Law.

ACTING PRESIDENT BENJAMIN: Senator Seward.

SENATOR SEWARD: Yes, Mr. President. I am asking, through you, if Senator Krueger would yield for some questions.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: The requirement is that the Legislature produce a financial plan prior to the passage of budget bills and related legislation. And this is part of our 2007 budget reform measures that we enacted back then, and this is under Legislative Law 54, Section 54.

And I think it is -- the reason for

that requirement is that obviously it's important for the members to have on their desks and have available the information about the receipts that are included in this budget and the numbers in terms of expenditures.

So my question is, Senator Krueger, do you have a a financial plan as required under Section 54 of the Legislative Law?

SENATOR KRUEGER: Through you Mr. President, the answer is very soon.

The law actually says "preceding final action on all such appropriation bills." We're not taking up appropriation bills yet, we're taking up Article VII bills. But we will have that for you before we take up appropriation bills.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: Would you agree that whether Article VII or not -- I mean, it

indicates on the Article VII bill that it is a budget bill, it's listed as a budget bill in our calendar. Would you not agree that it's important for the members to have that financial plan prior to voting on any budget bill, because it's all related?

SENATOR KRUEGER: So yes, information is important as soon as it is available. And unfortunately, we don't quite have it available, although we're getting there. But we are not in violation of the budget law because we are not taking up the appropriation bills yet, we're taking up Article VII bills. Just one moment.

I can -- Mr. President, through you -- I can walk through the fact that we can confirm that the State Operating funds will be 102.1 billion, spending growth below the 2 percent spending cap, and All Government funds will be 175.5 billion, spending growth of 3.8 billion for All Government funds, and that we are making spending changes from the Executive's original proposed budget of an additional 975 million in additions, 200 million in other costs because of timing issues, and offsets of

733 million in prepayments and reestimates and 300 million from undoing portions of accelerated repayment of pension amortizations.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: I have a number of questions regarding how we get there -- got there in terms of this budget, which is closely related to the financial plan. Would you be willing to answer additional questions regarding how we got there in terms of the 2 percent spending cap that you have alluded to, in terms of that's -- that cap is in effect in terms of this proposed budget? I have a number of questions about how we got there. Would you be willing to answer those now or when we have the financial plan in front of us?

SENATOR KRUEGER: I would take a stab at now, Mr. President.

SENATOR SEWARD: Okay. If Senator

Krueger continues to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: The Executive Budget estimated 27.797 billion for All Funds miscellaneous receipts -- you know, the licenses, fees and all the miscellaneous receipts. Has your number changed from the Executive's estimate?

SENATOR KRUEGER: We're not aware of any substantial differences from the Governor's original executive section.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: You know, the Executive Budget also presented to us by the Governor estimated 3.528 billion for All Funds

Lottery receipts. Has that number changed from this estimate in this budget that's before us today?

SENATOR KRUEGER: Through you, Mr. President, we don't think that has significantly changed, no.

SENATOR SEWARD: Mr. President, the -- the answer is not significantly changed --

ACTING PRESIDENT BENJAMIN: Senator Seward, are you on the bill or --

SENATOR SEWARD: No, I ask for another question.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: I'm finding "not significantly changed" is rather inexact in terms of our making sure that the members, all the members have a very clear understanding in terms of the state's receipts and expenditures.

Will the financial plan be more specific, and then we can have a discussion at that time once it is issued?

SENATOR KRUEGER: Yes, we can certainly have a continued and additional discussion at that time.

SENATOR SEWARD: Then on the bill.

ACTING PRESIDENT BENJAMIN: Senator Seward on the bill.

SENATOR SEWARD: Yeah, this bill before us today is the first budget bill of the new fiscal year.

And as we take a look at this proposal and act upon it, I would say we're not doing so in a vacuum. I mean, New York State is at a crossroads as we put this budget together this year, and we are facing a number of headwinds. The fact that we've had a number of people outmigrate from New York State in the last few years -- and in particular last year we actually lost population. And the Governor is -- has talked about the fact that high taxes in New York contribute to that. And I'm not just talking about the -- those high-income earners that may be caught up in the federal SALT issue. There is outmigration happening in the upstate region where the SALT is not a factor, but just hardworking, overburdened taxpayers have decided

to leave the State of New York and our population is going down.

We're one of the few states in the nation -- I think there are only two others -- that have actually lost population over the last year. We were one of them.

And I was very struck by the recent poll which indicated that well over a third of New Yorkers say that they cannot afford to live in the State of New York.

And we do not have some key parts of this proposed budget before us yet. They're not in print yet. We don't have the financial plan. But working from press releases, I can say that what is the response in this budget to the outmigration, the fact that people can no longer afford to be in this state? And unfortunately, the response in this budget is taxes, taxes, and more taxes.

There are cost shifts and new mandates on local governments, which not only hit local governments but I'm very concerned with the fact that they hit local property taxpayers.

We have lost the potential very positive effect of Amazon coming to New York --

25,000 good-paying jobs, $27 billion in new revenue for the state over the next five years. It would seem to me that this budget should, in reaction to the Amazon effect, take very strong actions in terms of creating new job opportunities for New Yorkers.

This budget, as I read it in press releases, does not do anything in terms of creating new jobs. It strikes me as being the exact wrong priorities for New York.

Now, there are a number of good things, from what I read in press releases, in this budget. I'm pleased that we're looking at a permanent tax cap, which has been a long-time priority of this side of the aisle. I'm also pleased that apparently we're going to provide some additional assistance for our direct care workers. And speaking as the State Senator for Schoharie County, where that horrific limousine crash occurred last fall, I'm pleased that there are some additional safeguards and additional insurance requirements for limousines.

I mean, those are some positives. But as I look at this overall budget, it's a bad -- the bad in this budget far outweighs the

good. And as we proceed through the day, members on this side of the aisle will show and talk about that there is in fact a better way to put a budget together that truly meets the current needs of the hardworking taxpayers of our state. And I look forward to that discussion going forward.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Funke.

SENATOR FUNKE: Thank you, Mr. President. Would the sponsor of Part H, on the plastic bag ban, yield for a couple of questions?

SENATOR GIANARIS: Mr. President, can we ask Senator Kaminsky to respond to those questions.

ACTING PRESIDENT BENJAMIN: Senator Kaminsky, do you yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR FUNKE: Thank you, Senator. Can you explain the bill and why you think it's necessary?

SENATOR KAMINSKY: Sure. The bill would ban plastic bags because plastic's really bad for the environment. There are billions of plastic bags that end up -- that are nonbiodegradable that end up in our atmosphere, inside marine animals, in the ocean, on our beaches and on our streets. A few years ago when there was much brouhaha surrounding this issue, the Governor put a task force together. Its recommendation was to ban plastic bags. And I think this is an important step that we're taking today in order to reduce the amount of plastic waste that we have in our environment and that sit in our landfills.

So that's the -- that's why it's necessary, and that's what the bill would do with respect to plastic.

SENATOR FUNKE: Would the Senator continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR FUNKE: Does this impact

more than traditional grocery stores? For example, will you have to pay for paper at Target, at Walmart, at Rite-Aid, at Home Depot, Kohl's?

SENATOR KAMINSKY: Yes. So this would involve paper if a locality chooses to institute a 5-cent fee on paper bags, and the idea is so that people aren't going from plastic to paper but plastic to a reusable bag. But that's at the local level to be decided, to the level of government closest to the people who live in a given area.

Paper is an energy-intensive process in terms of making it, and also isn't the best thing for our environment, to put it mildly. So this would be a ban on plastic, with a few exceptions. And with respect to paper, a locality such as a county would be able to institute a 5-cent fee on that.

SENATOR FUNKE: Will the sponsor continue to yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: Does the Senator yield? The Senator yields.

SENATOR FUNKE: Paper bags take up

nine times more room at landfills than plastic. Why is it still acceptable to use paper and simply attach a tax?

SENATOR KAMINSKY: Well, I think, you know, we kind of had an evolution with respect to plastic bags where, you know, we got to a point where we saw localities instituting a fee, people started using reusable bags.

Where I live in the City of Long Beach, we had a 5-cent fee on plastic. People flipped out for like a little bit, and now it's just commonplace for people to use a reusable bag. And I think it's gone pretty successfully, whether it's in Suffolk County, Long Beach, other jurisdictions. And now localities, with paper, will have the opportunity to try that.

I mean, I'm hoping that we'll be in a position very soon where we're not using paper, but I think this will allow the level of government closest to people -- I know certain Senators on your side of the aisle, certainly on mine, talk about, you know, wanting to have localities able to make decisions for the people that they represent. And if a locality finds

that the paper waste in its community is overwhelming, it could choose to institute a fee that will drive behavior toward using a reusable bag.

And when a county institutes a fee on paper, it has to use the money it's going to get to buy reusable bags for those fixed-income and low-income residents of their district so that reusable bags will be available to them.

SENATOR FUNKE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR FUNKE: If, as you said, plastic bags are being banned because they're bad for the environment, why are there exceptions in this bill?

SENATOR KAMINSKY: There are exceptions to try to accommodate some realities of our modern society. I think when someone is at a grocery store handling raw fish or putting his or her produce into a small bag, there's

really not a lot of options available to that person. Over time we'll be able to examine these and see if they're not working.

But we did want to accommodate some exceptions. I've tried to take food home from a restaurant not in such a bag, and it doesn't go well for my car, for my reusable bag or for anyone around me. So we tried to have some exceptions, but we obviously did it in a way where the exceptions don't subsume the rule. And if any of these exemptions prove to be creating too much plastic, we can always go back and adjust it.

SENATOR FUNKE: Would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR FUNKE: So, Senator, I can go to a restaurant and leave with my food in Styrofoam in a plastic bag?

SENATOR KAMINSKY: Yes.

SENATOR FUNKE: Would the sponsor

continue to yield, one more question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR FUNKE: One more question would be if I have old Wegmans plastic bags at home, can I bring them to the store and use them again?

SENATOR KAMINSKY: Did you say an old white man's plastic bag?

(Laughter.)

SENATOR FUNKE: Wegmans. You may not --

(Laughter.)

SENATOR FUNKE: Wegmans.

SENATOR KAMINSKY: I didn't know what that -- I didn't know what that was. I'm sorry, can you please repeat the question?

SENATOR FUNKE: If I have old Wegmans bags, plastic Wegmans bags at my -- Wegmans. Wegmans is coming to Manhattan, though.

SENATOR KAMINSKY: No, we have Waldbaum's.

SENATOR FUNKE: You may be familiar that Wegmans is coming to Manhattan.

Grocery store bags. If I have old ones and I want to bring them back to the store and use them again, can I do that?

SENATOR KAMINSKY: Yes.

SENATOR FUNKE: Okay. On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Funke on the bill.

SENATOR FUNKE: Thank you, Senator Kaminsky, for your answers on that.

Despite all the arguments, I think, to the contrary, what we have here is another tax. And not just any tax, it's a tax on something that everybody has to do, and that is buy food. Look, I fully understand the environmental concerns that plastic anything can cause, and we should address it. But I'm pretty certain that all 62 Senators in this chamber are environmentally conscious and, like me, take the individual responsibility to recycle the bags that they get from a grocery store. I don't like seeing a plastic bag hanging from a tree anymore than the next guy, but I also don't like to see

mountains of fast food paper on the side of the road either, and I don't think anybody is suggesting that we add a nickel to every McDonald's bag.

The responsibility for littering lies with all of us. There are laws, we should enforce them, we should be vigilant about having county and state road crews keep our state clean and spotless. It is good for tourism. But it's well documented that increasing the use of paper increases the carbon footprint that we're all worried about. It takes four times as much energy to manufacture a paper bag, and it kills one of our greatest tools for fighting pollution, our trees. It takes 91 percent less energy to recycle a plastic bag than it does a paper bag. And because paper is so much heavier, it requires nine times more energy to ship it.

Wegmans and other supermarkets suggested changing societal behavior by charging for both paper and plastic to encourage the switch to reusable bags, but nobody listened. Instead of banning plastic bags and charging a fee for paper, we could have given supermarkets a tax credit to make up the delta between the cost

of paper and plastic. We could have listened to our business owners. But instead we chose expediency and ideology over common sense and caution.

So to me, this is simply another money grab by the Governor, and another way to get into our wallets. And another Albany mandate. Those plastic bags that you're banning are reusable for a variety of things at home. They are recyclable. It would be better to come up with an incentive to recycle rather than literally nickel-and-diming taxpayers at every turn.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Tedisco.

SENATOR TEDISCO: Will the gentleman yield for a few questions? Mr. Kaminsky.

ACTING PRESIDENT BENJAMIN: Senator Kaminsky, will you yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR TEDISCO: Yeah, I think

Senator Funke hit the point on the head. Why not use the reverse process? They can be recycled. Why not provide a financial incentive to bring the bags back for constituents and pay them a nickel, a dime, 15 cents or a quarter, whatever it is, to bring the bags back to be recycled, instead of charging for other bags when you ban the plastic bags?

SENATOR KAMINSKY: Through you, Mr. President. You know, I think the idea is that we ban plastic bags and people use reusable bags.

SENATOR TEDISCO: Well, would the gentleman yield for another question.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR TEDISCO: Because I'm not sure that actually is going to happen, and I'll tell you why. Do you live in a house, Mr. Kaminsky?

SENATOR KAMINSKY: No, but I almost will -- I almost do. I almost will soon.

SENATOR TEDISCO: I didn't quite hear that.

SENATOR KAMINSKY: I live in an apartment, and hopefully by June 1st -- it better be by June 1st -- I'll be living in a house.

(Laughter.)

SENATOR TEDISCO: Okay. In my house, I have eight or nine rooms, and in each room there's a small --

ACTING PRESIDENT BENJAMIN: Senator Tedisco, are you on the bill or are you asking the sponsor to yield?

SENATOR TEDISCO: Sponsor.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR TEDISCO: And I think you probably do the same thing, and many of the legislators in here. I have small canisters for refuse, and in those I put a plastic bag. Do you know where those plastic bags come from? They come from the supermarket. So I actually use those. And when they get full, yes, I do take

those and I put them into the garbage.

I also have a little dog, and I take my dog out. When I take my dog out to walk, when she does her business I use the grocery bags to pick up her business, and those go in the garbage.

When all these plastic garbage bags are gone, you know what I'm going to have to do. I'm going to have to go to the store, go to the area where they sell bags for those canisters, and I'm going to have to purchase those plastic bags. And I'm going to continue to put plastic bags in those little canisters, and I'm going to have to continue to use it for my little dog when I take her outside.

So if we really want to save the environment, why don't we just ban all plastic, except the exceptions maybe you talked about with food and some of those other areas? Why don't we say business can't sell plastic bags for anything anymore?

SENATOR KAMINSKY: Through you, Mr. President. Look, we intend to be as aggressive as we can with looking at different types of plastic and Styrofoam. This is an issue

that's been kicked around for a while. A commission has looked into it; this was its recommendation. We think this is a pretty sound method.

But we certainly don't want people taking bags from grocery stores, putting garbage in them and then throwing them out. They'll end up in landfills. But I certainly understand that this can't end here and we're all going to obviously have to consider -- because people can buy in bulk, like you're talking about, and we'll have to consider how that goes down the road.

SENATOR TEDISCO: Will the gentleman yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR TEDISCO: So what's the alternative when we take the plastic bags away for those small canisters? What do we put in them?

SENATOR KAMINSKY: You could buy a trash bag and put it in there.

SENATOR TEDISCO: That's what I'm saying. So I'm just buying the trash bags that I was getting for free --

ACTING PRESIDENT BENJAMIN: Senator Tedisco, are you on the bill or are you asking the sponsor to yield?

SENATOR TEDISCO: A combination. No --

(Laughter.)

ACTING PRESIDENT BENJAMIN: I need you to pick one.

SENATOR TEDISCO: We should institute a rule where there is a combination.

No, I'm asking him another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR TEDISCO: So am I not -- should I ask him or you? Which?

Am I not exactly using the same amount of plastic bags that I usually use, but I'm paying for them by buying those boxes with little bags in the store?

Now, I cannot have those bags in there, but the bacteria would get all in those canisters, and that would not be a good thing. So how are we really helping the environment?

SENATOR KAMINSKY: Through you, Mr. President. The single-use disposable bags are more harmful to the environment than the bulk bags you buy. But the average American uses a single-use plastic bag for 12 minutes in the total life of the bag before it goes to a landfill or winds up on a tree or a beach.

So the single-use bags are a particular scourge, and that's what this is aimed to combat.

SENATOR TEDISCO: Will the gentleman yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR TEDISCO: All the bags I'm going to be buying to substitute for the single-use bags are going to be single-use bags. So I'm just backfilling from companies who sell

these bags in boxes instead of me getting them -- listen, I never threw -- I don't think I could ever remember throwing a plastic bag away empty. I utilize them. So do my constituents. I think you utilize them.

If you were telling me we're not going to utilize them anymore by putting a ban on plastic bags given to you in a grocery store, I'd say fine, we're going to do a pretty good job. But I'm going to go out and my constituents are going to go out and they're going to purchase those small plastic bags. So they're just backfilling the ones you say you are eliminating, and they're paying more for them.

And if I was a company, I would be very happy about that, because they're going to sell a lot more plastic bags. And it may turn into putting more plastic bags into the landfills and into our environment.

So maybe the answer is to ban them all. You think that might be the eventual answer you're going for?

SENATOR KAMINSKY: Through you, Mr. President. Look, that's something that we're going to have to see. The bags that you are

talking about are of a different material, for the most part. But they're also not carry-out bags that end up everywhere. They're bags that you put in the trash and end up in a landfill. Which are not great; obviously, we're going to have to look at what happens to them.

But the single-use bags are particularly found in all types of marine animals, floating in the ocean in huge amounts. And that's different than the bags you're buying in bulk and using in your house and putting in your trash, which will go into a garbage truck and end up somewhere else. I mean, that's a problem, but certainly not as big a problem as the single-use bags, which are doing both, ending up in landfills and ending up in the trees and in our streets.

SENATOR TEDISCO: Thank you, Mr. Kaminsky.

On this concept and this bill.

ACTING PRESIDENT BENJAMIN: Senator Tedisco on the bill.

SENATOR TEDISCO: You know, they're both single-use bags. And if some of them get into the landfill now, which I'm against, it's

inappropriate, I think if we buy them in boxes somehow many of them are going to get into landfills also. Because we're going to use them for the same things we use them now. And again, I've never thrown it -- I don't think many people just throw them out the window or leave them outside, they utilize them.

And you may put a small dent in it, I don't know, maybe 5 or 10 percent. But if you're an environmentalist, you want to do some serious business about keeping these bags out of our oceans and out of our landfills. And I don't think this particular concept or this approach is going to do that holistically.

I thank you, Mr. President. I thank you, Senator Kaminsky.

ACTING PRESIDENT BENJAMIN: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President. Would Senator Kaminsky yield for a few questions from this old white man?

(Laughter.)

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Senator Kaminsky, this bag tax, what is the point here? Is it that bags are bad for the climate, or is it a matter of pollution?

SENATOR KAMINSKY: Both.

SENATOR LANZA: Would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Would the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: So, Senator Kaminsky, would you tell us how it is that plastic bags affect climate?

SENATOR KAMINSKY: Just to clarify -- through you, Mr. President -- the tax that Senator Lanza was referring to before was not on plastic. Is it a different option that you're referring to?

SENATOR LANZA: The ban.

SENATOR KAMINSKY: I'm sorry?

SENATOR LANZA: The ban.

SENATOR KAMINSKY: How does it impact climate?

SENATOR LANZA: Yup.

SENATOR KAMINSKY: Well, the production of them involves climate for sure. And the same is true with paper bags. It's an intensive process to create a paper bag that results in carbon emissions.

SENATOR LANZA: Would Senator Kaminsky yield?

ACTING PRESIDENT BENJAMIN: The sponsor yields?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President, I just want to understand so that I can tell people back home the science involved here, and I'm not sure I heard the answer. How is it that the production of plastic bags affects climate?

SENATOR KAMINSKY: Through you, Mr. President, from petrochemicals.

SENATOR LANZA: Would Senator Kaminsky yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President, that doesn't explain how plastic bags, the production or the use or the disposal, affects climate. I'm trying to understand how it affects climate.

SENATOR KAMINSKY: Okay, so -- through you, Mr. President -- petroleum is extracted from the earth, used and mixed with chemicals, and those chemicals are used to create the thin-film plastic bags that we get in a grocery store.

SENATOR LANZA: Would Senator Kaminsky yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Senator Kaminsky, the argument I

thought that was being advanced by your side of the aisle was that when the plastic bags are disposed of, somehow the fossil fuel that is there is released into the environment, and it is that which affects climate. Is that your understanding or is that your contention?

SENATOR KAMINSKY: Through you, Mr. President, to Senator Lanza. I mean, that creates a different issue, which is it breaks down into different chemicals that can get into the water supply and that people shouldn't want to ingest or have in their bodies or in their environment. But the production of plastic bags certainly contributes to global warming, because it's a carbon-intensive process in terms of making them and relies on fossil fuels in order to do so.

SENATOR LANZA: Would Senator Kaminsky yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Senator Kaminsky,

it was my belief that taking fossil fuel -- so if the argument is that when fossil fuel is either burned or it breaks down into its component substances, that it creates carbon, gas that is released into the environment contributes to what is known as the greenhouse effect, and it is that process which affects, the argument goes, the climate.

I've also heard that the argument is about pollution, which is that the plastic bags, which is really taking fossil fuel, locking it up into this substance we call plastic, that they last for thousands of years in the landfills, and really that's the problem. It's in this blight, it's this pollution.

So, Senator Kaminsky, how could both be true? If it takes thousands of years for the fossil fuel in that plastic bag to ultimately be released once again into the environment, how is that affecting climate?

SENATOR KAMINSKY: So through you, Mr. President, I don't know what you mean by "so the argument goes," but that's science. When you're burning the carbon, it warms the planet, and that's global warming, and that happens,

full stop.

What happens when bags go into the landfill are they break down over a long time and the chemicals that are in them leech into the soil, get into the water supply, and can prove harmful to humans. It also obviously takes up a lot of landfill space, which is not something we want for our planet as well.

And we're not even talking about the pollution where just people don't do the right thing with bags and they're just flying all over the place.

So I didn't mean to reduce this to any one thing or any -- I just think overall, whether it's in its production, in its pollution, in its -- you know, in its problems in terms of what it means for our water, they're overall a scourge, and that's why the task force recommended banning them, and that's what this legislation follows up on.

ACTING PRESIDENT BENJAMIN: Would Senator Kaminsky yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. "So the argument goes," that's just a description of the argument that is being made. It is not qualitative or a comment about the argument itself. It's just using the English language.

But, Senator Kaminsky, because this is important, this is important to the present, to the future, the issue of climate change. And, you know, I was taught that the climate has never stayed the same. I mean, we have records that go back thousands of years, what we can learn from the geologic record, that climate has never stayed the same.

But it is an important question to understand whether or not we're affecting that process and how we are.

So if the issue is carbon as well as the other greenhouse gases -- the most potent of which, by the way, is water vapor -- what is the perfect amount of carbon dioxide that there should be in the environment?

SENATOR KAMINSKY: Through you,

Mr. President. You know, later on in this session we're going to be having comprehensive climate legislation that's going to be, you know, hitting right at all of the human emissions that our state and our country creates, and I'll certainly have more facts and figures about climate then.

But this bill is not primarily one about climate, although it certainly impacts it. This is certainly one about all the plastic that we're finding in our environment.

But I have no problem standing here and arguing that whatever we've done since the Industrial Revolution to today, we've certainly been warming our planet. We're doing it every day with the emissions that we create through our vehicles, through our buildings, through our electric sector. And it's something that we have to tackle head-on, or we're going to have a serious problem as a civilization very soon. And that's something we have to get very serious about. Certainly not through plastic bag legislation, but I have no problem arguing that that's part of this.

SENATOR LANZA: Would Senator

Kaminsky yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: My good friend Senator Kaminsky is right, we'll get back to that discussion at a later time.

Senator Kaminsky, in terms of the pollution aspect of this, we see the bags all over. I agree it's a problem. But as my colleagues have pointed out, this is not really a ban on plastic bags. So how is it -- do you really believe that a year from now we're going to see fewer plastic bags polluting our landfills and our roadsides?

SENATOR KAMINSKY: Through you, Mr. President. So to be specific, we won't because the effective date is not till 2020. But whenever -- you mean a year after the date it takes place? I do.

And I think if you look at what's happened in Suffolk County, they've seen a staggering reduction in the amount of plastic

bags that they normally would see after they instituted their 5-cent fee. A billion fewer bags is what they've reported.

And I can just tell you anecdotally from -- this is certainly not scientific, but when I go through Stop & Shop in Long Beach on my weekly trip, people just carry around their reusable bags. Family members who I can tell you never mentioned the environment to me one day in their life, just keep them in their car, bottom of a pocketbook, whatever.

So I think that it will seem -- it may seem like an onerous change at first. I think looking back a year from whenever this takes place, no one will be thinking twice about -- once they have their reusable bag, about what it means to carry one and what they're doing to positively impact their planet.

SENATOR LANZA: Mr. President, would Senator Kaminsky yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: Does the sponsor -- the sponsor yields.

SENATOR LANZA: Senator Kaminsky, under this legislation can supermarkets hand out

cardboard boxes for customers to use?

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

SENATOR LANZA: Would Senator Kaminsky yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield? The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Senator Kaminsky, would supermarkets be allowed to hand out wooden boxes for people to use to carry their groceries out?

SENATOR KAMINSKY: Through you, Mr. President, a supermarket could hand out any box it would like, any type. I guess unless it's made out of plastic, single-use plastic bags.

SENATOR LANZA: Would Senator Kaminsky yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. So Senator Kaminsky, we know most

of these things go --

ACTING PRESIDENT BENJAMIN: Senator Lanza, please direct -- you have to direct the question through me, so --

SENATOR LANZA: I said through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Right. But you don't direct the question to Senator Kaminsky, you say "Is the sponsor saying," just to give you --

SENATOR LANZA: Is that -- is that -- Mr. President, is that a new rule?

ACTING PRESIDENT BENJAMIN: No, it's not.

SENATOR LANZA: It's not.

ACTING PRESIDENT BENJAMIN: So you say "Through you, Mr. President, is the sponsor saying." As opposed to saying it direct to Senator Kaminsky.

SENATOR GRIFFO: Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Senator Lanza has the floor. He did request, through you, the sponsor to yield.

ACTING PRESIDENT BENJAMIN: Correct, he did do that.

SENATOR GRIFFO: So what is the issue, Mr. President?

ACTING PRESIDENT BENJAMIN: The issue is that when he says to Senator -- he says "Senator Kaminsky," what he should say is "Through you, Mr. President, is the sponsor saying." So he's not directing his question specifically to the Senator, he's directing it through the chair.

SENATOR GRIFFO: Okay, thank you, Mr. President. Through the president.

SENATOR LANZA: Through you, Mr. President. So I've been here a long time. If I might step out of this discussion for a moment, I've heard us call each other by name for a long time. I thought that was respectful. I thought that was the right thing to do. If this all of a sudden is an issue, that we shouldn't refer to each other by our names, I think -- I think that we're --

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President,

we have a long day ahead of us. I think Senator Lanza is acting respectfully and appropriately. Let's --

SENATOR LANZA: I think he's just violated your rule, Mr. President.

(Laughter.)

SENATOR GIANARIS: Let's just --

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

(Laughter.)

SENATOR GIANARIS: Let's just do our best to get through this as best we can. I thank Senator Lanza for the way he's handling himself, and Senator Kaminsky as well. Let's just try and move forward if we can, please. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Lanza, proceed as you wish.

SENATOR LANZA: Through you, Mr. President. Would the sponsor tell us, given the answers to the last few questions concerning the fact that supermarkets can hand out any manner of container as long as they're not plastic, whether or not those options and others that we can think about are better for the

environment and better for the issue as it relates to pollution?

SENATOR KAMINSKY: Through you, Mr. President. I think -- with all due respect, I don't think there will be a lot of boxes being handed out by supermarkets to people. I think we're going to be in a situation where a county is going to either institute a fee or not. I think a lot of people are going to move over to reusable bags. And if a county wants to institute -- or if a county is silent, a locality, on paper bags, hopefully that will drive behavior toward having a reusable bag.

So we can think of all manner of hypotheticals about people carrying stuff in hollowed-out coconuts or big crates of some kind. I don't think that's going to be the normal course of business. I think people are going to have to choose between paper and reusable, and I hope they use reusable. That's certainly what I expect.

SENATOR LANZA: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Lanza on the bill.

SENATOR LANZA: Thank you, Mr. President.

Thank you, Senator Kaminsky, the sponsor of the bill.

You know, sometimes I think we are too far removed from the people that we represent and the lives they live in the districts. And we sometimes think that they're just not smart enough to understand what's happening. Well, I can tell you people are smart enough, and they do get it.

And while I truly believe that the motive here, especially when it comes to Senator Kaminsky, is about changing behavior -- I think he believes that there is a threat here. But I also think that there are two sides to the argument here. And sometimes you pass legislation that can end up putting you in a position that's even worse than the one before.

I recall as a young person, as a young white boy, that when my mom shopped at the supermarkets, we had paper bags. And they ripped, they weren't all that convenient, you couldn't put as many in the car.

And there were these

environmentalists, so-called, that came out and said that these were destroying the environment. And their solution, their answer to all of us was plastic bags. The same people that we now seek environmental advice and expertise from now were the people who said plastic bags will be better for all of us.

Maybe they were right, maybe they were wrong. But the bottom line is it comes down to what we're doing to help the people we represent, not what we're doing to penalize them. Not treating them like they're not smart enough to go about their own lives, that we need to micromanage and socially engineer everything they do.

As it's been pointed out, there are going to be just as many bags out there as there are now. This legislation doesn't prevent me or any person back home from going down the aisle where they sell the plastic bags in the supermarket and buying as many as they want -- hundreds, thousands. They might want to start storing up now. And the reason they do that is not because they don't like the environment, it's because they're looking for convenience. They're

looking to be able to provide for their families in the most -- in the least expensive way, the most efficient way.

I can tell you, whether it's a year from now or whenever this legislation takes effect, there are going to be just as many bags out there. And people know that. And they know this is not about the environment. They know it's a sham.

You know, Mr. President, I was going to a baseball game with my son, we had to drive from Staten Island to parts north. We drove through the Belt Parkway, through Brooklyn, Queens, and we kept going. And I can tell you, at the side of the road there were a lot of plastic bags. But I'll tell you what else there was. There was every kind of construction debris, concrete, cups, bottles, plastic bottles, electronics -- there were televisions and there were radios.

You know, I really took note as I drove what there was at the side of the road. If I had picked up every car part that I saw from the beginning of my trip to the end of my trip on the Belt Parkway especially, at the end of the

day I could have assembled an automobile.

And, you know, those bags and all that other pollution didn't get there by itself. It got there, quite frankly and sadly, because some slob threw it there.

You know, if this is about pollution, which it is -- and I agree -- we pay a lot of money for sanitation services. Maybe the better argument is to hire more sanitation workers that can go out there and actually pick up all this garbage. Because even if this had the effect that is being alleged it will, that there will be fewer plastic bags, there's still going to be a lot of pollution out there because this does nothing, nothing, to dissuade anyone from throwing garbage out from their car window or from wherever.

What this really is is this is just another piece of legislation that allows some politician to check a box next to a category, whether it be environment or anything else, that really doesn't do anything with regard to that category.

The most effective thing about this, and really what I think to be the true goal, is

that it's going to collect a lot of money from people. It's going to pick their pockets once again. It seems that all government wants to do this day is analyze what people do in their lives and figure out how many junctures there are in their lives, how many transactions they make, and to use that as an opportunity to take their money.

You know, I think of the single mom who's trying to struggle to support the family. She's in the supermarket, she's pinching pennies, she's using coupons, she wants to get in and out of there as quickly as possible, get home to her family, save as much as money as possible. And now all of a sudden someone's going to tell her that somehow she's got to juggle her groceries, keep them in midair as she makes it to the car, that she can't have a bag to put those groceries in.

It's absurd. It really is ridiculous. You can't even have a paper bag now. You can have it, but we're going to charge you. In fact, this legislation is pretty shrewd in that what it really does is it ensures that there's no free way to get your groceries out

from the grocery store to your car. And I think that highlights the motive and the motivation of this legislation.

You know, when we do a budget, when we do legislation, to me the goal at every step of the way should be how have we made the lives of people back home better? How have we made it easier for our constituents to live their lives?

You know, I'm going to point out a number of areas in the budget which fail in that regard, but simply this is -- but surely this is one of them. I don't know anybody back home that's come to me and said, hey, would you please charge me for paper bags? Would you please ban plastic bags?

Oh, and by the way, this is all well and good, but we're supposed to be so smart about how we help the people back home -- where's the alternative? You know, I hear these used bags -- but people are going to get charged for them as well. So it seems like we don't want people to use them.

You know, I've heard of a lot of innovation in terms of bags that are made from things that decompose -- they look like plastic,

but they're not actually plastic in the conventional sense, having come from fossil fuel -- that would actually break down and would not contribute to climate issues, would not contribute to pollution.

You know, that's too hard to talk about. And in fact, that would prevent us from our real goal, which is to take money from people simply because they're trying to put food on their table.

So, you know, I'm obviously a no here. I wish we would stop looking at the people back home as cash registers. I wish we would stop looking at the people back home and thinking and believing that they just can't do things right and we've got to force them to do things differently. I really wish we would come up here, get together, put our heads together, roll up our sleeves and figure out how to make life better for people, not worse.

I vote no, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

I have several questions about Part L of this legislation. Would the appropriate member be able to answer questions? It deals with regulating servicers of student loans.

SENATOR GIANARIS: Mr. President, can you call on Senator Thomas to answer those questions, please.

ACTING PRESIDENT BENJAMIN: Senator Thomas, do you yield for questions?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR GALLIVAN: Mr. President, am I able to look at Senator Thomas?

(Laughter.)

SENATOR THOMAS: Yes, please look at me.

(Laughter.)

SENATOR GALLIVAN: I'm sorry.

Through you, Mr. President, could Senator Thomas explain the purpose of this?

SENATOR THOMAS: Through you, Mr. President, this is simply to protect student loan borrowers. We have 2.3 million borrowers in

New York State with about $80 billion in debt. And the Department of Education has not been holding student loan servicers accountable. It's an unregulated industry. And this would give DFS oversight into regulating and licensing federal student servicers as well as private student loan servicers.

SENATOR GALLIVAN: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Do I understand correctly that these student loan servicers do so through a contract that they have with the federal government?

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

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: And does the federal government have rules or regulations that they either do or that they are supposed to monitor?

SENATOR THOMAS: Can you repeat that question?

SENATOR GALLIVAN: Through you, Mr. President, so these contracts -- these businesses, the student loan servicers, have a contract with the federal government that I presume have many provisions of a contract and things that they have to follow. My question is, does the sponsor know that to be true? And does the federal government have responsibility for monitoring these things?

SENATOR THOMAS: The federal government does have responsibility to monitor these things. But in addition, that contract between the Education Department and the servicers basically says that they have to follow both the federal laws and the state laws.

SENATOR GALLIVAN: It's my understanding that --

ACTING PRESIDENT BENJAMIN: Senator Gallivan, are you on the bill or asking a question?

SENATOR GALLIVAN: Yeah, I was going to get to that part.

(Laughter.)

SENATOR GALLIVAN: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: It's my understanding that state regulation of federally contracted student loan servicers in this case and others, is expressly federally preempted and prohibited under the Code of Federal Regulations. Is the sponsor aware of that, and does he have the same understanding that I do?

SENATOR THOMAS: Through you, Mr. President, that is incorrect. There is no express preemption for a state to regulate a federal student loan servicer.

SENATOR GALLIVAN: Through you,

Mr. President, I actually thought that I read that. I may have to come back later in the day with the specific citation. But I believe that there is that prohibition that this area is specifically preempted.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Is the sponsor aware that there has been similar legislation from other states that has been struck down in federal courts in the District of Columbia?

SENATOR THOMAS: Through you, Mr. President, yes, I am aware, but it's not binding on New York.

SENATOR GALLIVAN: I'm sorry, I didn't hear the final part.

SENATOR THOMAS: It is not binding on New York.

SENATOR GALLIVAN: On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Gallivan on the bill.

SENATOR GALLIVAN: First I'd like to thank Senator Thomas for his responses.

And take a look at New York State, and we know that New York is very costly to do business. Of course we have among the highest taxes in the country and we're among the most highly regulated. But I'm fully aware and fully understand that regulations in many cases are necessary to ensure that things are done properly, people are safe, consumers are protected.

In many cases, though, we have regulations at the state level that duplicate things being done at the federal level. Banking is one particular area; agriculture, use of pesticides, for example, is another.

It's my understanding, and I fully respect the Senator and his thought -- though he doesn't agree with me on this, my understanding is that this is federally preempted -- I'll put it in different words for me -- which means New York can't lawfully be doing it.

We've seen some court decisions that

have struck down similar laws. The businesses have made it clear that they're going to challenge this. If it's enacted in New York State, they'll challenge it in federal court, and it's my belief that they will likely win.

For the short period of time -- if that is true, we're going to be making business more expensive and costly in New York State, we're going to face the likely loss of jobs in my district and in other members' districts where I know that some of this business is being conducted. And unfortunately, while I agree with the sponsor that there are people out there that are doing things in an unscrupulous manner, all our efforts will go for naught because it will be struck down. And in the end, we won't be protecting one consumer.

And we go one step further: For many people in my district who are going to lose jobs as a result of businesses shutting down or going elsewhere. Because of the higher cost of doing business, their kids will be less likely to go to college and less likely to be able to afford college, and we won't have accomplished anything other than -- don't really love the

cliches about New York open for business or closed for business, but more regulations, more costs, without good, will close the door on business.

And I do thank the sponsor, and I'll be voting no on this legislation.

ACTING PRESIDENT BENJAMIN: Senator O'Mara.

SENATOR O'MARA: Covered.

ACTING PRESIDENT BENJAMIN: Okay.

Are there any other Senators wishing to be heard? Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through UU of this act shall be as specifically set forth in the last section of such parts.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator

Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you very much, Mr. President.

A part of this section of the budget contains a historic law that we should all be quite proud of that's going to create our state's first food waste program. Right now, every year, tons and tons of food waste ends up in our landfills instead of going to the hungry or being turned into clean energy, like it can be if brought to an anaerobic digester.

So for the first time our state, for large food producers, is going to have a program whereby their food is either, if it's edible, going to be given to a food pantry for those in need, and for the food that is inedible, and if there's over 2 tons of it per week, taken to an anaerobic digester so it can be converted into clean energy instead of breaking down in our landfills.

This is a historic step that I'm really proud of. Our state should be proud of it. There's just too much waste out there, and we need to do something about this. And we all need clean energy. Our state's needs are going

to be tremendous. This will deal with that also.

And with respect to plastic bags, you know, I have no compunction whatsoever saying that this is an important step. For years, while we've been going round and round on this, pollution has just been piling up in our state, ending up in the stomachs of the marine animals that we find, on our beaches, in our trees, in our landfills. And we've done nothing.

So today, to be banning plastic bags and having localities make a decision about paper makes sense. My friends on the other side of the aisle always talk about giving localities options, about having the elected officials closest to the people be in touch with what their community needs. That's what this will do. And I expect communities will do what they think is appropriate to make sure that people are using reusable bags.

We're going to look back on this debate in a few years and think it's silly that we even had to debate and wring our hands about how hard it is for people to get reusable bags. New Yorkers are smart, they're versatile, they'll use reusable bags, and our environment in

New York will be for the better.

I emphatically vote aye on this budget bill. We're doing good things for our environment in it. We should all be proud. Thank you.

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

Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Mr. President.

I rise in support of Part L of this bill. We have a student loan crisis in this country. We have millions of individuals who owe more than $1 trillion in student loan debt. Here in New York, more than 2 million borrowers owe close to $80 billion, and it's growing.

When the federal government enters into a contract with these servicers, they have a duty to hold these servicers accountable when complaints are filed and when borrowers are basically paying more than they should in interest and other fees. And that's what this bill would do.

This would provide oversight by DFS to make sure these student loan servicers do what

they are supposed to do, which is service loans and making sure the borrower is directed to the right repayment program, not to pay more interest than they should. That's what this bill is trying to do. The intention of this bill is to make sure the borrower is not harmed and that there is oversight.

This isn't about losing jobs. Student loan servicing companies that are here in New York should not fear jobs being lost because of this bill. Because if they don't do anything wrong, they won't lose their jobs. That's the whole thing here. And there is no federal preemption blocking New York from doing this.

This is all about the student borrower. They are vulnerable, and this bill closes that loophole. And I am proud to vote aye on this.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Thomas to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

It's been interesting to me to

listen to the arguments against the plastic bag bill, because they were primarily premised on the idea that plastic bags are free and we don't want to lose this free service from our grocery stores.

But the reality is that plastic bags are not free. They're not free to the stores themselves, which give them out as a courtesy. But if you go to some of the lower-cost grocery stores like PriceRite and Aldi, they do not provide bags. It's one of the ways they keep their prices low.

But more than that, these plastic bags are not free to us as a society. They're not free when they cause pollution, when they cause plastic pollution in the water, when they cause litter, when they load our landfills and our incinerators and we have to truck more and more truckloads of them to the waste processing facilities.

They're not free to taxpayers. When I was on the board of the Onondaga County Resource Recovery Agency, I visited the recycling facility, and every few hours at that facility they had to shut down the entire gigantic line

that processed the recyclables because people had erroneously put plastic bags into their recycling bins and they gummed up the works. They got wrapped around all of the chains and everything, and they had to go and pull them all off. It was very expensive to clean these facilities of plastic bags. And we as taxpayers were paying for those slowdowns in the recycling facility.

So plastic bags are not free. Many of them are printed with little smiley faces on them, but they also do not make us happier.

(Laughter.)

SENATOR MAY: We will be -- I agree with Senator Kaminsky that over time, once we get used to this, we will be actually better off and happier for not having this scourge in our lives.

I also want to echo his words about the food waste portion of this bill. The other thing I did on that -- on our waste management agency was to champion a food waste composting facility that is a state-of-the-art facility in our region. And it is a wonderful thing that people can send their food waste to that facility and have it turned into usable compost that is now sold at Wegmans and other stores in our area,

so that it has become a circular economy where we are turning what used to be just waste into something productive and useful.

So both of these aspects of this bill are part of a smarter, wiser, longer-term approach to the economy that I think is exactly the kind of thing we should be supporting. And I am proud to vote aye.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator May to be recorded in the affirmative.

I'd like to remind all of us that we have a very long day ahead of us, so please try to keep your remarks to around two minutes. Thank you.

Senator Metzger to explain her vote.

SENATOR METZGER: Thank you, Mr. President.

This budget bill includes several very important initiatives that will greatly reduce waste, protect our environment, and mitigate climate change.

Food waste is a huge issue in this country. It's a major contributor to climate change, accounting -- globally, it accounts for

about 8 percent of our greenhouse gas emissions. It's also a moral issue. We're throwing away mountains of food when we have fellow New Yorkers that don't have enough to eat, many of them children. So this bill addresses both of those important issues, and I'm very pleased it's included.

The plastic bag ban, this is also -- it's a pollution issue, but it is a climate issue too. To Senator Lanza's point about the relationship between climate and plastic bags, the petrochemical industry is the third-largest emitter of greenhouse gas emissions, and the increase in those emissions is from the production of plastics.

Plastic bags are something we can do without. They are not a necessity. It's a matter of changing habits, that's all it is. I've been doing it for years, bringing my own bags; it's not a lot to ask. And we can't stop with plastic bags, but we can start there.

Finally, this bill provides a means of really accelerating the shift to a clean energy economy in New York by empowering NYPA in several important areas, including expanding EV

charging stations statewide. This is a really important foundational investment to help us shift to electric vehicles and reduce our greenhouse gas emissions from transportation.

Also allowing NYPA to finance and construct transmission to support offshore wind development, that's going to reduce the cost and risks of those projects, and that is incredibly important to getting us off of fossil fuels and achieving real energy independence.

And finally allowing NYPA to procure energy to finance renewable energy projects and to help community energy programs support local renewable energy. This is something that I have been fighting for for years, to get community energy programs to actually support local renewable energy investments. So I'm so pleased to see it as part of this budget bill.

Thank you very much.

ACTING PRESIDENT BENJAMIN: Senator Metzger to be recorded in the affirmative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President and my colleagues.

I rise in support of these bills,

especially Part H, which is the plastic bag bill; part L, the student loan servicers bill; and Part SS, the food waste bill.

Let me just say that in looking at the information regarding plastic bags, all of the fees that are collected as a result of that, 60 percent will be going to the Environmental Protection Fund to improve our environment. I would assume all of us want that. And then 40 percent will fund -- in order to mitigate the impact on low- and fixed-income communities, and that's a good thing. So I support that.

And as far as the student loan servicers, to ensure that the borrowers are protected -- I have three daughters, and they are now 43, 38 and 32, and they're still paying loans. One from college, who's 32. One that's 38, went to the University of Buffalo undergrad and grad, still paying loans. And one who went to medical school is still paying loans. And I want them to be protected by law.

And what my colleague Kevin Thomas of Long Island talked about is that we must protect them against those employers and those that are giving out the loans and not

communicating and educating them and telling them what their rights are. We must protect them. And I say we must protect them even if they file a lawsuit and we have to litigate it in order in order for them to win on behalf of the millions of borrowers in this country. That's what we have to do, and that's what our people expect us to do.

So, Mr. President, I vote in favor of all of these bills in front of us, and I hope and pray that we will be successful in helping the people of New York State.

ACTING PRESIDENT BENJAMIN: Senator Jackson to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I think my colleagues have said it so well. I really don't understand, in the year 2019, why we are still pretending that we don't have an environmental crisis, we don't have a climate change crisis. And guess what? We're all going to have to change behaviors. Not just plastic bags, but a lot of behaviors, because we are fighting a clock and we are losing.

So in fact changing rules around plastic bags and paper bags are pretty damn easy. And I know it's easy because other states have already done exactly this, and it's worked very well. Counties and towns in our own state have already done this, and it's working quite well. Third World countries are doing this, and it's working quite well.

Now, in addition to the pollution issues and the environmental damage issues, I just want to remind everyone what one thing we've learned about where these plastic bags end up. They end up in our oceans being eaten by fish and other animals that we think we ought to be eating from the sea. And we are actually poisoning ourselves and our food supply system by allowing these plastic bags to continue to overwhelm our systems.

So I'm delighted to be voting yes on this bill and this section. The student loan issue -- you know what, if the federal government or somebody decides to sue us, let's just win that case in court. Because we're talking about young people overpaying for their student loans that will haunt them forever and ever because

businesses -- some businesses think it's fine to exploit the lack of information they have to give these young people. And that should never be allowed.

So if somebody wants to sue, go ahead. Let's see if we can win in court. I'm quite sure we can.

And on the food waste issue, that is also another no-brainer that has taken too long.

So there are important parts of this bill today, and I'm very proud to be voting yes.

Thank you, Mr. President.

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I wanted to thank my colleagues, in particular Senator Kennedy {sic} for getting this bill onto the floor and passing our plastic bag ban. You know, because of this legislation, Senator Kaminsky, Earth Day comes early for New York State, and I'm very proud to be part of that.

You know, we waste about 10 billion

plastic single-use bags alone in New York City, and a trillion a year worldwide. So we are taking a very positive step forward here with this legislation.

And let me also make a process point about this bill. I think we remember last year and previous years when we considered this legislation, and the lobbying and the big business and the corporate interests that fought and continue to fight this body from considering a sensible ban and fee proposal as we're passing today. So today we've not only helped the environment, but we've beat back the special interests, we beat back the American Chemical Council, we beat back the New York State Chemical Council, and we've done something for the people and the environment.

And I vote aye. Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Hoylman to be recorded in the affirmative.

Senator Ranzenhofer to explain his vote.

SENATOR RANZENHOFER: Thank you, Mr. President. I rise to explain my vote.

And we start off by talking about changing behavior, and I was just astonished when we talked about the behavior in this particular house when we were talking about whether or not there's a fiscal plan, and the comment was made, Well, we're voting on this part of the budget, so you don't need the fiscal plan, but if you were voting on that bill, then you need a fiscal plan.

To really be debating and discussing and voting on a budget without having a fiscal plan in front of us I just think is ridiculous. And you want to talk about changing behavior, that's the very first thing we ought to change, is making sure that there's a fiscal plan before us before we're casting these votes.

I want to talk about the plastic bag ban and the fee also when you talk about changing behavior. You know, I believe in rewarding people and not punishing them. And there are other states that reward people that engage in good behavior. So in other words, if you bring your reusable plastic bag, your reusable paper back to the grocery store, you get rewarded. They say, Good job, and they take some money off your grocery bill.

But what New York has decided to do is we are going to punish people. We are going to punish people that if you forget your reusable bag, we're going to nail you for a nickel for each bag that you use.

So I believe in rewarding people, not punishing them. To echo a couple of comments from Senator Lanza, this is going to affect actually the poorest section of my district. I represent affluent suburban, I represent rural, and I also represent one of the poorest sections in America. And I can tell you without fail that this is going to penalize the folks in that district, because God forbid you're running around and you forget your bag, we're going to nail you for that.

So rather than punishing people, I believe in rewarding people. This punishes the hardworking people in my district. I'll be casting a negative vote on this particular bill.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Ranzenhofer to be recorded in the negative.

Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

I'd like to explain my vote specifically to Part L, the proposed regulations on the student loan servicers, and I'd like to quote the Federal Register, that states: "Recently several states have enacted regulatory regimes that impose new regulatory requirement on servicers of loans." It goes on to further state: "Such regulation is preempted by federal law."

I am not suggesting that the federal government is doing a good job of properly regulating this industry. I'm not suggesting that there are not abuses going on. There are. And just like my colleague the great basketball player -- and I'm thrilled to play basketball with Senator Jackson -- my kids have student loans, significant ones, and it's really outrageous what they pay and how they're starting their adult life.

I'm voting no on this. I believe that we do not have the legal authority to do this. The courts have upheld it. It will be upheld again. And rather than doing anything at

all, we're costing taxpayers money in this regard.

For us, what can we do? I don't know, but perhaps a hotline that can come in here, we can call attention to it and demand that the federal government does something about it or provide referrals to the appropriate regulatory agencies.

But in my view, we don't have the authority. I vote no.

ACTING PRESIDENT BENJAMIN: Senator Gallivan to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 360, those Senators voting in the negative are Senator Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Absent from voting: Senator Felder.

Ayes, 39. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let me remind our colleagues once again that we do expect to believe here for many, many hours today. And so I would implore all my colleagues, when explaining your votes, try and keep to the two-minute limit as best you can. And stay in and around the chamber, because every minute we're chasing you down is a minute we're delaying passage of the budget.

If we can please now go back to motions and resolutions and take up Resolution 930, by Senator Sepúlveda.

ACTING PRESIDENT BENJAMIN: We will return to motions and resolutions.

The Secretary will read.

THE SECRETARY: Senate Resolution 930, by Senator Sepúlveda, Concurrent Resolution of the Senate and Assembly opposing the enactment of a state law, pursuant to a federal mandate, to require the suspension or revocation of the driver's license of any individual convicted of any violation of the federal Controlled Substances Act or another drug law, regardless of whether the offense is related to the operation of a motor vehicle.

SENATOR GRIFFO: Mr. President, would you please recognize Senator Ortt on the resolution.

ACTING PRESIDENT BENJAMIN: Senator Ortt on the resolution.

SENATOR ORTT: Thank you, Mr. President. Would the sponsor of the resolution yield to a couple of questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Through you, yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President, if the sponsor can tell me what the purpose of this resolution is.

SENATOR SEPÚLVEDA: Through you, Mr. President, back in the 1990s during the height of fearmongering that led to the 1990 omnibus criminal justice law, an amendment was passed called the Solomon-Lautenberg Amendment that indicated that if you are caught and you are convicted of any crime that involves drugs, that you are automatically -- your driver's license is

automatically suspended for six months.

The amendment indicated that if you want to opt out of this provision, that the state had to pass enabling law, as we're attempting to do today as part of this budget. The amendment was such a bad law and such bad policy that currently 41 of the states in the United States have opted out of that provision, and it is our intent to do the same thing, for reasons which I'm sure they will be asking me.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Through you, yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. Could the sponsor point to any provisions contained in this budget that relates to this resolution?

SENATOR SEPÚLVEDA: It's subpart J -- through you, Mr. President, it's subpart

J-II. Part J of subpart II. We'll get it right.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Through you, yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. I'm not always familiar with all the Part A or J -- what bill, I should say, what budget bill that we will be considering does this resolution relate to?

SENATOR SEPÚLVEDA: Through you, Mr. President, Public Protection.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: And I guess -- through you, Mr. President -- what provisions of current law does this resolution -- or should I say the provisions in the budget, what provisions are stricken out or are stricken by what we haven't seen yet?

SENATOR SEPÚLVEDA: It's the Vehicle and Traffic Law Section 510.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Could the sponsor be more specific?

SENATOR SEPÚLVEDA: Subpart J, line 16, Section 1: Subparagraphs 5, 6 and 7 of paragraph B of subdivision 2 of Section 510 of the Vehicle and Traffic Law are repealed.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. That's very lawyerly of the sponsor, but somewhere, ostensibly, somebody besides our staffs might actually be watching these proceedings, maybe it might be a late-at-night cure for insomnia. But nonetheless, they could be watching this. And for them, could the sponsor maybe clarify or be more specific on the provisions he referenced, what they actually strike out?

SENATOR SEPÚLVEDA: It's mandatory suspension under the Vehicle and Traffic Law for individuals that are convicted of drug offenses.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR ORTT: Through you, Mr. President, when would these provisions take effect?

SENATOR SEPÚLVEDA: Through you, Mr. President. Immediately.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. Why are we voting on it? So there's a bill that this resolution is necessary for, there's provisions in a budget bill that we have not voted on yet and is not in front of us. Why are we not voting on that bill before the adoption of this resolution?

SENATOR SEPÚLVEDA: Through you, Mr. President, this is part of a larger reentry package that we're trying to bring to the state. It's also part of the budget bill.

SENATOR ORTT: Through you, Mr. President, on the resolution.

ACTING PRESIDENT BENJAMIN: Senator Ortt on the resolution.

SENATOR ORTT: I want to thank the sponsor for answering some of those questions.

In short -- again, for those who are watching at home, for those who don't know what this debate is really about, we are enacting a resolution ahead of a budget bill which we have not voted on yet that says anyone convicted of any drug offense -- this is federal law -- has their license suspended for six months.

And while that might seem very broad, maybe overbroad to some, I would argue that the complete repeal of it is also overbroad, because that also includes people who have been convicted of selling Fentanyl, heroin. That's not fearmongering, that's a real crisis going on in our country. In fact, everyone in this chamber probably at least once has talked about the real risk that this poses to our communities.

And while we continue to try to find funding, however nominal, to address that crisis, we are now enacting a resolution ahead of a bill

that will strike that provision.

And the other reason we're doing this is because we want the money. So we don't want to comply with federal law, but we certainly want federal dollars to come back to the state, and that's why we have to pass this resolution.

I think this is bad for public protection. In fact, I think it undercuts public protection. And for those reasons, Mr. President, I will be in the negative on this resolution.

ACTING PRESIDENT BENJAMIN: Senator Akshar.

SENATOR AKSHAR: Mr. President, through you, will the sponsor yield for a couple of questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Through you, Mr. President, federal law now requires an annual certification from the Governor that the state is in compliance with this federal law. Or,

alternatively, that the Governor is opposed to the law.

Has the Governor in any prior year ever sent a certification that he is opposed to this current law?

SENATOR SEPÚLVEDA: Through you, Mr. President, negatively.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Through you, Mr. President. Has the Governor agreed that he will submit the certification that he is opposed to the enforcement of the law suspending the license of persons convicted of drug offenses?

SENATOR SEPÚLVEDA: Through you, Mr. President, yes, we are required to do so before we pass the resolution.

SENATOR AKSHAR: I'm sorry, Mr. President, I didn't hear the answer.

ACTING PRESIDENT BENJAMIN: Please

repeat.

SENATOR SEPÚLVEDA: The Executive will certify the resolution that we pass.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Mr. President, has the Assembly or the Senate ever passed a resolution in prior years that they are opposed to this law?

SENATOR SEPÚLVEDA: Through you, Mr. President, no.

SENATOR AKSHAR: Through you, Mr. President, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Mr. President, has

the Assembly ever passed such a resolution?

SENATOR SEPÚLVEDA: No, they have not, but they will pass this resolution.

SENATOR AKSHAR: Through you Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I want to come back to an earlier question. Let me ask it again, because I don't think he answered it.

Has the Governor agreed that he will submit the certification that he is opposed to the enforcement of the law suspending the license of persons convicted of drug offenses?

SENATOR SEPÚLVEDA: Through you, Mr. President, he's going to pass the resolution because it's required by federal law to participate in the opt-out.

SENATOR AKSHAR: I'm sorry, one more time.

SENATOR SEPÚLVEDA: He is not in

violation of the federal law because the federal law allows the opt-out.

SENATOR AKSHAR: Mr. President, through you. I'm sorry, I think I'm confusing the sponsor. My question, if he would continue to yield --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I continue.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: -- has the Governor agreed that he too will certify that he is opposed to the enforcement of law suspending the license of persons convicted of drug offenses? I ask that question, Mr. President, because in order for this to take effect, the Legislature -- the Assembly and the Senate -- and the Governor, separate of one another, must certify that they are opposed to enforcing this law.

SENATOR SEPÚLVEDA: Through you, Mr. President, the answer is yes.

SENATOR AKSHAR: Mr. President,

through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Mr. President, through you. How many people annually have their licenses suspended under this statute?

SENATOR SEPÚLVEDA: Through you, Mr. President, approximately 17,500 in New York State in 2016. And only about 10 percent of those were actually driving while using some sort of intoxicating element.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Of those 17,500 offenses, how many were felonies, how many were

misdemeanors?

SENATOR SEPÚLVEDA: We don't have that.

SENATOR AKSHAR: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I wonder if the sponsor -- Mr. President, through you -- would just articulate a little bit more about what he said. Less than 10 percent of the people, of the 17,500, were using drugs while operating a motor vehicle? Is that what I understand?

SENATOR SEPÚLVEDA: Seventeen percent of the driver's licenses that were suspended were done so when someone was actually driving -- was convicted of a drug offense while driving.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Would

the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Mr. President, through you. Does that mean that the person who had their license suspended -- I'm sorry, they were driving under the influence of some type of drug?

SENATOR SEPÚLVEDA: No, no, let me clarify.

SENATOR AKSHAR: Thank you.

SENATOR SEPÚLVEDA: Seventeen thousand suspensions. Of the 17,000 suspensions, only 10 percent were related to -- their conviction was related to them using a vehicle in the commission of their crime.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields? Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So as you're describing -- the events that you're describing to me, I just want to make sure I completely understand this. If I was using my pickup truck to traffic 10 kilos of cocaine and I was caught and I was charged with an A-1 felony, those are the people that you're talking about in saying the 17 percent of the 17,000 had their licenses suspended?

SENATOR SEPÚLVEDA: I'm sorry, ask the question one more time.

SENATOR AKSHAR: Sure. Through you, Mr. President, just so I'm not confused -- and it happens from time to time. Under the example I give, if somebody was trafficking cocaine and they were caught with 10 kilos of cocaine in their truck and they were charged with the A-1 felony, are those people too included in the 17 percent of people that you're talking about?

SENATOR SEPÚLVEDA: Their licenses would still be able to be suspended under law.

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

SENATOR SEPÚLVEDA: And I think if you're driving with 17 kilos of cocaine, the last thing you have to worry about is your driver's license.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So I think what I'm more concerned about is under old law, they would mandatorily lose their license. But what I'm asking the sponsor of the resolution is -- so we both agree 17,500 people had their licenses suspended under this current statute in 2016. You've said that 17 percent of those people --

SENATOR SEPÚLVEDA: Ten percent.

SENATOR AKSHAR: Excuse me, 10 percent of the 17,500 had their licenses suspended because they were under the influence of drugs. Do I understand that point? Mr. President, through you.

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

SENATOR AKSHAR: Mr. President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield? The sponsor yields?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So under the new statute as you're proposing in this resolution, if in fact I was caught trafficking 10 kilos of cocaine, would I still lose my license? Excuse me, Mr. President, through you. Would I still mandatorily lose my license?

SENATOR SEPÚLVEDA: Through you, Mr. President, the law will still allow for a suspension of an individual under his example.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Could the sponsor

describe "allow for"? What does that mean, allow for?

SENATOR SEPÚLVEDA: The law still allows for suspensions, mandatory suspensions, where vehicles are used for drug trafficking or use of drugs while driving a vehicle.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I'll make a point and then I'm going to ask a question, if I may.

My community specifically is still reeling from a tragedy that took place on March 11th, two young girls walking home on the west side of Binghamton, and they were run down by somebody who was under the influence of -- allegedly under the influence of narcotics. Currently, under current law, the person that was allegedly responsible for this event would mandatorily lose their license.

My question, in changing the statute which we are talking about -- Mr. President, through you -- would this person who allegedly was under the influence of these narcotics mandatorily lose their license?

SENATOR SEPÚLVEDA: Through you, Mr. President. Yes, that person would still be able to lose their license, would be in a position to lose their license.

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

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I guess what I'm confused about -- again, it's happening to me -- "may lose their license," "could possibly lose their license." Please, I just want a little bit more of an explanation about that, Senator.

SENATOR SEPÚLVEDA: Through you, Mr. President, under the Vehicle and Traffic Law, a person in that circumstance driving a vehicle

under the use of drugs, the Vehicle and Traffic Law as it is currently enacted would require that that person lose their driver's license.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So in other words, the person could in fact keep their license, potentially.

SENATOR SEPÚLVEDA: It would be very difficult for that person to keep their license under the VTL. I mean, we do have administrative judges and judges that make that determination. There could be a plea bargain, a plea agreement regardless of what laws we have in effect. So that's why I say potentially.

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield? Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Thank you, Mr. President.

What's going to happen to the suspensions that are currently into effect which were imposed under these now-to-be-repealed provisions?

SENATOR SEPÚLVEDA: Through you, Mr. President, they will still remain suspended.

SENATOR AKSHAR: Mr. President, through you. Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So somebody who -- again, I'm sorry to be repetitive. Somebody, Mr. President, through you, who is not under the influence of narcotics but is using their vehicle to transport narcotics, sell narcotics, they will

no longer mandatorily lose their license?

SENATOR SEPÚLVEDA: Through you, Mr. President, to be clear what the resolution does, it removes the provision that requires mandatory suspension of the license. It doesn't mean it's going to happen in every single case.

In order for us to pass the law, we have to have this resolution, and because it puts us at risk of losing about 10 percent of federal monies that are allocated to the state for highways and traffic.

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

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: But Mr. President, is it not true that we would not have to worry about losing 10 percent of our federal funds if we didn't change this provision?

SENATOR SEPÚLVEDA: Through you, Mr. President, this is a discussion we can have

as part of our broader package of reentry, absolutely. But right now, if you look at the impact of the current law, you'll see that as most criminal justice laws in the state, it has -- the way it's applied now it has a very detrimental effect on communities of color. And individuals who were -- let's say lost their driver's license privilege because they got caught on a college campus smoking marijuana or in a neighborhood smoking marijuana, these individuals will have their licenses suspended.

And what happens, generally speaking, if you look at the 41 other states that have this, it's been very successful, there hasn't been an apocalypse of crime or other increases in these types of crimes. But you see that -- for example, in New Jersey they did a study where 42 percent of those who fell under the law were unable -- lost their jobs, 45 percent of those were unable to get a new job, and 75 percent of these individuals continued to drive anyway.

So what the current law -- the way we have it now, it is encouraging people to break the law. It will put a scarlet letter on young

men and women, especially young men and women of color, will impact their ability to get jobs, will lead to more poverty.

And so in his wisdom the Governor now wants the ability to remove the provision that says it's mandatory that you cannot get -- that you lose your driver's license privileges. It's mandatory that now perhaps, if you're getting drug treatment, you can't drive to a treatment center. Or if you have a child with cancer or, God forbid, some terminal disease or some curable terminal disease, that you cannot drive your son or your daughter there because you were caught smoking marijuana on a college campus or in the street.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Does this resolution -- Mr. President, through you -- have

anything to do with state government having a conversation about the future legalization of marijuana for recreational purposes?

SENATOR SEPÚLVEDA: Absolutely not. Through you, Mr. President, absolutely not.

SENATOR AKSHAR: Thank you, Senator.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: The resolution talks about a careful examination of the mandate. I'm curious -- my question is, what did the careful examination of this mandate consist of, Mr. President?

SENATOR SEPÚLVEDA: I'm sorry, can you repeat the question?

SENATOR AKSHAR: Sure. Mr. President, through you. In a portion of the resolution you speak specifically about "after a careful examination of this mandate." You go on

to further say that it represents an unnecessary use of State Department of Motor Vehicles resources and it's not tied to ensuring the safety of New York roads and highways.

My question to you, Senator, is what did a careful examination of the mandate consist of?

SENATOR SEPÚLVEDA: A combination of things. Looking at fatalities, driving fatalities. Looking at some of the information I gave you -- the ability to get access to jobs, to become integrated in the economy during that suspension period. Your ability -- your 42 percent chance of losing your job. The impact that it had on certain communities. It was a pretty thorough examination done of the facts.

And more importantly, that 90 percent of these individuals weren't driving when they lost their license as a result of drug conviction.

SENATOR AKSHAR: Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: You used the phrase "fearmongering." I think you were talking specifically about the 1990s. Could you just further elaborate on fearmongering and how you define that?

SENATOR SEPÚLVEDA: Sure. I mean, if you recall -- I don't know if you're as old as I am, Senator, but if you recall when terms like -- were used to describe African-American and Latino kids as predators, and lock them up and throw away the key, and that kind of mentality that permeated the criminal justice system and criminal justice laws in the '90s. That's what we talk about when we talk about fearmongering.

SENATOR AKSHAR: Thank you, Senator.

On the resolution.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the resolution.

SENATOR AKSHAR: I want to thank my esteemed colleague for his time in answering the questions that I had.

What a sad, sad day, Mr. President. Fitting, however, knowing that we are taking this -- our great state in a certain direction. Surprised? I'm not surprised at all that we're doing this.

But I want everyone at home in the 52nd to know that by this resolution, the state is saying to hell with law-abiding citizens. And to the criminals of the world, let us make it a little bit easier for you. Let us roll out the red carpet for you.

You know, people in state government, they're happy to run to the federal government, hat in hand, asking for money. But in the same breath, they're saying to hell with your rules, we no longer think that we need to protect the public.

With all due respect to the sponsor of this resolution, I think this sends the wrong message to New Yorkers. I think that we are in fact better than this.

So whether it's drug dealers or if it's people suffering from addiction who happen to be driving, who don't happen to be driving, the state really needs less of those people on

the road rather than more of them.

And this thought that -- again, the tragedy that my community is reeling from that took place on March 11th, the fact that now we could say to the person who allegedly committed this crime, Well, we're no longer mandatorily going to take your license from you, we're going to leave that up to somebody else, I think should be unacceptable to all of us.

Mr. President, I'll be voting no.

ACTING PRESIDENT BENJAMIN: The question is on the resolution. The Secretary will call the roll.

SENATOR GRIFFO: Mr. President, I request a slow roll call.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Slow roll call request.

(More than five Senators standing.)

(Pause.)

ACTING PRESIDENT BENJAMIN: The Secretary will call the roll.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Yes.

THE SECRETARY: Senator Addabbo in the affirmative.

Senator Akshar.

SENATOR AKSHAR: No.

THE SECRETARY: Senator Akshar in the negative.

Senator Amedore.

SENATOR AMEDORE: No.

THE SECRETARY: Senator Amedore in the negative.

Senator Antonacci.

SENATOR ANTONACCI: Mr. President, I rise to explain my vote.

I will be voting no, because this resolution is exactly something that should not be discussed during the budget process. If it were not for the Majority's ask of removing the statute, something that should be done outside of the budget, we would not have to undertake this resolution.

So I will vote no and respectfully yield the remainder of my time to my colleagues.

THE SECRETARY: Senator Bailey.

SENATOR BAILEY: Aye.

THE SECRETARY: Senator Bailey in

the affirmative.

Senator Benjamin.

ACTING PRESIDENT BENJAMIN: Aye.

THE SECRETARY: Senator Benjamin in the affirmative.

Senator Biaggi.

SENATOR BIAGGI: Aye.

THE SECRETARY: Senator Biaggi in the affirmative.

Senator Boyle.

SENATOR BOYLE: No.

THE SECRETARY: Senator Boyle in the negative.

Senator Breslin.

SENATOR BRESLIN: Aye.

THE SECRETARY: Senator Breslin in the affirmative.

Senator Brooks.

SENATOR BROOKS: Aye.

THE SECRETARY: Senator Brooks in the affirmative.

Senator Carlucci.

SENATOR CARLUCCI: Yes.

THE SECRETARY: Senator Carlucci in the affirmative.

Senator Comrie.

SENATOR COMRIE: Yes.

THE SECRETARY: Senator Comrie in the affirmative.

Senator Felder.

(No response.)

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: Mr. President, I rise to explain my vote.

ACTING PRESIDENT BENJAMIN: Senator Flanagan to explain his vote.

SENATOR FLANAGAN: Yeah. I happened to be outside of the chamber but, listening to the discussion, heard Senator Ortt, heard Senator Akshar not only commenting on this resolution but asking questions.

And I know we're not really supposed to mention members who get up and speak. Having said that, I listened to the back and forth. There was a question asked by Senator Akshar about what would happen, is there anything negative that's going to happen if we were to do nothing?

Under present law and under the statutory construction that exists, we're not in

jeopardy of losing anything. We're not in jeopardy of losing any federal funding whatsoever. In fact, it's quite the contrary in the sense that you have to act affirmatively to go to the federal government and say you want to be exempted so you don't potentially lose federal funding.

The answer should be yes, nothing changes if this resolution is not before us. I think the person who advanced this resolution -- just say yes, we're making a significant change in public policy.

And when people tell me -- and I hear, well, only 10 percent of them are driving-related offenses. That misses the whole point. We're talking about 17,000. Not five, not seven -- 17,000 convictions for drug-related offenses. With everything that's going on in our society, in every single community across the State of New York, this is absolutely heading in the wrong direction.

To suggest that this is some small change and we should only pay attention if it's a driving-related offense, it's a drug-related conviction.

I will not support something like this, and I vote no.

THE SECRETARY: Senator Funke.

SENATOR FUNKE: No.

THE SECRETARY: Senator Funke in the negative.

Senator Gallivan.

SENATOR GALLIVAN: Nay.

THE SECRETARY: Senator Gallivan in the negative.

Senator Gaughran.

SENATOR GAUGHRAN: No.

THE SECRETARY: Senator Gaughran in the negative.

Senator Gianaris.

SENATOR GIANARIS: Yes.

THE SECRETARY: Senator Gianaris in the affirmative.

Senator Gounardes.

SENATOR GOUNARDES: Aye.

THE SECRETARY: Senator Gounardes in the affirmative.

Senator Griffo.

SENATOR GRIFFO: No.

THE SECRETARY: Senator Griffo in

the negative.

Senator Harckham.

SENATOR HARCKHAM: Aye.

THE SECRETARY: Senator Harckham in the affirmative.

Senator Helming.

SENATOR HELMING: No.

THE SECRETARY: Senator Helming in the negative.

Senator Hoylman.

SENATOR HOYLMAN: Yes.

THE SECRETARY: Senator Hoylman in the affirmative.

Senator Jackson.

SENATOR JACKSON: Aye.

THE SECRETARY: Senator Jackson in the affirmative.

Senator Jacobs.

SENATOR JACOBS: No.

THE SECRETARY: Senator Jacobs in the negative.

Senator Jordan.

SENATOR JORDAN: No.

THE SECRETARY: Senator Jordan in the negative.

Senator Kaminsky.

SENATOR KAMINSKY: Aye.

THE SECRETARY: Senator Kaminsky in the affirmative.

Senator Kaplan.

SENATOR KAPLAN: No.

THE SECRETARY: Senator Kaplan in the negative.

Senator Kavanagh.

SENATOR KAVANAGH: Yes.

THE SECRETARY: Senator Kavanagh in the affirmative.

Senator Kennedy.

SENATOR KENNEDY: Aye.

THE SECRETARY: Senator Kennedy in the negative. Senator Krueger -- oh, pardon me, oh, whoa, whoa.

(Laughter; reaction from members.)

THE SECRETARY: Affirmative. Whoa, whoa. Affirmative, gotcha.

Senator Krueger.

SENATOR KRUEGER: To explain my vote.

I also listened to the debate. Forty-six states have already done this. We are

not undoing criminal charges for drug felonies. We are having a discussion about whether or not there will be an additional charge of penalizing somebody's driver's license or not.

This does not do away with any of the criminal penalties for drug offenses that the 17,000 people may be facing, may be going to jail. This is not the question. The question is why is New York State one of only four or five states left in the nation to get around to doing this? And why would we risk losing federal government money for something we should have probably taken care of years ago?

I vote yes, Mr. President.

THE SECRETARY: Senator Krueger in the affirmative.

Senator Lanza.

SENATOR LANZA: To explain my vote, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Lanza to explain his vote.

SENATOR LANZA: First I'd like to clear something up.

Under the current law related to the suspension of a driver's license after the

conviction for a drug offense, smoking pot at college or anywhere else is not a crime for which this would ever apply to. Because under our law here in New York, you are not convicted of a misdemeanor when you smoke pot on a college campus or anywhere else.

So I think it's important to understand the reality of where the law applies and where it doesn't.

The truth, though, is that I find myself in a different place from both Democrats and Republicans, which is a place I sometimes occupy with respect to this issue. I happen to agree with Senator Sepúlveda with respect to the blanket application of this law in this state. I think there are a lot of under or lower-level drug crimes where perhaps this is not the best policy, where there are alternative measures that the state can take with respect to ensuring public safety. But we ought not throw out the baby with the bathwater, and I think this measure -- or the upcoming measure, which this resolution is laying the groundwork for -- does just that.

And just as a for-instance, so if

someone is sitting in their car, actually using their car as the business -- the place of business to sell drugs, to put this poison into our community -- if they're sitting in their car outside of a school and they're selling heroin to kids as they go by, under the current law you would mandatorily lose your driver's license. I think that makes sense.

Under the new proposed law, you might lose your license. I think that is a very dangerous change in the law for the State of New York. I think that will make our streets more dangerous. I think it will mean that more drugs are going to get into the hands of our neighbors, our brothers and sisters across New York, which will mean that more of New York's sons and daughters will lose their lives in this drug epidemic that we see just racing across the state and the country.

So again, I think there's a in-between here, Senator Sepúlveda. I think with respect to lower level, I think it makes sense what you're doing. But I think with respect to the more serious crimes where people are using their cars, that we ought to maintain that you

mandatorily, and not possibly, lose your license.
I vote in the negative.
THE SECRETARY: Senator Lanza in the negative.
Senator LaValle.
SENATOR LaVALLE: No.
THE SECRETARY: Senator LaValle in the negative.
Senator Little.
SENATOR LITTLE: No.
THE SECRETARY: Senator Little in the negative.
Senator Liu.
SENATOR LIU: That's Liu, right?
THE SECRETARY: Liu.
SENATOR LIU: Yes.
THE SECRETARY: Senator Liu in the affirmative.
Senator Martinez.
SENATOR MARTINEZ: No.
THE SECRETARY: Senator Martinez in the negative.
Senator May.
SENATOR MAY: Yes.
THE SECRETARY: Senator May in the

affirmative.

Senator Mayer.

SENATOR MAYER: Yes.

THE SECRETARY: Senator Mayer in the affirmative.

Senator Metzger.

SENATOR METZGER: Aye.

THE SECRETARY: Senator Metzger in the affirmative.

Senator Montgomery.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Montgomery in the affirmative.

Senator Myrie.

SENATOR MYRIE: Aye.

THE SECRETARY: Senator Myrie in the affirmative.

Senator O'Mara.

SENATOR O'MARA: No.

THE SECRETARY: Senator O'Mara in the negative.

Senator Ortt.

SENATOR ORTT: Nay.

THE SECRETARY: Senator Ortt in the negative.

Senator Parker.

SENATOR PARKER: Aye.

THE SECRETARY: Senator Parker in the affirmative.

Senator Persaud.

SENATOR PERSAUD: Aye.

THE SECRETARY: Senator Persaud in the affirmative.

Senator Ramos.

SENATOR RAMOS: Aye.

THE SECRETARY: Senator Ramos in the affirmative.

Senator Ranzenhofer.

SENATOR RANZENHOFER: No.

THE SECRETARY: Senator Ranzenhofer in the negative.

Senator Ritchie.

SENATOR RITCHIE: No.

THE SECRETARY: Senator Ritchie in the negative.

Senator Rivera.

SENATOR RIVERA: Yes.

THE SECRETARY: Senator Rivera in the affirmative.

Senator Robach.

SENATOR ROBACH: No, sir.

THE SECRETARY: Senator Robach in the negative.

Senator Salazar.

SENATOR SALAZAR: Aye.

THE SECRETARY: Senator Salazar in the affirmative.

Senator Sanders.

SENATOR SANDERS: Yes, sir.

THE SECRETARY: Senator Sanders in the affirmative.

Senator Savino.

SENATOR SAVINO: Yes.

THE SECRETARY: Senator Savino in the affirmative.

Senator Sepúlveda.

SENATOR SEPÚLVEDA: To explain my vote.

ACTING PRESIDENT BENJAMIN: Senator Sepúlveda to explain his vote.

SENATOR SEPÚLVEDA: Thank you, Mr. President, for allowing me to explain my vote.

To my colleagues on the other side, I just want to make it clear that this is not

1 going to change your potential of getting
2 convicted of any drug crime in the state. If in
3 fact you are driving with drugs, if you're
4 driving under the influence of drugs, there will
5 be consequences to pay. There are enough
6 provisions in the state statutes, within the DMV,
7 the Vehicle and Traffic Law, that will allow you
8 to get your license suspended.
9 What this is doing is removing the
10 provision that says that if you are convicted of
11 a drug offense, your license will be suspended
12 for six months and it's mandatory.
13 Now, many of the individuals of the
14 17,500 -- only about 1,750 were driving under the
15 influence of drugs. The other individuals, I'd
16 say a great portion of them, are people that need
17 to get drug treatments, people that need to use
18 their vehicles in order to get to the locations
19 where the drug treatments are provided.
20 If you look in some of the areas
21 that my colleagues on the other side represent
22 with the opioid epidemic, the need of a vehicle
23 is probably greater than in New York City, so
24 many of their constituents will pay the price.
25 Many of them will continue to drive even though

they're not supposed to drive because their license was to be suspended, and that will lead to other problems.

But some of these individuals also have children that have to go to medical appointments. And for six months we are making it impossible for them, even though they were not driving with drugs in their system.

And I'll reemphasize, some of the information, some of the statistics that come with this punitive federal law -- which again, let's remember that if it's such a great law, why is it that 41 states have already opted out of this provision of the federal law?

Again, if you look at New Jersey, 42 percent of those who had their license suspended under this mandatory provision lost their jobs, and 45 percent of them couldn't find a new job. And 75 percent of them are still driving.

So what we're doing is by maintaining this provision, we're creating an environment where people who were not using drugs while driving, their impact, their economic ability to provide for their families and even

their ability to go to the local towns and integrate themselves in the economy, go to the stores -- all this is impacted. And so we want to create an environment where you only get an automatic suspension of your license if you are driving under the influence.

The Executive was almost required to do this in order for us to pass the bill that we'll essentially opt out. I think he was being prudent. I think my colleagues are being prudent because we did stand in a position to lose 10 percent of federal funding for our highways, something that I'm sure even my colleagues on the other side wouldn't want.

So this is part of a well-thought-out process, this is part of a well-thought-out process to remove barriers to reentry into society, and this is going to be good for the state, good for individuals that are seeking drug treatment so they can become productive members of society. And so that's why I vote in the positive. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Sepúlveda in the affirmative.

Senator Serino.

SENATOR SERINO: No.

THE SECRETARY: Senator Serino in the negative.

Senator Serrano.

SENATOR SERRANO: Aye.

THE SECRETARY: Senator Serrano in the affirmative.

Senator Seward.

SENATOR SEWARD: No.

THE SECRETARY: Senator Seward in the negative.

Senator Skoufis.

SENATOR SKOUFIS: No.

THE SECRETARY: Senator Skoufis in the negative.

Senator Stavisky.

SENATOR STAVISKY: Yes. Aye.

THE SECRETARY: Senator Stavisky in the affirmative.

Senator Stewart-Cousins in the affirmative.

Senator Tedisco.

SENATOR TEDISCO: Not today. Not today.

THE SECRETARY: Senator Tedisco in

the negative.

Senator Thomas.

SENATOR THOMAS: Aye.

THE SECRETARY: Senator Thomas in the affirmative.

ACTING PRESIDENT BENJAMIN: Call the absentees.

THE SECRETARY: Senator Felder.

(No response.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 35. Nays, 26. Senator Felder absent from voting.

ACTING PRESIDENT BENJAMIN: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let me once again reiterate that members should stay in and around the chamber. We are wasting a lot of time today trying to find people when they drift off. And as you can tell, we have votes, and people need to be here for them. So please do not leave the chamber area today.

Can we now move on to Calendar Number 357.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 357, Senate Budget Bill, Senate Print 1505C, an act to amend the Civil Service Law.

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

SENATOR GRIFFO: Mr. President, I believe there's an amendment at the desk. I would waive the reading of that amendment and ask that Senator Ritchie be recognized on the amendment.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Griffo.

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

SENATOR GRIFFO: I have a feeling I'm going to hear that a lot today.

Mr. President, I would appeal, respectfully, your ruling and ask that you recognize Senator Ritchie to be heard on the appeal.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator

Ritchie may be heard.

SENATOR RITCHIE: This amendment is germane to the bill-in-chief because it directly deals with the proposal to close correctional facilities by the Department of Corrections and Community Supervision.

Under the proposal, the Governor would only have to provide the Legislature with 90-day notice prior to closing a facility. This provides employees and communities with little time. Several prison facilities are located in my district, and many are located in small cities and towns. Riverview Correctional Facility and Ogdensburg Correctional Facility are located in Ogdensburg, which has a population of just over 11,000 residents. The Gouverneur Correctional Facility is located in the Town of Gouverneur, that has a population of a little less than 4,000 residents.

In these small communities, the prison facilities are the main employers. These communities would be devastated by a prison closure.

This amendment would require the Governor to follow the one-year notice

requirement established under Section 79A of the Correction Law, and establish an adaptive reuse plan prior to the closure of the prison. The one-year notification will provide employees with ample notice, and the adaptive reuse plan would help the community in which the prison facility is located to deal with the economic impact of the closure.

This amendment would phase out double bunking, to provide a more safe environment for correction officers and inmates.

I urge all my colleagues to vote for this amendment.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Ritchie.

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

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

(Response of "Aye.")

SENATOR GRIFFO: Show of hands, please.

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

(Show of hands.)

THE SECRETARY: Ayes, 22.

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

Senator Griffo.

SENATOR GRIFFO: Mr. President, I believe there's another amendment at the desk. I would waive its reading and ask that you call upon Senators Antonacci and Tedisco to be heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Griffo.

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

SENATOR GRIFFO: Accordingly, Mr. President, I respectfully appeal the ruling of the chair and ask that you call upon Senator Antonacci, followed by Senator Tedisco, to be heard.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator Antonacci, followed by Senator Tedisco, may be heard.

SENATOR ANTONACCI: Thank you,

Mr. President.

This body made a decision to enact early voting. And though early voting might provide convenience for some voters, it carries a high price for our constituents. We listened to platitudes like "democracy has no price," but as it turns out, it has a very high one.

Early voting and the e-poll books, as worthy as they might be, will cost $175 million to implement. And Senate Republicans asked during the race to pass legislation how this state would afford it.

This amendment is germane to the bill-in-chief because it provides mandate relief to localities that will be affected by early voting costs that will now be passed on to localities because the state has failed to adequately fund these initiatives.

This budget allocates $10 million for early voting and $14 million for e-poll books. Before these paltry figures came out, Nassau County moved to borrow $3.7 million to fund these initiatives. This amendment creates an early voting fund that takes the financial burden off of the counties, many of

whom are already under fiscal duress. It is unfair and unfortunate that those on the other side of the aisle would rather speak in clever catch phrases on this issue that, because of insufficient funding, will only harm everyday taxpayers.

So yes, Mr. President, there is a price to democracy, and in this case it is $175 million on the backs of hardworking people. Let us help our counties by stopping this unfunded mandate. I hope all of my colleagues will join me in supporting an overruling of your ruling from the bench and support this amendment.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Tedisco on the appeal.

SENATOR TEDISCO: Thank you, Mr. President.

Mr. President, let me first of all say this is on a extremely important amendment. And I'm shocked, literally shocked, that you would suggest it's not germane. Via Casablanca.

It's not only germane, but when I get done presenting it to you, I know you'll judge that it is germane and will realize the

fact that it impacts and would impact, if we went forward with it, a positive impact on the economy of the entire State of New York.

It would create a real viability to our property tax cap, which, when we put it in place, we all supported unfunded mandate relief and the elimination of unfunded mandates. Because there's a chance right now, as effective as that property tax cap has been, saving $359 million in my district and $27 billion across the state, potentially, if we don't stop these unfunded mandates, it's going to give them the choice, of local elected officials, to either break that property tax cap and raise taxes or slice the services that they provide to their constituents.

Mr. President and my colleagues, we live in a state that simply taxes too much, spends too much, borrows too much, and clearly mandates too much. In past years, in a real life as the Assembly Minority Leader, I was proud to be the sponsor and a driving force, with my colleagues, for passage of the property tax cap, which has saved taxpayers billions of dollars by putting a lid on out-of-control property tax

increases.

And as I and my conference originally presented and fought for that tax cap, we did so with a promise from the Governor and legislative leaders that mandate relief would be part of the solution. But that promise has yet to be fulfilled.

Making that tax cap permanent is a positive action for taxpayers, but the tax cap is only half the solution. The other component is clearly mandate relief. We can't ask our local governments to do more with less over and over again and not provide funding from the state.

You know, I think we'd all love to create a perfect world, but somebody's got to pay for it. And too often in New York State it's our local municipalities and local property taxpayers who the state hands the bill to in the form of unfunded mandates.

This amendment is clearly germane to the bill, as the Public Protection and General Government Budget Bill provides countless new mandates upon local governments and numerous authorizations for new regulations upon both businesses and those local governments.

Every day our constituents face the burden of crushing real property taxes. But without this amendment, any promise of real property tax relief, either through the real property tax cap or the STAR program, is simply unrealized.

Any benefit those important programs can deliver is more than overweighed when the state government shifts cost after cost after cost after cost upon the local government through unfunded mandates. The numerous unfunded mandates in this bill will require an increase in real property tax to the entire State of New York, for such increases are the only means that local government can use to pay for these required new cost shifts -- unless they slash services. And that wasn't the intent of a property tax cap.

The budget bill heaps unfunded cost upon unfunded cost on all our local governments. This amendment, my amendment, would relieve those costs and help every real property taxpayer in the state by requiring the state to pay for these mandates and give localities, for the first time, a means to avoid the requirement to raise real

property taxes to pay for these unfair state-imposed programs or, again, slash services.

More specifically, these amendments would, number one, require that the state provide funding for all mandates it would impose upon local governments. No more mandates on the villages, towns and counties without the funding being forthcoming. Reactivate, empower and strengthen the State Mandate Relief Council with powers and duties to address the issue of unfunded mandates. Impose limitations on state agencies seeking to promulgate regulations by expedited means unless there really is an emergency that imposes an imminent and actual threat to public health or safety. It would also provide regulatory relief to small businesses and establish the state small business liaison. And lastly, it would require the Office of the State Comptroller to conduct a study and issue a report regarding the extent and cost of legislation that imposes unfunded mandates upon local governments in New York State.

Mr. President and my colleagues, this is something that the constituents, leaders of local governments, businesses in New York

State have talked about and talked about and talked about. And you know what? It's not only Republicans that want to eliminate unfunded mandates, it's you on the other side of the aisle. Because I watch the news. And every time you're asked about it, you talk about it: We've got to do something about those unfunded mandates.

Here is an opportunity to stand up for your constituents, the taxpayers of New York State, to validate the success into the future of that property tax cap. Because, my friends, if we continue to pile mandate upon mandate upon mandate on those local municipalities, it will eat into their services. You know, you're being called by those local elected officials.

Don't get me wrong, we have to make it permanent, because it's the one thing that's actually working to give some reprieve and help to the beleaguered property taxpayers of New York State. You can do it, you have the opportunity to do it. We can fulfill that promise to have a real property tax cap that holds the line on property taxes and also allow those important services to be solvent.

As caring, responsible representatives of the people, we can and we must do more. For all these reasons, Mr. President, I'm urging all my colleagues to support this amendment.

ACTING PRESIDENT BENJAMIN: Thank you, Senators Antonacci and Tedisco.

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

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

SENATOR GRIFFO: Request a show of hands, Mr. President.

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

(Show of hands.)

THE SECRETARY: Ayes, 21.

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

Senator Ritchie.

SENATOR RITCHIE: Would the sponsor yield for a few questions? It's on prison closures.

SENATOR GIANARIS: Mr. President, please recognize Senator Sepúlveda on this issue.

ACTING PRESIDENT BENJAMIN: Senator Sepúlveda, do you yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: This bill includes language to permit the closing of two correctional facilities, though I hear in the revenue bill it's now back up to three prisons. Which facilities have been specifically identified for closing?

SENATOR SEPÚLVEDA: Through you, Mr. President, we still haven't identified the facilities. The language is it's up to three. So we haven't yet decided which one is going to be done.

SENATOR RITCHIE: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Under this bill, what criteria is being used to justify and explain the reasons for the specific facility closing?

SENATOR SEPÚLVEDA: It's a proposal from the Executive because of the empty spaces that exist right now in facilities. And the beds.

SENATOR RITCHIE: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Does the language in the bill address the type of facility that would be closed, whether it be medium or maximum security?

SENATOR SEPÚLVEDA: Through you, Mr. President, no.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Can you explain why that would not be included?

SENATOR SEPÚLVEDA: This was a proposal from the Executive.

SENATOR RITCHIE: Would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: What is the savings to the State Budget from this plan? And can you explain how you arrived at that figure?

SENATOR SEPÚLVEDA: Could you -- through you, Mr. President, could you ask her to repeat the question?

ACTING PRESIDENT BENJAMIN: Repeat the question, please.

SENATOR RITCHIE: Can you tell me what the savings from this plan is and how you arrived at that number?

SENATOR SEPÚLVEDA: The figure was received from DOCCS, and it's related to facility closings, and it's about 21.5 million.

SENATOR RITCHIE: Could the sponsor repeat that?

SENATOR SEPÚLVEDA: I'm sorry --

SENATOR RITCHIE: Could you repeat that? I'm sorry, I didn't -- I couldn't hear you.

SENATOR SEPÚLVEDA: The numbers were received from DOCCS, and it's about 21.5 million.

SENATOR RITCHIE: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Is that for two or three prisons?

SENATOR SEPÚLVEDA: It's for the up to three facilities.

SENATOR RITCHIE: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: How much of the savings would be reinvested in the communities that are impacted by the closings of the facilities?

SENATOR SEPÚLVEDA: It's a DOCCS budget. We're not a hundred percent clear. So I can't give you exact numbers, exact figures.

SENATOR RITCHIE: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Are you saying that maybe zero dollars will be invested in the communities that are affected by the closures?

SENATOR SEPÚLVEDA: Again, I can't give you exact numbers, but there's law in effect already that says that we have to study the

impact on local communities of these closings.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: This house has stated, in their one-house budget that passed with unanimous support from the other side of the aisle, that any prison closures should occur only "with meaningful advanced notice and justification so as to allow thoughtful planning for closing and reusing facilities." Yet this bill significantly reduces the notice to communities to 90 days, far shorter than the existing law.

Does the sponsor think that 90 days is sufficient for families, staff, communities and state officials to plan and adjust to the closing of a facility which in many cases is the largest employer in that area?

SENATOR SEPÚLVEDA: I'm sure that in a perfect world we can get more notice. But

when you take into account the fact that we are going -- the Executive is going to look at the impact it has on local communities, will ensure that no one loses their job, that people are offered similar jobs, then for this particular instance for these three facilities I believe that the current notice is adequate.

SENATOR RITCHIE: Does the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Will those jobs that will be offered be close to where the individuals now live or somewhere else in the state?

SENATOR SEPÚLVEDA: That is the commitment that the Executive has made.

SENATOR RITCHIE: Would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

SENATOR RITCHIE: There have obviously been a number of other prison closings in recent years. Does the sponsor know how many of these previously closed facilities have been adapted for reuse?

SENATOR SEPÚLVEDA: Unfortunately I don't have the exact figures at this moment.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor --

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEPÚLVEDA: Sorry.

SENATOR RITCHIE: What changes does this bill make to existing law to help assure that the closed facilities are readapted and reused in ways that benefit local communities?

SENATOR SEPÚLVEDA: There will be no changes to the existing law. This is a one-time request for these three facilities.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: For those facilities that I know, especially in one of my colleagues' districts, that has remained empty for a number of years, there is nothing in this bill that would help that situation?

SENATOR SEPÚLVEDA: I'm sorry. Through you, Mr. President, can she ask the question again?

ACTING PRESIDENT BENJAMIN: Please repeat.

SENATOR RITCHIE: Sure.

There are a number of facilities that I know have not been adapted for reuse, some in my colleague's district. This bill does not address that and would not make any changes to help the situation?

SENATOR SEPÚLVEDA: Again through you, Mr. President, this bill is specific to these three particular closings.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Is the sponsor familiar with double bunking?

SENATOR SEPÚLVEDA: Yes.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Does the sponsor know that there are more than 6,000 inmates in medium-security prisons who are currently double-bunked?

SENATOR SEPÚLVEDA: Yes.

SENATOR RITCHIE: Would the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Does the sponsor know that by doing away with the double bunk there would only be 200 open beds in this state?

SENATOR SEPÚLVEDA: We can double-check that, Mr. President.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: Does the sponsor realize that the space that is utilized in the facility for double bunking is actually about the size of a parking spot in a shopping mall, where two inmates would have to share the space with beds and lockers? And a correctional officer would have to be able to see what is happening there, which is a real issue as far as safety for the inmates and safety for the correctional officers.

SENATOR SEPÚLVEDA: Mr. President,

was there a question from my colleague?

SENATOR RITCHIE: Yes. Do you realize that's the size of the space now?

SENATOR SEPÚLVEDA: The DOCCS commissioner testified here previously and indicated that the facilities that are currently being used with double bunking were built for double bunking, and there hasn't been an increase in violence as a result of more use of double bunking.

SENATOR RITCHIE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RITCHIE: For the record, I'd just like to say I have visited my facilities on a number of occasions, and there is an alarming increase, which I'm told is up to 52 percent higher assaults on corrections officers. And going in the facility and looking at the small space for the inmates' safety and also for the corrections officers to keep track

is, I think, a real concern.

So my question is, does the sponsor not think it would be more -- will it actually be better to do away with the double bunking than to close three correctional facilities?

SENATOR SEPÚLVEDA: Mr. President, I too have visited prison facilities, recently a Max A. I am familiar with the living situations of the inmates.

I rely heavily on the opinion of the commissioner, the DOCCS commissioner, who has indicated that the increase in violence or even against -- prisoner on prisoner or against the prison officers, that that information can be somewhat skewed because now even a brushing up against an officer or offenses that were normally not real assaults are now characterized as assaults.

And I think that he's better prepared with this information to answer that than anyone else.

SENATOR RITCHIE: On the bill.

ACTING PRESIDENT BENJAMIN: Senator Ritchie on the bill.

SENATOR RITCHIE: First I would

like to thank the sponsor for your answers. Though I disagree with them, I thank you for your answers.

This plan is to ensure that prison closures are justified. For me personally, after looking at the correctional facilities in my district, the fact that we have so many that are double bunked and that there is a space the size of a parking spot where two inmates have to sleep and have their lockers, and a correctional officer actually has to maintain the safety of all the inmates in there, causes a real concern.

The fact that we don't know whether those correctional facilities, where they will be located that are going to be closed, or in fact whether there is a plan to reuse the facility. And I think all of us have seen many state facilities that have been left empty over the years.

So for those reasons, I will be voting no on the bill.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Helming.

SENATOR HELMING: Thank you,

Mr. President. Will the sponsor yield to a few questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So on the subject of our state prisons, I represent an area in upstate New York where we have -- I have three prisons: Five Points Correctional Facility, which is the newest facility in the State of New York; the Auburn Correctional Facility, which is the oldest; and the Willard Drug Treatment Center. They're fully integrated into our communities. They're a part of our everyday life, the fabric of the community.

And when it comes to discussions on closing prisons, I have a real concern similar to my colleague Senator Ritchie. To me, I hear what you're saying, that the commissioner has said that there is no significant relationship between double bunking and violence that goes on. However, I would suggest that the statistics show that that is not the case. We have seen such a

rise in inmate-on-inmate violence -- that's increased from 860 assaults in 2014 to almost 1200 assaults in 2018. We've seen a 30 percent increase across the State of New York in assaults on staff.

And when it comes to double bunking, my question for the sponsor is this. Do you have any evidence, hard factual evidence, or have any studies been done to show that double bunking doesn't increase violence or lead to violence?

SENATOR SEPÚLVEDA: Through you, Mr. President. With all due respect to my colleague, I think the person in charge of our correctional system is in a better position to tell us whether there has been a significant increase in crime against correction officers or inmate on inmate. He testified at the hearing and indicated that that is not the case. He was pretty confident in his testimony. I have to rely on that person.

I am myself making it a point to visit every facility, every single facility in the State of New York, to get more information. Right now that is what is before me.

SENATOR HELMING: Through you,

Mr. President. Is the commissioner appointed by the Governor?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I'm sorry?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

I'm sorry, ask the question again.

ACTING PRESIDENT BENJAMIN: Please ask the question again.

SENATOR SEPÚLVEDA: Through you, Mr. President, may she ask the question again.

SENATOR HELMING: To the sponsor, is the commissioner appointed by the Governor? And do you believe that the commissioner is totally independent-thinking? When his boss, the Governor, states that he wants to close prisons, is the commissioner likely to speak out against that or to go against the Governor?

SENATOR SEPÚLVEDA: Through you, Mr. President, I would only hope that an individual who has such an important task would be truthful at all times.

We have other individuals that are

appointed by either the President or the Governor, and we have to rely on their information.

The commissioner has also indicated that 90 percent of these alleged assaults in the prisons did not result in any kind of hospitalization. This is data that he has that I have to rely on.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Does the sponsor have any evidence that talks about how many of those double-bunking situations have been approved through the variance process, versus how many are just used by the individual prisons on an as-needed basis?

SENATOR SEPÚLVEDA: Through you, Mr. President, the information I have, again, comes from DOCCS, and I have to rely on that information.

SENATOR HELMING: Mr. President, through you, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So I'm going to take that as a no, you do not have the answer to that question, and move on to talk about contraband in our prisons, which is -- it's just horrendous. Last week the Auburn Correctional Facility was shut down because there were a number of assaults, and during the shutdown period they discovered -- 86 weapons were found.

I've held town hall meetings where I've had parents come in to talk to me about their sons who are incarcerated and who are struggling to get off of drugs because of the amount of drugs that are entering our prison systems.

There is a contraband bill that's been before this body, it would improve visitor screenings. I'm wondering, is there anything in this budget to reduce contraband entering the

state prison system and jeopardizing the health and safety of state employees and prisoners?

SENATOR SEPÚLVEDA: Through you, Mr. President, we can continue to raise and discuss this issue after the budget.

SENATOR HELMING: Through you, Mr. President, it's a simple yes or no response.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HELMING: Is there anything in the budget to -- that would help further reduce the contraband that's entering our prisons and jeopardizing the safety of our state employees and the prisoners?

SENATOR SEPÚLVEDA: Through you, Mr. President, the answer is no. But I'm not sure -- we're talking about closing facilities, and my colleague has raised another issue about contraband in facilities. So I'm not sure how it connects to our closing the facilities.

SENATOR HELMING: Moving on, Mr. President, through you.

ACTING PRESIDENT BENJAMIN: On the bill? Or are you asking --

SENATOR HELMING: I'm asking a

question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So my question is, there is language that says -- or the sponsor has stated that community studies will be done to determine the impacts of the prison closures and whether or not any funding will be provided to the communities.

My question is when you're looking at impacts to the communities, is there any consideration that's going to be given to infrastructure that's tied to the prisons? Whether that's water treatment systems, sewer treatment plants, whatever, will that be considered?

SENATOR SEPÚLVEDA: It's included in the Executive's reuse plan that he has included. It is part of the discussion that we had with the Executive.

And just to answer a prior question, 96 percent of those impacted by closures are

still employed by the state.

SENATOR HELMING: Thank you.

Mr. President, through you, I'm wondering if the sponsor will yield to a question regarding Part WW of the PPGG bill.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HELMING: This is related to the domestic violence.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I'm sorry, what's the last statement? I'm sorry. Through you, Mr. President, I didn't hear the ...

SENATOR GIANARIS: Mr. President, Senator Bailey will answer those questions.

ACTING PRESIDENT BENJAMIN: Senator Bailey, would you yield?

SENATOR BAILEY: Gladly, Mr. President. Gladly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Thank you. through you, Mr. President. In Part WW of the PPGG bill, language is included to change the

sentencing guidelines for certain domestic violence cases. For the past eight years, this body has passed Brittany's Law, which would help protect potential domestic violence victims by creating a Domestic Violence Offenders Registry. Is there any language in this budget to create a domestic violence offenders database or to utilize an existing database, perhaps like the Violent Sexual Predator Database, with the intent of providing information that could help protect potential victims?

SENATOR BAILEY: Through you, Mr. President, there is not.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: It is my understanding that there's six counties in New York State that do not currently have domestic violence shelters for the protection of

victims and their families. This has been a priority of mine to do whatever I can to help domestic violence victims and their families.

At least three of those counties are in my district or close to my district. They're rural upstate communities. Is there any funding in this budget to address the lack of domestic violence shelters in upstate New York or anywhere in New York State?

SENATOR BAILEY: Through you, Mr. President, the specificity of that is unknown right now, but I would be certain it would not be in this bill, the PPGG bill.

SENATOR HELMING: Through you, Mr. President, will the sponsor -- I have a question on broadband.

ACTING PRESIDENT BENJAMIN: Will the sponsor continue to yield?

SENATOR BAILEY: Yes. Is it on the same -- Mr. President, is this on the same matter?

SENATOR HELMING: It's on broadband. Part CCC of the PPGG bill creates the Voter Enfranchisement Modernization Act of 2019. I'd like to ask the sponsor to yield to

questions.

SENATOR GIANARIS: Mr. President, please recognize Senator Myrie.

ACTING PRESIDENT BENJAMIN: Senator Myrie, do you yield for questions?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Thank you, Mr. President. Through you.

Senator Myrie, Part CCC of the PPGG bill creates the Voter Enfranchisement Modernization Act of 2019, which involves an electronic personal voter registration process. Throughout the budget process, throughout the hearing process, we heard from numerous people about the lack of broadband services throughout large swaths of New York State. Is there any additional funding for broadband services contained in this bill or any other bill that would help with the electronic voter registration?

SENATOR MYRIE: Through you, Mr. President, no.

SENATOR HELMING: No funding.

SENATOR MYRIE: (Shaking head).

SENATOR HELMING: Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Gallivan.

SENATOR GALLIVAN: Yes, Mr. President. Thank you. I am looking to ask some questions of the sponsor on Part RR regarding use of force reporting.

SENATOR GIANARIS: Mr. President, Senator Bailey will be available for those.

ACTING PRESIDENT BENJAMIN: Senator Bailey, do you yield for questions?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: So for the sake of other members in the chamber, this deals with reporting the use of force by law enforcement agencies to DCJS on an annual basis. And the bill in particular describes the different types of instances that must ultimately be reported. And it's that in particular that I have questions about.

Several of the provisions use the

word "brandishes." For example, brandishes, uses, or discharges a firearm; brandishes, uses or deploys an impact weapon.

Could the sponsor tell me what is the intent of using that word "brandish"?

SENATOR BAILEY: Through you, Mr. President, this use of force policy is a policy that we're looking to enact statewide so that we can have uniform policies concerning the use of force by police departments statewide.

Individuals want to trust their police officers, as well they should. They enter into a noble profession. However, when force is instituted into an action, we have to be mindful that the public needs to know what is happening with their officers, how they are engaging on a day-to-day basis with the constituents that they represent.

SENATOR GALLIVAN: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

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

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR GALLIVAN: I appreciate the intent of this. And I agree, we give police officers tremendous responsibilities. They have awesome responsibilities and awesome powers, and certainly it should not be done in secrecy, and certainly there should be adequate policies in place to prevent abuse.

And so my concern isn't so much with the notion of reporting uses of force by police, my concern becomes a little bit more about what certain words mean and then what it means for the police officer doing their job.

In another section, the word "displays" is used, "displays, uses or deploys a chemical agent." And when I look up the various definitions of "brandish" or "display," we see things like "exhibited in a place easily seen, make visible, to wave a weapon or other object around in your hand so other people can see it."

And so my concern becomes what those words mean as it relates to reporting and the police officer's job that they do on a daily basis that we could -- we could really hinder what they're doing.

So going back the question would be, keeping that whole long preamble in mind, what is intended with the words in here? The word "brandish," the word "display." How is that interpreted when it comes to actually reporting an incident?

SENATOR BAILEY: Certainly. Through you, Mr. President, the term "brandish" in this context means to take out, to wave about. And in that context, if a civilian is faced in an encounter when an officer of the law who carries firearms around, it may be reasonable -- not may be, it is rather reasonable for us to think about how we should be accounting these uses of force or potential uses of force, Mr. President.

SENATOR GALLIVAN: Does the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Is there anywhere in the legislation that ultimately

requires the commissioner of DCJS to promulgate regulations regarding this so that all law enforcement agencies are on the same page and using the same definition in reporting?

SENATOR BAILEY: Through you, Mr. President, no, but it would be implied in the uniform use, in the uniform implementation of such a policy.

SENATOR GALLIVAN: I'm sorry, would the sponsor repeat that?

ACTING PRESIDENT BENJAMIN: Could you please repeat it?

SENATOR BAILEY: Repeat it or continue to yield?

ACTING PRESIDENT BENJAMIN: He said repeat.

SENATOR BAILEY: No, it's not specifically stated. But it would be implied, as we are implementing a statewide use of force policy.

SENATOR GALLIVAN: Is there any -- would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Is there anything in the legislation that provides for the actual definition of these words that are used, specifically "brandishes" or "displays"?

SENATOR BAILEY: Through you, Mr. President, the division would have the authority to regulate that.

SENATOR GALLIVAN: On the bill.

ACTING PRESIDENT BENJAMIN: Senator Gallivan on the bill.

SENATOR GALLIVAN: I'd like to thank the sponsor for taking the time to discuss this.

I would reiterate and share some of the same thoughts about this that the sponsor does, that police officers, we give them awesome powers and responsibilities, the use of force and deadly physical force among them.

The specific things that we talk about here, use of a firearm, use of a chokehold or similar restraints, the use of baton, billy club, stun gun, things of that nature, it is very appropriate for us to say we're giving you these

powers, we want to make sure they're not abused, and we want to know about your use of them as time goes on.

I'm very concerned, though, that in this legislation that the use of several of these words, "brandishes" and "displays" specifically, where it is not defined, has the potential, if not properly defined, given the intent of this legislation -- and if we don't further define it as legislators, I think it would be appropriate that we did -- to severely hamstring the police, very unwieldy for them, and negatively impact their ability to protect us.

So when we think of a police officer displaying pepper spray, for instance, where the definition of pepper spray is -- or the definition of "display" is presentation in open view, they wear that on their belt. It's in public view. Everybody can see that every time they go to work. Given this definition, if somebody puts some crazy, wide, broad guidelines out there, they'd have to report every day what they have.

The taking of a weapon out when they may be searching a building or going into a

dangerous complaint, if the weapon is not used -- again, potentially the definition of "brandishing."

So I am very concerned about that. I know that we do not have the ability to amend this today. I think it's a valid concern going forward that we do need to address.

And I do thank the sponsor for his debate.

ACTING PRESIDENT BENJAMIN: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Would the sponsor yield for a question in regard to the prisons?

SENATOR SEPÚLVEDA: I yield, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LITTLE: Thank you. I have a question for the sponsor in regard to shock treatment.

In my district I have nine state prisons and one federal prison. And one of them is a shock treatment facility, which is a program

which helps inmates who are within years of being eligible for parole to apply for this. And they get a lot of discipline, self-discipline, counseling, as well as drug and alcohol treatment. And it's a six-month program, an excellent program.

In the Governor's proposal he had proposed that not only could there be more shock incarceration, inmates going into the program, but it said that a judge could directly send someone to a shock program.

Part KK of the budget modifies the Executive proposal, and it has to ensure that it applies only to individuals who are in the custody of the Department of Corrections and Community Supervision. Can you explain to me -- can the sponsor explain to me why this occurred?

SENATOR SEPÚLVEDA: Through you, Mr. President, we have expanded the program, but we have not changed what judges can do.

SENATOR LITTLE: So do I understand correctly --

SENATOR SEPÚLVEDA: And by the way, I agree with my colleague that it's a wonderful program.

SENATOR LITTLE: So do I understand the sponsor could tell me that that has not changed? So it was not listed in the book that you modified the program and ensured that they had to be in the supervision of Corrections. So a judge could not directly send one, was my understanding.

SENATOR SEPÚLVEDA: Through you, Mr. President, judges can still send individuals to a shock program.

SENATOR LITTLE: Okay, thank you.

Another question I have is --

ACTING PRESIDENT BENJAMIN: Would the sponsor yield?

SENATOR LITTLE: -- would the sponsor yield --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LITTLE: -- and explain that -- Part TT says that we're going to vote before us, on this bill, to authorize two prison closures and to provide for an increased notice

period.

From what I understand from the previous questioning is that later today we're going to vote to close up to three prisons. Can you explain the difference, and why?

SENATOR SEPÚLVEDA: So through you, Mr. President, if you look at the trend in populations of incarcerated individuals, that trend is that you have a pretty substantial decrease in population of inmates. And so that with that in mind, the Executive -- the language does say up to three, but in our discussions with the Executive we've discussed two right now.

SENATOR LITTLE: But if I could ask the sponsor please --

ACTING PRESIDENT BENJAMIN: Does the sponsor continue to yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LITTLE: But later tonight we're going to talk about up to three. I just think we have two votes on this issue. I prefer this vote, with just two.

All right, I have another point I'd

like to make, if I could, with the sponsor.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LITTLE: The question was asked about the reuse of closed prisons. I can tell you that I've had three prisons in my district closed and a 200-bed minimum: Camp Gabriels, Great Meadows -- not Great Meadows. Camp Gabriels, Lyon Mountain, Chateaugay Prison, and a 200-bed annex at Washington Correctional. They are all empty still. And thank you.

On the bill.

ACTING PRESIDENT BENJAMIN: Senator Little on the bill.

SENATOR LITTLE: Thank you.

I don't believe we should keep prisons open if we don't have inmates. However, one of the things that has needed to be done is to get rid of the double bunking. Great Meadows, which is one of the older correctional facilities in my district, has inmates in smaller cells, and there were two in all. To the department's

credit, they went to single cells entirely. It changed the atmosphere, changed the discipline, changed the actual quality of the inmates, having their own cell.

But we still have these dormitories in many of the medium-security prisons. And if you've never been in one, it's one large room with cubicles. There are 50 cubicles. There is one guard on a platform elevated about this much off the floor, surveying and watching 60 inmates. Because on the back 10 rows, sharing the small cubicle, is a second inmate who sleeps on the top of a bunk bed, probably for sometimes six months, eight months, whatever time he's in that dormitory.

Before we start closing prisons I think we need to look at having smaller dormitories, more controllable, better for the inmate, safer for the correction officers and the inmates all the way around.

All of the mental health inmates that the Corrections Department has had to deal with take up more space in all. And all of those things should be looked at.

As I said, I have nine state

facilities, and we have them because the people in the North Country were welcoming, because the land was less expensive. And they have worked well and they are part of our economy as well. But we also have wonderful, good correction officers in our district as well.

So thank you for your time.

ACTING PRESIDENT BENJAMIN: Senator Akshar.

SENATOR AKSHAR: Thank you, Mr. President. Would Senator Sepúlveda yield to a question?

ACTING PRESIDENT BENJAMIN: Does the --

SENATOR AKSHAR: Excuse me. Mr. President, I have a question about prison closures and then about Part RR. So I'd like to first ask Senator Sepúlveda a question and then Senator Bailey, if he'd be so kind to yield.

ACTING PRESIDENT BENJAMIN: Does Senator Sepúlveda yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Thank you,

Mr. President.

Through you, Mr. President, when Senator Sepúlveda was discussing how you arrived at the decision about the prison closures, so on and so forth, you put a lot of weight into that decision-making process for the commissioner, the commissioner who is appointed by the Governor.

My question -- through you, Mr. President -- is in making those decisions, did the sponsor take into account what the men and women of NYSCOPBA thought? And if the sponsor doesn't know who they are, they are the hardworking men and women who work tirelessly every single day to keep the inmates safe within state facilities but also work incredibly hard to keep themselves safe.

SENATOR SEPÚLVEDA: Through you, Mr. President, I am very familiar with who they are. In fact, as the chair of this committee I've had multiple meetings, multiple discussions with them, I've gotten their input. Clearly they're not happy with everything. But certainly we have a very open dialogue where they give me information and I try to use that in my deliberations. But absolutely we take into

consideration they are there.

I was just in Great Meadows myself, and I spoke with many of the members there. Their discussion with me about this is not as dire as my colleagues on the other side are saying. But we'll leave that for another day.

But the reality is that as part of this closing, if you look at the past history of facilities that have been closed, over 94 percent of these individuals have been rehired by the state. So that -- that is -- if that doesn't indicate the seriousness that the Executive and we have to make sure that the members are taken care of, then I don't know what else will.

SENATOR AKSHAR: Mr. President, through you. I'm less concerned about people being rehired --

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

SENATOR AKSHAR: I'm on the bill, and then I'll ask the --

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: I'm less concerned

about these folks being rehired and -- I know that that's a cause of concern and I too, Senator, am concerned about that. What I am concerned with is if we are making education decisions, I know that nobody in this room, especially my friends on the other side of the room, they certainly don't not talk to teachers, they don't not listen to what the teachers have to say in making education decisions.

So the point I make about this is that I would certainly hope that when making decisions about prison closures and whether or not we should be double-bunking inmates, so on and so forth, that the hardworking men and women of NYSCOPBA are being spoken to and we're listening to what they have to say.

So, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR AKSHAR: You describe the situation as not as dire as some would have you

believe. The members of NYSCOPBA, are they concerned with additional double-bunking situations throughout the state, or an increased amount of double-bunkings?

SENATOR SEPÚLVEDA: Some of the members I've spoken with have shown that they are concerned, and others have not.

SENATOR AKSHAR: Thank you. That's all on this particular issue.

Mr. President, through you, would Senator Bailey yield to a couple of questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Senator, whose idea was this particular provision? How did we arrive here at this particular provision?

SENATOR BAILEY: Through you, Mr. President, this issue was put forth by the Executive, and in discussions with both houses of the Legislature we improved it to the point that you see before you today.

SENATOR AKSHAR: Mr. President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: You said it was initially put forth by the Executive. Was this particular provision put forth by the Executive, or was the creation of an Office of Special Investigation put forth by the Executive?

SENATOR BAILEY: Through you, Mr. President, the executive did in fact offer the Office of Special Investigation, but that is not before us today in this particular bill.

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

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Would this use of

force issue have fallen under the auspices of the Office of Special Investigation?

SENATOR BAILEY: Through you, Mr. President, it would not.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So was this use of force issue a side-bar conversation after the Majority, the Assembly and the Governor agreed not to create an Office of Special Investigation?

SENATOR BAILEY: No, this was in -- through you, Mr. President, this was in the Governor's initial Executive Budget. We have modified it to create more clarity concerning use of force. It was alongside the special prosecutor's matter.

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: What did we do to further clarify the use of force issue, as you've suggested?

SENATOR BAILEY: Through you, Mr. President, within the confines of the bill we have detailed specifically what use of force means.

SENATOR AKSHAR: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Senator, why is this particular bill necessary?

SENATOR BAILEY: Through you, Mr. President, for many of the reasons that I mentioned before. I have great respect and members of this conference have great respect for

law enforcement. Simply stated -- through you, Mr. President. Simply stated, Senator, we simply just want to make sure that when police officers are engaging in a profession that is very difficult, that is burdensome, that we want to know exactly how and why officers of the law are utilizing force.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: What in this particular bill would allow you to understand why and how officers are using force?

SENATOR BAILEY: Through you, Mr. President, the data that would be promulgated by this report has -- they have to include specific information, such as the circumstances surrounding the use of force, the date, the time, the individuals involved, that gives a clearer picture as to why and how use of force is taking

place in our great state.

SENATOR AKSHAR: Sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Mr. President, through you, what would happen if an agency did not capture this data? The point I make is if a bad guy said, you know, a member of law enforcement brandished their Taser and they didn't capture that information, what would happen?

SENATOR BAILEY: Through you, Mr. President, it would be in violation of the law and in violation of this policy, which would be promulgated as a result of the passage of this use of force.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Senator, so there are currently no punishments, if you will, for violating this current provision of statute. You're suggesting that after DCJS promulgates these regulations and rules there may in fact be some kind of punishment.

SENATOR BAILEY: I would say -- through you, Mr. President -- that anything is possible. It is not the intent of this use of force policy to penalize police departments or police officers. We simply, once again, want to know how and why force is being used statewide.

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

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I heard the sponsor earlier refer to creating a statewide use

of force policy.

Are we making any changes to the use of force continuum or how the use of force is specifically delineated in Article 35 of the New York State Penal Law?

SENATOR BAILEY: Through you, Mr. President, passage of this bill would allow DCJS to promulgate these model rules, and it would comply with current law.

SENATOR AKSHAR: If the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: If a member of law enforcement responded to an open door, a burglar alarm, if you will, and he or she was searching that residence because there was a potential break-in, and while doing so the member unholstered their weapon and searched the residence, would they have to fill out this form that we expect DCJS to promulgate?

SENATOR BAILEY: Through you,

Mr. President, Senator Akshar provides an interesting matter. I think it would be based upon the totality of circumstances -- whether there were individuals in the home, what was happening.

You know, again, these rules that we are promulgating are very context-specific. So I wouldn't have a specific answer in that specific instance as to whether that form would need to be filled out in this matter.

SENATOR AKSHAR: Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Okay, well, let me take it a step further. If the member of law enforcement is dealing with an unruly subject and he or she unholsters their Taser and says to that person, "Comply with my orders or I will Tase you," would they have to fill out this report?

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

SENATOR AKSHAR: Okay, thank you. Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Do agencies throughout this state currently capture use of force data?

SENATOR BAILEY: Through you, Mr. President. Currently the NYPD does, and the federal government will shortly require the collection of this data.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I'm a little confused as to the federal part. Is the sponsor

suggesting that the federal government is now going to mandate all law enforcement agencies capture use of force data?

SENATOR BAILEY: Through you, Mr. President, they are in the process of collecting the data. However, I'm not sure if it's mandatory.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: If there was -- we're going to collect this data, DCJS is going to compile that report and they're going to make that report public every year. If there was a high number of incidents surrounding the use of force, what would happen then to that particular agency?

SENATOR BAILEY: I would posit that we would have the data so that we can make a policy perspective and something going forward.

It's the same reason why we have legislative hearings before we enter into actions sometimes. We get a greater scope of what's taking place so that we can make actions thereafter.

SENATOR AKSHAR: Through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Is it the position of this body that members of law enforcement are untrustworthy?

SENATOR BAILEY: Through you, Mr. President, no. And nothing that I've said or that's within the confines of this bill would anywhere nearly go near saying that.

So no, Mr. President.

SENATOR AKSHAR: Well, let me just -- let me put on the record that I wasn't suggesting that you feel that way. I was just simply asking a blanket -- through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Are you

asking --

SENATOR AKSHAR: I'm on the bill.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: I wasn't suggesting for a moment that the sponsor feels that way. What I was suggesting is earlier we had made -- you had made the statement that we want to -- as a society we want to be able to trust our officers. And while many agencies throughout this state already capture this data, I have some concerns about this particular issue and how objective it may be, you know, what does "brandish" mean, what does "show" mean. I think it becomes -- it could become highly problematic.

I just want to thank Senator Bailey for answering my questions, and I'll sit for now.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

Would Senator Sepúlveda yield, please?

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Thank you. Thank you, Senator Sepúlveda.

I just want to ask a couple of questions as points of clarification. Senator Sepúlveda, is the final number for the recommendation of prison closures two or three?

SENATOR SEPÚLVEDA: As per the chapter amendment in Revenue, it's "up to three."

SENATOR GRIFFO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: Senator Sepúlveda, could you clarify that for me? Is it two or three? "Up to three" does not answer two or three.

SENATOR SEPÚLVEDA: With all due respect, Senator Griffo, the language says "up to

three." So if you want me to say three, if that clarifies it for you, I'll say three.

SENATOR GRIFFO: Thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: Senator, you indicated that the office of the commissioner and the commissioner would be making this determination ultimately, correct, and that you have faith and confidence in the fact that you have this individual with this professional expertise making that determination; correct?

SENATOR SEPÚLVEDA: Through you, Mr. President, that's correct.

ACTING PRESIDENT BENJAMIN: Will the sponsor continue to yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BENJAMIN: the sponsor yields.

SENATOR GRIFFO: Senator Sepúlveda, are you aware we have an acting commissioner in

the Department of Corrections?

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

SENATOR GRIFFO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: So, Senator Sepulveda, should that decision be made by a full-time commissioner or somebody who's serving in the capacity as an acting commissioner?

SENATOR SEPÚLVEDA: Well, I mean, this is an acting commissioner who's been in that capacity for six years, so I think he's -- and he's been with the agency for over 35 years. So I think he's in a better position to make certain decisions than certainly I am, or to provide information to us more so than I am.

SENATOR GRIFFO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: Senator, you indicated that a study would be conducted to determine whether or not there was any funding for economic or community impact as a result of closures, is that correct.

SENATOR SEPÚLVEDA: These are the comments by the Executive.

SENATOR GRIFFO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: Senator, are you aware that in the past when there have been closures, that there was actually an economic impact fund, so that was a recognition and acknowledgement that there should be some funding for those communities who have been adversely impacted as a result of this decision?

SENATOR SEPÚLVEDA: Just to make

clear, we don't oppose funding for the communities. I mean, we're very supportive of it.

SENATOR GRIFFO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: Through you, Mr. President, I understand that. I'm just trying to make a determination that you're accepting this and presenting this as part of a document, even if it is not -- it's the position of the Majority as a result of proposing and presenting this.

So if there was any disagreement as to this in that negotiation, I hope that would have been articulated, because there has been past recognition and an acknowledgement that this was important and helpful. So why would we need a study when we had precedent to show that it has helped?

SENATOR SEPÚLVEDA: I don't see any

question, but -- I'm not sure I understand your question, Senator Griffo. But I am going to rely on the information provided and the Executive's position on this issue.

SENATOR GRIFFO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: So essentially, Senator, what I was saying is that we've already provided funding in the past, but now we're going to have a study to determine whether or not we can provide funding? It doesn't make sense.

But the last question I would have is you talked about statistical data on the facilities that have been closed. Do we have a statistical profile that talks about how many, what they have been reused for, and the success rate of those facilities that have been closed and whether or not it's been positive, negative, or undetermined?

SENATOR SEPÚLVEDA: The data that

we do have is the rehiring or the shifting of jobs or individuals and the impact on the state, the savings on the state.

SENATOR GRIFFO: Just an addendum to that, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GRIFFO: Thank you, Senator. I basically was talking about the reuse of the facilities themselves. Not the employment, but those facilities that are there and can remain just in those communities. And one of the things that was discussed here was the -- what would be the reuse, particularly when you look at locations like Senator Little indicated, where there's many facilities in that particular region.

SENATOR SEPÚLVEDA: Well, certainly we can agree to work together on this. When the other side was in control, was in the majority here, apparently that wasn't done. But I promise to you that we'll work together to make sure that

this impact study is done and that the Executive follows the law.

SENATOR GRIFFO: Thank you. Thank you, Senator Sepúlveda. I appreciate it.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Lanza on the bill.

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

You know, I'd like to help answer this question with respect to when and how and why law enforcement uses force.

You know, every arrest, by definition, is an act of force. That's how it works. You know, you may be surprised to hear -- and I can tell you with experience, or from experience, as a former prosecutor in Manhattan, that after someone robs someone at gunpoint, rapes someone, murders someone, they don't show up at the local precinct with an overnight bag and say "Here I am." The police officers have got to go out and find them. They don't just throw their hands up, either, and say "Take me." Every arrest is by definition an act of force.

Right now, right now somewhere in

this state not one, not 10, probably 100 members of law enforcement, people who put their lives on the line every day to make sure that we're safe, right now one of those or a hundred of those members -- State Troopers, police officers, detectives -- someone right now is brandishing a gun. Someone right now is displaying a weapon. Maybe it's a stop on one of our highways. Maybe it's to make sure that they bring a fleeing felon in for justice.

You know why they're displaying that gun and brandishing that weapon? So that they can go home safe tonight to be with their families. They're brandishing that weapon, displaying that firearm so that they can bring someone to justice and make sure that we are all safe.

This is ludicrous. We're telling police officers: Go out, bring people to justice, keep us safe, but we're going to put some handcuffs on you. We're going to tell you think twice, think twice before you display your weapon. Think twice before you take out that handgun so that you can make sure that you get home alive tonight. And when they think twice,

let me tell you what happens. By and large, they lose their lives.

And when police officers start second-guessing themselves with respect to how to do their job to keep us safe, none of us are safe. This is crazy. It really is. Every arrest is an act of force. And unfortunately, that's the only way, it's the only way to allow law enforcement to keep us safe.

And yes, I understand discussion, a legitimate discussion and conversation about the improper use of force. I understand that. We have laws to make sure that doesn't happen. To the extent that it still happens, we should talk about other measures to make sure it doesn't happen. This is not one of them. This is not keeping us safe from improper force. This is putting a chilling effect on the legitimate use of force by law enforcement to keep us safe. It's just nuts.

I can't in good conscience, as a former prosecutor, Mr. President, and as a representative of the people back home, I can't in good conscience vote in the affirmative for this.

You know, this budget -- I hear a lot of talk about the things we could do for those who are accused of crimes. Fine. I don't hear about what we're doing for those people who are enforcing the law, who put their lives on the line every day in this state to make sure we can go about our lives safely.

This budget woefully and inadequately funds law enforcement. This budget falls far short of providing resources that police officers and troopers and detectives and correction officers need to keep us safe.

You know, when law enforcement -- State Troopers, police officers, correction officers -- I can go on -- when they universally oppose the public protection portion of our budget in the State of New York, that's a sure sign that this budget falls short in ensuring that the public is safe. And for those and a number of other reasons, I vote no, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator LaValle on the bill.

SENATOR LaVALLE: Thank you, Mr. President.

I was not going to rise, but Senator Lanza's comments hit home. Every Christmas Eve I throw a party for the family, and as part of my family, I have a nephew who is part of the New York City Police Department. And we talk about some of the things -- like when the issue came up on the officer that was accused of inappropriately using a chokehold, and on and on and on.

But one thing that I've learned, because it's family, is that you start off your day and you see, as a police officer, someone trying to steal a woman's car. So you respond, you respond to that, and you next find yourself in a situation where the individual sees the police officer, says, Oh, boy, I better get out of here, and starts taking off. The police officer takes chase. The individual feels, well, this guy is pretty fast, so he stops, turns and fires at the police officer.

So every day our officers are being confronted by new situations where they have to respond quickly. And thank you, Senator Lanza; as you often do on these issues, you really get down in the nitty-gritty. And I'm going to vote

no on the bill.

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

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

I thank my colleagues for engaging in what I thought legitimately to be a meaningful debate. But let me tell you about my views on this bill and some of the statements that I've heard from my good friends across the aisle. And I don't say good friends facetiously. Senator Lanza is somebody who I respect highly, but I'm just going to take a little bit of a disagreement with him today.

It may surprise you to know that I held something in my district to bridge the gap between police and community because of my respect for law enforcement. Because of the belief that a community is only as strong -- a community is strong together along with the police. But what I can't hear is that something that makes police accountable for the use of force is somehow inherently anti-police. That is just not true.

I would ask -- we talk about the parade of horribles, as one of my colleagues has coined, and we talk about all of the things that we hear high profile. But let's talk about the 13-year-old boy that's getting his braces tightened and he's thrown in a police van. Where's the use of force with that? What about the 14-year-old boy that is at a bus stop and is accused by three officers of loitering at a bus stop? Where is the use of force policy around that?

You see, I live in the real world, Mr. President. I live in the real world where every day people are sometimes stopped by police, and sometimes we needed answers as to why they

are using force, Mr. President. Sometimes we need answers.

This is not to say that you should not use force. But we want to know why you are using force, Mr. President. In case you haven't noticed, those two examples were a 13- and a 14-year-old Jamaal Bailey. In the Bronx, New York, minding his business. You can look it up. Got no arrest record ever. Ever. But the amount of times that I've been detained by police and stopped by police is more than I can count on my hands and feet. Not to vilify officers, the very officers that my office stood with yesterday at Monroe College to celebrate and let the community know why it's important to them, why police are important.

Mr. President, making sure that people can fill out a form so that we can get data so that we can all be better is not something that's anti-police. It's something that is better for the entire community. And there are so many other great things in this bill that I would like to have spoken about, but I know my two minutes plus is coming to an end, Mr. President, and I will end there.

I'll probably vote aye in favor of this bill.

ACTING PRESIDENT BENJAMIN: Senator Bailey to be recorded in the affirmative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President.

I too wanted to briefly explain my vote and highlight specifically two parts in it that I'm especially proud of, one being the one-day-less bill that ensures that immigrants who are arrested will -- I'm sorry, we're changing sentencing of certain Class A misdemeanors from 365 days to 364 so as to not trigger deportation proceedings for many immigrants -- not only those who are undocumented, but also those who are asylum seekers and green card holders and victims of domestic violence.

Ultimately we know that we're safest when we're keeping our families together, and that provision does just that.

And then as Labor chair, we've expanded a lot of the medical coverage that would be provided through the Workers' Compensation

Board, which I think is especially helpful to upstate, where there's a shortage of a lot of medical services. And ensuring that chiropractors and acupuncturists and nurse practitioners and dentists are able to provide this coverage for workers I think is especially helpful in ensuring that we're expediting their treatment and that there's faster decisions made about their coverage.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Ramos to be recorded in the affirmative.

Senator Akshar to explain his vote.

SENATOR AKSHAR: Mr. President, thank you.

While I may wear a uniform -- excuse me, a suit now, not a uniform, I for one am always going to continue to fight for members of law enforcement. I'm sensitive on this issue today because five years ago today a friend of mine was killed in my district, David D.W. Smith, killed in the line of duty, paid the ultimate sacrifice trying to protect the community that he loved.

To Senator Bailey's point, are there

bad actors? Have there been tragedies throughout this nation? There absolutely have. I agree with you wholeheartedly. I'm fearful, though, that our focus as a nation or as a state has turned instead to these tragedies and these bad actors. But I would also add that there are bad doctors, there are bad garbagemen, there are bad senators. Sometimes, unfortunately, there are bad cops.

I think that unfortunately we see some people using this as an opportunity, though, to paint members of law enforcement as the enemy. And I don't think that we can hold the actions of some to everyone. And society, quite frankly, right now is grossly mischaracterizing members of law enforcement. And I think it's important for all of us to remember that despite the hate, the division and the controversy, members of law enforcement still answer the call every single day. Regardless of the fact that there are people in this world that hate them, regardless of the fact that there are people who disrespect them -- and yes, yes, some people applaud when they are killed in the line of duty. Suicide rates for members of law enforcement, through the

roof.

The truth is that cops, just like you and I, they have families, they want to live their lives. I have friends back in my district -- I think about Jody Kennedy and Theresa Johnson. Every single Christmas, every single police agency, they line the cruisers up in front of Walmart, they pack those cruisers full of toys for underprivileged kids.

Or my friend Brad Kaczynski, Binghamton Police Department, who works with the underprivileged and at-risk youth playing basketball with them, fostering healthy relationships.

Keith King in Vestal, somebody who just recently got out of his police car, pushed a man in a wheelchair three miles to his home because he found himself not being able to help himself.

These acts of kindness are not mandated, they're not reported, they're not required. I would suggest that we start collecting data on the millions and millions of lives that are saved every year by cops. Those numbers can't, probably, be captured because

there are so many of them.

So, you know, my fear is something that Senator Lanza brought up. The last thing that we want law enforcement members to do is to start to second-guess themselves. Because when they second-guess themselves, they lose their lives.

Mr. President, I vote no.

ACTING PRESIDENT BENJAMIN: Senator Akshar to be recorded in the negative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I want to thank all my colleagues for speaking on different sections of this bill.

PPGG is a very broad bill, and only a few of the issues actually even got covered in the debate going back and forth. And so I'll just say when people have a chance, they will see there are many other good things in this bill that they should be glad for vote for.

I just want to weigh in briefly on the issue of best practices for police officers. My colleague is right, we have best practice policy for doctors, we have peer review for

lawyers, for all kinds of professions. I don't know if we have for senators yet. We have elections. I suppose that's the best and worst practice.

But I think best practice and analysis for police officers will only strengthen our police departments, will only strengthen community relations with our communities. Because there is no question -- I come from New York City, and I have lived there since 1983 and I have watched now multiple generations of parents bring up their children. And white parents bring up their children saying, go to police if something is amiss, they'll help you. And black and brown parents have to teach their children how not to get hurt or arrested by police.

And that's something wrong, and we need to address that. So if it's data collection and best practices, we should start immediately.

I'm proud to vote yes. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 357, those Senators voting in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I want to thank my colleagues. That was much faster in terms of getting into the chamber for the vote.

So let's try and keep it moving as we move to Calendar Number 358, please.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 358, Senate Budget Bill, Senate Print 1506C, an act to amend the Education Law.

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

SENATOR GRIFFO: Mr. President,

there's an amendment at the desk. I waive the reading of that amendment, with two components to it, and ask that you call upon Senator LaValle to be heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Griffo.

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

SENATOR GRIFFO: Accordingly, Mr. President, I would appeal your ruling and ask that Senator LaValle be recognized to be heard on the appeal.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator LaValle may be heard.

SENATOR LaVALLE: Thank you very much.

In order to comply in a timely way, I took two amendments, put it into one. So one amendment has two components. One deals with the DREAM Act. The amendment is germane because it removes the DREAM Act and replaces it with an amendment to expand the TAP program, Tuition Assistance Program, which is a proposal that was

included in this year's Senate one-house bill.

The TAP expansion would benefit the hardworking New York State citizens who are struggling, who are struggling to pay for their college education. And you've heard firsthand Senator Jackson today, as one individual, talking about his three children, you know, struggling to pay for their college education.

TAP is an established program, and the aid follows the students to the college of their choice, whether that be a public or private college.

Expanding access to college and alleviating the burden of student loan debt has always, always been a priority not only of our conference but of this chamber. And I would urge all of my colleagues to support this amendment, which is consistent with your behavior in sessions before.

The proposal would increase the maximum TAP award from 5,165 to 5,310, increase the minimum TAP award from 500 to 750, and increase the income eligibility threshold from 80,000 to 110,000, which is very important, particularly downstate.

The second part of the amendment is dealing with the MOE for SUNY and CUNY and the five-year capital plan. I'm just going to pause and say MOE is maintenance of effort. This proposal would provide maintenance of effort for SUNY and CUNY as well as providing a five-year capital plan. The Senate Majority failed to provide an increase in operating aid to SUNY and CUNY this year, despite the rising cost and contractually obligated salary increases.

Rather than providing additional state funding for the systems, we've balanced the budget on the backs of the students by including another $200 tuition increase in the 2019-2020 school year that would push the SUNY tuition over $7,000.

We have offered language that would guarantee sufficient funding increases for the systems, including the SUNY hospitals in Syracuse, Stony Brook and Brooklyn.

And lastly, the language would provide a five-year capital plan to address the critical maintenance needs at SUNY and CUNY.

ACTING PRESIDENT BENJAMIN: Thank you, Senator LaValle.

I wanted to remind the house that the vote is on the procedures of the house and the ruling of the chair.

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

(Response of "Aye.")

SENATOR GRIFFO: Request a show of hands.

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

(Show of hands.)

THE SECRETARY: Ayes, 21.

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

Senator LaValle.

SENATOR LaVALLE: Mr. President, I think I've laid things out very succinctly, so that I've put aside questions that I was going to ask. And hopefully I'm right that I was succinct and direct and everyone knows what we're doing here so we can vote on the amendment.

ACTING PRESIDENT BENJAMIN: Senator Serino.

SENATOR SERINO: Yes, I have a

question regarding a program that was included in the Executive's Part N of the budget, but it's not in this bill. And I wanted to know if the sponsor would yield, and that would be Senator Persaud.

Are they not done with the amendment? Oh, then I have to wait. Nope.

SENATOR GIANARIS: Mr. President, Senator Krueger will address this issue.

SENATOR KRUEGER: Me? Oh, we did take a vote on the hostile.

I'm sorry, Senator Serino there was a little confusion. Could you repeat the question, please?

SENATOR SERINO: Certainly. This was included in the Executive's budget, it was Part N. But it doesn't seem to be included in this bill. The Governor had proposed a time-limited job tryout program as an eligible work activity for public assistance recipients. And when I first read it, I thought, wow, what a great idea, because this would help New Yorkers get a foot in the door and create a pipeline to long-term employment. And I was wondering if the sponsor can tell me why this program was

eliminated.

SENATOR KRUEGER: Thank you.

Both houses actually decided to reject the program by the Governor based on the fact that that program model was extremely parallel to various programs that the state and localities have used in the past, often known as work experience or workfare. And they have not led to employment or increased income for people, so the two houses decided to reject that proposal by the Governor.

SENATOR SERINO: Okay. On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Serino on the bill.

SENATOR SERINO: And I can understand that.

But I think, you know, the goal of public assistance is to not create lifelong recipients but to give a leg up to someone if they fall on hard times. This program would empower New Yorkers and open doors to employment. I would encourage you to reconsider this proposal, at least as it relates to the private businesses too.

Thank you.

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

Seeing and hearing none, debate is -- ah. Senator Krueger on the bill.

SENATOR KRUEGER: Well, yes, on the bill.

I'm just double-checking, no one else wanted to raise anything else on this bill? Okay.

To respond to Senator Serino's issues, I think we all agree that we want to make sure that people on public assistance get the supports they need to move off of public benefits and into jobs. And there are --

SENATOR LaVALLE: Can you speak into the mic? I can't hear you.

SENATOR KRUEGER: Oh, apparently my microphone isn't picking up. Is that better, Senator LaValle?

SENATOR LaVALLE: Yes.

SENATOR KRUEGER: Thank you.

We all want to make sure that people who end up on public assistance because they don't have either the skills or the opportunities

to get a job are able to be helped to move off as fast as possible. There are quite a few programs that the state runs and that local district social service departments run. This specific program, as I said, was rejected because it has already been tested and is not effective in moving people off of public benefits into the workforce.

I'm actually very glad there's not a lot of questions about ELFA because in fact I think the bill itself is pretty clear -- what is in it, what it's doing, and why it's necessary for us to vote for it. So I'm hoping that people will all vote for it. I know I will.

Thank you, Mr. President.

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

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Finance, Assembly Bill Number 2006C and

substitute it for the identical Senate Bill Number 1506C, Third Reading Calendar 358.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 358, Assembly Budget Bill, Assembly Print 2006C, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator LaValle to explain his vote.

SENATOR LaVALLE: Mr. President, I just want to mention, particularly for the newer people -- for those that have been here for a number of years --

ACTING PRESIDENT BENJAMIN: Order in the chamber, please.

SENATOR LaVALLE: -- we have discussed the DREAM Act, the implications it has

for some of our students who are here in this country, as opposed to those individuals who may have a status of undocumented immigrant.

And without the amendment, you are putting in harm's way your students. And I went out of my way to say the TAP expansion would benefit hardworking New York State citizens who are struggling to pay for their college tuition. So you're going to -- when you vote on this bill, you're going to be putting some of your students in harm's way.

I vote no.

ACTING PRESIDENT BENJAMIN: Senator LaValle to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 358, those Senators recorded in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I think we at this point are going to call a Transportation Committee meeting in Room 332 and then promptly return to the chamber thereafter.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Transportation Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:49 p.m.)

(Whereupon, the Senate reconvened at 5:39 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at this time there will be an immediate meeting of the Finance Committee in Room 332.

And by consent, we are going to take up Calendar Number 359 and begin debate on that bill. That is the Health Budget Bill. We will

have that debate and then lay the bill aside until the message of necessity arrives, but we will try to make efficient use of our time. So we have unanimously agreed to follow that procedure.

So an immediate meeting of the Finance Committee in Room 332, and let us proceed with Calendar 359.

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

The Secretary will read.

THE SECRETARY: Calendar Number 359, Senate Budget Bill, Senate Print 1507C, an act to amend the Public Health Law.

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

SENATOR GRIFFO: Mr. President, I believe there's an amendment at the desk. I would waive the reading of that amendment and ask that Senator Amedore be recognized.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Griffo.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it

nongermane and out of order at this time.

SENATOR GRIFFO: Accordingly, Mr. President, I appeal that ruling and ask that you recognize Senator Amedore to be heard on the appeal.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator Amedore may be heard.

SENATOR AMEDORE: Thank you, Mr. President.

I rise to speak on this amendment, which I would argue is very germane to the bill-in-chief. Everyone knows that we are facing an epidemic in this state when it comes to addiction, substance use disorder. Addiction costs us all so much in society -- not just money, but life. And while we have made some great advancements in prevention, treatment, recovery efforts, we still have such a long way to go.

But we see in this bill some vague language about an intent to allocate $100 million to fight this epidemic -- an amount, coincidentally, that matches the estimated revenue from a proposed opiate tax. Well, in

this case the opiate tax -- if that's the case, then the opiate tax is a punitive tax that will harm members of our community, such as our seniors, veterans, those who are on fixed incomes, those who will suffer from chronic pain on a daily basis who need such a medication for the quality of their life.

An opiate tax. It will harm healthcare providers, both large and small, who are trying to provide the best quality care to their patients, such as hospice. A new tax is not a good idea, but this particular tax, the cost will be passed directly down to the consumer in the form of higher costs for prescription medication.

This amendment, Mr. President, takes an idea that the Attorney General announced -- the Attorney General of the State of New York has recently announced a lawsuit against the opiate manufacturers. And this amendment would direct any settlement monies from the lawsuit into a fund to help increase prevention, recovery and treatment efforts. Instead of relying on potential revenue in yet another new tax that will harm the most vulnerable members of our

communities, this is the way to go to help a steady stream of revenue to be invested in the programs needed to help those in society most vulnerable. I urge my colleagues to support this amendment.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Amedore.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair. Those in favor of overruling the chair signify by saying aye.

SENATOR GRIFFO: A show of hands requested.

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

THE SECRETARY: Ayes, 13.

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

SENATOR GRIFFO: Mr. President, you may have noticed that we're doing the budget, so the numbers may have not added up. Even though we've made an appeal of the chair, I just wanted to note for the record that a number of the

members are at various meetings -- the Finance Committee and Transportation Committee had been meeting, and that's why they were not at desks.

ACTING PRESIDENT BENJAMIN: So noted.

Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

Would the sponsor yield to some questions in this particular area.

SENATOR GIANARIS: Yeah, Mr. President, Senator Rivera will be answering questions on the health bill.

ACTING PRESIDENT BENJAMIN: Senator Rivera, do you yield for questions?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: I'm going to cover a number of different areas, Mr. President, if okay with you, but just to let Senator Rivera know we might bounce around a little bit.

The first area has to do with the nursing home provider case mix proposed cut. And

in the Governor's original budget proposal, it was booked at I think a $122 million cut, and the Senate one-house rejected this cut.

SENATOR RIVERA: Through you, Mr. President. Yes, we strongly did.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Is the entire proposed cut to nursing home provider aids restored in this budget?

SENATOR RIVERA: Through you, Mr. President. What we did -- first of all, the original Governor's proposal, which would have been disastrous to nursing homes all over the state, was rejected very strongly. And what we did -- and it is based on, if you'll allow me, Mr. President, just a couple of technical aspects here.

The way that currently the rates

that are paid to nursing homes are determined are determined by two dates in the year that are currently that audits are done as to who the nursing homes are actually taking care of. Then depending on what the acuity, meaning how long these people are taken care of, the seriousness of their ailments, then the rates are determined.

And the proposal was to actually resize this, to do it in a completely different way. And there was a claim that there would be $122 million of savings.

What we did, we pushed back very strongly in saying, Look, we can certainly redesign the way that we determine what the acuity is in these nursing homes, but we are not going to guarantee you $122 million worth of savings. Particularly, Mr. President, because we want to make sure that the individuals that are being taken care of, as well as the facilities that take care of individuals, continue to exist.

And so what we did is we right-sized the proposal, so that now -- we don't know exactly what the savings will be, but it is very likely that once the dates are randomized -- in other words, in other times, not just in these

two dates of the year, the Department of Health determines what the acuity is in nursing homes all across the state, determines an average of what the acuity is, and determines a rate -- then the rate will probably vary, so there will be some savings.

But certainly the 122 that was originally proposed, we pushed back strongly because it would have destroyed the sector.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Regarding this same area, the one-house proposed convening a workgroup. Is that workgroup in place in the final budget, and will there be an ongoing look at this or a formal look at this?

SENATOR RIVERA: Through you, Mr. President, yes, this workgroup made it to the final proposal in the budget.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes. Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Nursing homes are operating at very thin margins; many are operating at a loss. Do any of these potential -- we'll say cost savings to the state, but an ultimate potential cut, do you think that the nursing homes will be able to withstand this and still be able to provide necessary services?

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

And the reason for that is I believe that -- what we did was to push back very strongly on the Executive and say to them that if we're going to -- that this claim that was made by some that maybe nursing homes were lying to the state about what their acuity actually was, we're going to determine what the acuity actually is so that we're going to pay you more accurately

in reference to who you're taking care of and how long they're being taken care of, et cetera. But we believe that once it is right-sized, that if -- since it's going to be more accurate so it's going to determine the people -- the actual case mix of that particular nursing home, then it should serve to maintain that nursing home.

And trust me, I know very well -- and I'm sure that all of us have heard from nursing homes all across the state that reached out to our offices and told us how important it was that we get this process right. I do believe that we got the best possible outcome that we could have. Because again, the original proposal was just madness. I'm glad that we were able to right-size it and make sure that we have something in line that can both save the state some money but, more importantly, maintain the people that are getting taken care of so that they're taken care of.

SENATOR GALLIVAN: Thank you. Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes,

Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: If we go back in time to when the Governor proposed his original budget -- and originally, the Medicaid spending was essentially consistent with the global cap. His 30-day budget then cut a number of things. Can the sponsor, just from the 10,000-foot-level view, provide -- could you go over the things that have been restored that the Governor had proposed dialing back in his 30-day amendments?

SENATOR RIVERA: Through you, Mr. President, I certainly can. It might be a long list, since that 30-day was very much --

SENATOR GALLIVAN: If I may, Mr. President, I'm really looking at the significant cuts to Medicaid, from the biggest down through the ambulance. Rather than me asking from 18 different line items. But we don't really need to go below the dollar amount for the rural ambulances.

SENATOR RIVERA: And through you, Mr. President, that is precisely what I was about to say, that if we were to take some time to talk

about every single thing that 30-day amendment did and what we ultimately restored, it would take a long time.

But some very important parts of that, we were able to restore $550 million in Medicaid cuts. Which as you know, Mr. President, would actually amount to $1.1 billion that would have hit the state in cuts. This includes $222 million in a clawback from rate increases for hospitals and nursing homes, $138 million for indigent care pool payments to certain hospitals, and $190 million across-the-board rate cuts.

So these are, again, the 10,000-foot -- but I can assure you there's a whole bunch of other ones that we were able to restore.

And I should tell you something else, through you, Mr. President. This was an incredibly challenging budget year, which you will hear again and again during today. One of the things that -- just to get a comparison, Mr. President, last year the table target for our particular table, for the health table, was $70 million. And the cuts that were proposed by the Governor at that point amounted to less than

$30 million, which means that even if we had bought back everything -- and obviously the majority was the one that was taking care of the budget at that time. But even if we had bought back everything, we would have more than half still left.

That was not the case this year, Mr. President. It was only a $30 million table target. And when we consider, for example, that the City of New York, there was a cut in the 30-day amendments which, sadly, we could not purchase back, for the greater Public Health Works programs, which amounts to a $27 million cut. We were not able to purchase that back.

So we wanted to make sure that the big things -- like, again, this 222 million for hospital and nursing homes, the 138 million for the indigent care pool, and the 190 million across-the-board rate cuts, we got those back. So we were able to do that. And we tried to be as judicious as possible spreading it across the state in what we were able to restore. We were not able to restore everything, but quite a bit, Mr. President.

SENATOR GALLIVAN: Will the sponsor

continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: One other area where there was some cuts -- and I want to make sure that there was restorations in the area of SUNY hospitals. Was funding restored for all the SUNY hospitals?

SENATOR RIVERA: Through you, Mr. President, that is actually -- that was actually not done through this table. It is at the higher education table, since it is SUNY -- obviously it's a SUNY hospital, it's a State University of New York institution, it actually would be -- it would actually be through that table that it was restored.

SENATOR GIANARIS: We can follow up when that bill is before us, Mr. President.

Will the sponsor continue to yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: Regarding safety-net hospitals, the enacted budget I believe provides $41 million for the safety net hospitals, many located in New York City.

And over the years we've tried to secure funding for critical-access hospitals located in rural regions of the state. Whenever we were discussing safety-net hospitals, we tried to take care of both general categories at the same time.

And my question, through you, Mr. President, is is there funding not only for safety-net hospitals but the critical-access hospitals across the state?

SENATOR RIVERA: One second, Mr. President. One second, Mr. President. I want to make sure that I get the answer correct.

Through you, Mr. President. Thank you for your patience, first of all. It was the -- ultimately we pushed the Governor to include -- in the Executive Budget there was a pool of money that was included for safety-net hospitals. We actually included 60 million for

enhanced safety-net hospitals. Again, this was a very tough budget year. But there was also the Executive included -- we're going to get you the exact number, but there was something that we managed to get the Governor to put back in in the final budget agreement. Through you, Mr. President.

SENATOR GALLIVAN: Thank you.

Through you, Mr. President, I did have a follow-up, but I'll hold off on that until we get additional information, or I may have a follow-up --

ACTING PRESIDENT BENJAMIN: Does the sponsor continue to yield?

SENATOR RIVERA: Yes, Mr. President.

SENATOR GALLIVAN: But will he continue to yield for additional questions?

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: So regarding Healthcare Transformation funding, the Senate one-house budget strongly advocated that funds in the Healthcare Transformation Fund be used to fund commitments made by the Executive to support

healthcare delivery in the state.

Does the budget, what is proposed right now, specifically restrict funds held within the Healthcare Transformation Fund to only support healthcare program delivery? Or is this funding still projected to offset non-health-related programs such as housing rental subsidies?

SENATOR RIVERA: Through you, Mr. President, yes, we managed to get that back. This is the -- I referred to it earlier. This is the $220 million clawback from rate increases from hospitals and nursing homes. I believe, Mr. President, that the Senator is referring to the -- the -- fallout is not the right term. It is the -- when we sell something, we get something back from it. It's going to come to me -- the word will come to me, Mr. President.

But it just basically means when Fidelis was sold, there was a chunk of that money that came to the state and there was a promise that came from the state related to hospital and nursing home rate increases. That was taken back in the 30-day amendments, and then we managed to get it back for the final proposal -- for the

final budget that is in front of us.

SENATOR GALLIVAN: Thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: I have two more areas. One I think is an area that's important to every member in here, and then of course their constituents, and it deals with the Consumer Directed Personal Assistance Program and the fiscal intermediary proposal.

How does the proposal before us today regarding this CDPAP program differ from the Executive proposal?

SENATOR RIVERA: Through you, Mr. President, I'm very glad the Senator brought this program up. I am sure that all of us across the state have heard from our constituents, both people who are served by the program and people who take care of people who are served by the program.

This was a program that was not only started in New York State, but we feel very strongly in the Majority -- and I know that this is something that we share, that you folks share across the aisle -- we wanted to make sure that if there was any changes in the program, that the people who are being taken care of, the clients, if you will, are at the center of it, the consumers are at the center of it.

So there was -- in the original proposal it was basically a grenade, if you will, thrown into the middle of the program, and it would have basically destroyed the whole thing. We went in there very strongly, Mr. President, saying that this was a program that needed to continue to exist. It is incredibly important. We need to protect these individuals.

And so what we did is we managed to reconsign the program as it refers to the fiscal intermediaries. These are the entities that make sure that the individuals, be it family members or other folks, neighbors or what have you, who take care of the consumers actually get paid. But as we know, Mr. President, the fiscal intermediaries don't just hand over a check.

There's other things that they do.

So what we ultimately did, with the three-way agreement that we were able to secure, we made sure that -- recognizing the importance of the issue, we fought back and we made sure that the final proposal before us actually redesigns the fiscal intermediary so that there will be a mini-bid process. This is the Department of Health will select the fiscal intermediaries to continue the program on a mini-bid process that will be based on criteria that will include but not be limited to geographic distribution, cultural and linguistic competence, the ability to provide timely consumer assistance and consumer peer support, and compliance with all wage and labor laws.

And we also created a stakeholder workgroup that will determine best practices to make sure that the program, as it goes forward, continues to exist and continues to thrive.

Bottom line, Mr. President, was we felt that it was -- that this program is way too important to allow it to have been blown up as the original proposal or certainly the 30-day amendments proposed to do. I feel very strongly

that what we were able to achieve -- and our staff were warriors in there. I have to look at them directly and say you all were warriors in there -- fought to make sure that the people who are ultimately served by this program were served well and will continue to be served well.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: When the Governor proposed the changes to this particular program in looking to significantly reduce the number of fiscal intermediaries, one of the things that he had proposed was that anybody that was in business sometime prior to 2012 would be grandfathered in, but nobody else -- anybody who came into business or was certified after that date would not be included.

My question is -- through you, Mr. President -- does the proposal before us now

include any such language regarding when somebody started in the business?

SENATOR RIVERA: Through you, Mr. President. First of all, in Part G of this bill, 1507C, there is language that includes -- I will read some of it, Mr. President. As far as fiscal intermediaries complying with this section "including but not limited to entities that (A) are a service center for independent living under Section 1121 of the education law or (B) have been established as fiscal intermediaries prior to January 1, 2012, and have been continuously providing such services for eligible individuals under this section."

Now, for new fiscal intermediaries -- or I should say the process that I described earlier, this mini-bid process would be kind of a streamlined bid process, because each one of these fiscal intermediaries, Mr. President, would require a contract. So this streamlined process would consider the criteria that I already discussed, as well as criteria that would be further established by the workgroup.

And I should also mention,

Mr. President, that this is not going to go into effect until January 1st of 2020.

Furthermore, we created a window of 45 days so that if there is a fiscal intermediary that is currently serving someone who is getting paid to take care of a consumer, and that fiscal intermediary is going to go out of business, there is a 45-day window where they have to make sure that they communicate with the individual that is providing the service. And this is to make sure, Mr. President, that there is continuity of service between the individual -- so the individual getting served now, the person who is serving that consumer and is getting paid now, we want to make sure that if there was a switch in the fiscal intermediary, that that can happen without impacting the services that are being provided.

SENATOR GALLIVAN: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR GALLIVAN: Does the sponsor have -- through you, Mr. President, does the sponsor have confidence that there are protections in place to ensure that the Department of Health won't simply deny applications of eligible fiscal intermediaries just simply to cut numbers or to save money?

SENATOR RIVERA: Through you, Mr. President, that's a very important question. And I can tell you that not only through the process -- that, again, these warriors went in there to make sure that we established -- but also as it goes forward, there's many of us that are going to be keeping a very close eye on how the process is actually undertaken.

The workgroup that will be created with this proposal, as the stakeholder workgroup, will include people who are knowledgeable on the areas that in -- that will be knowledgeable in areas that are important to determine how best to establish best practices, et cetera. And they will -- and I figured that these individuals will take very good care of making sure that the criteria is created so that ultimately those

people who are chosen as fiscal intermediaries continue to serve with the best interests of the consumer in mind.

But it is -- I should tell you it was kind of a -- it was challenging to push back on the idea that the Department of Health needed to have sole authority, but we did so. It was not as far as many of us would have liked, but we did push back and say that even though the Department of Health and the Commissioner of Health has the ultimate authority, they have to operate within the criteria that we have set. So that we, I believe, did as much as we could to make sure that this would not be a process that would be driven just by whim, and instead would be driven, as I've said many times and I will continue to say, with the consumers at the center of it.

SENATOR GALLIVAN: Thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR GALLIVAN: So staying with the same particular program but moving over to the payment method -- and we were of course in our conference committees and we learned that just this Wednesday the Department of Health released emergency regulations changing the payment method especially for this, establishing a per-member-per-month reimbursement methodology for this particular program.

Does the proposal before us today include that type of payment? Or have those proposed regulations been dialed back until there's a look at this through the workgroup? And finally, I guess what I really want to know is, what's the payment method? Is it still the same, or is it automatic Executive making the decision, disrespecting the Legislature, all these consumers, and imposing his will on a very good program that's so important to people with special needs?

SENATOR RIVERA: One second.

Through you, Mr. President. So what you're referring to was a notice that was put out on March 27th, just a few days ago, as we -- and

we were kind of surprised by it as well. But after looking at it closely, a couple of things.

First of all, this is the type of notice that is needed to -- you need to put this out so that you are -- basically, it's a placeholder for what ultimately would be agreed upon.

So the payment method that was agreed to, which is included in the final language, created a three-tiered system where basically there would be three tiers of payment depending on the amount of time, of hours per month, that the particular consumer is served. So it would be anywhere from an hour to 159 hours per month, which would be one to four hours per day, which would start at $64 per member per month and goes all the way up to -- 16 to 24 hours a day would be $522 per member per month.

So again, there is an agreed-upon tier system that is included in the language. What you're referring to was a notice that needed to be put out there as a placeholder. But what was in there was ultimately what we negotiated, which is right here.

SENATOR GALLIVAN: Thank you. Will

the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GALLIVAN: The Governor had proposed that if certain conditions existed regarding tax revenue -- and in other cases some other items come up -- and he's done this in the past. This particular year, though, the Governor proposed that if certain criteria were met, that the budget director or the Executive, through the budget director, would have sole discretion to lower reimbursement rates for Medicaid, to the tune of a total of $190 million -- the Governor's complete discretion in this area, without consulting the body.

And my question, through you, Mr. President, is is this in the final budget before us today, or something to that effect?

SENATOR RIVERA: Through you, Mr. President. I, like you -- I should say, Mr. President, like Senator Gallivan -- and maybe

you as well, Mr. President -- I'm certainly concerned with all the areas not only in this budget but certainly in any budget that I've ever seen as a Senator here, where the Executive kind of grabs more power for itself. I should say that in this case that that language ultimately made it to the final version. This refers to cuts that may happen at the federal level in October, that refer to disproportionate share hospitals, or DSH cuts.

If that happens, what the language states is that the Executive could unilaterally make changes to the budget that would potentially result in a $190 million cut to our health system. That is -- that would be truly awful, and it would be in response to the awfulness that is already occurring from the federal government.

So it's a -- in this one, we ultimately left it in there. We do believe, I do believe that there is some leeway that the Executive should have to act when an emergency occurs. This would certainly qualify as that if it happens in October. But like you -- well, Mr. President, as Senator Gallivan kind of stated as an underlying thing in his question, it is --

I am certainly concerned any time that we give more and more authority to the Executive.

But in this case, Mr. President, it did make it to the final one, and it probably -- it is -- I'm hoping it's not necessary, Mr. President.

SENATOR GALLIVAN: On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Gallivan on the bill.

SENATOR GALLIVAN: I'd like to thank the sponsor for taking the time to answer the questions and provide us with very important information -- with information in an area that's so important, the biggest area, along with education, of spending in the budget, and probably among the most important things that we do. It touches so many people, and so many people who can't care for themselves are dependent on us to make the right decisions regarding funding for their particular programs.

And I'm very pleased that -- I know all of the members in the chamber, both in the Majority and the Minority, were concerned about the Governor's proposed cuts. It was very

concerning. I'm pleased that through the advocacy of so many, so many of our constituents, members on both sides of the aisle, that the bulk of these Medicaid cuts were restored.

I have concerns about the viability of our nursing homes, some questions going forward that leave -- I guess leave their future as a question mark. And it's something that I'm pleased that Senator Rivera, the chair of Health, has pledged to keep a keen eye on so we can ensure that they are properly funded.

The CDPAP program is extremely important. It was very disturbing, as Senator Rivera indicated, when the Governor put forward this proposal. I remain concerned. I have full confidence in Senator Rivera's commitment to ensuring the viability of this program, look forward to working there, but I think that is an area of concern in this particular budget that we should all have.

And then the final area was the last one that we spoke about that I think is always concerning, not just in this area but anywhere, where some would look at it as us ceding our authority to the discretion of the Governor and

the Budget Director to just go and make unilateral decisions without our input. And it's something for us to keep an eye on. But I am concerned about the potential of the Governor pulling back up to $190 million in spending -- obviously, of course, if the negative things happen to the economy, if they reach these various metrics.

But I think those are areas to be concerned about. I do thank Senator Rivera for his answers. And I too would want to acknowledge the staff that works on this, both in the Majority and the Minority side. It's such an enormous area of the budget, and there's much there, much for all of us to continue to be concerned about.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Serino.

SENATOR SERINO: Thank you, Mr. President.

I have a few questions on health and aging, because they kind of fall in the same pot. But I think I'll start with a question on Lyme, if I could.

ACTING PRESIDENT BENJAMIN: Would the sponsor yield?

SENATOR RIVERA: I would, with one clarification. On aging issues, Senator May, being the chair of the Aging Committee, would be the best person to answer.

But Mr. President, through you, if it is something that is a health-related matter, I'd certainly be more than willing to yield.

SENATOR SERINO: Great. All right. Thank you.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: Thank you, Mr. President. Thank you, Senator Rivera.

In your one-house budget you included a million dollars for Lyme and tick-borne diseases. Have you kept that appropriation in this final budget?

SENATOR RIVERA: Through you, Mr. President, could she repeat the last -- Senator, could you repeat the last bit of your question?

SENATOR SERINO: Have you kept that appropriation in the final budget?

SENATOR RIVERA: Through you, Mr. President, yes. Yes.

SENATOR SERINO: You have?

SENATOR RIVERA: Correction. This is why -- Mr. President, again, this is why you surround yourself with people that are smarter than you. There is no -- that specifically for Lyme and tick disease, that is not there. What we ultimately included was -- so, Mr. President, through you, the answer to the Senator's question is no.

SENATOR SERINO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: Can I ask you why it wasn't included?

SENATOR RIVERA: Through you, Mr. President. As I discussed earlier, ultimately the choices we had to make were very -- were very tough. This is -- in the

case -- one of the things that I discussed earlier when the questions were being asked about what our table target was this year, how much money we had to buy back the immense amount of cuts that were to the budget -- for example, there was a -- just -- not only the $550 million cut to Medicaid in all these different chunks that I discussed earlier, but the $75 million cut to the CDPAP program, the $122 million cut to the nursing homes, and then there was a myriad of cuts to different public health programs across the state. We were only given 30 to buy all of that back.

And I should point out that while we did bring back -- we did put something for school-based health clinics, we managed to get something for eating disorders, for community services to the elderly. We tried to do things that were actually impacting as much of the state as possible. Thanks to the help of the Assembly, we were also, for example, able to put in $150,000 for the Breast Cancer Coalition of Rochester. I know that Senator Helming -- through you, Mr. President -- cares deeply about this.

As well as we did -- we tried to do as much as we could for rural health across the state. We put, for rural healthcare access development, we put in $550,000, as well as the rural health network development we put in $550,000. We had to make some tough choices. Unfortunately, there are some things that we could not do. One of those was the million dollars for Lyme and tick-borne disease. Another one, as I mentioned earlier, was a $27 million pot for the City of New York that ultimately amounts to a $54 million cut, since it is Medicaid money, for the greater Public Health Works program.

So we tried to be as judicious as we could across the state. It is unfortunate that this is one of the things that we did not ultimately include in the budget proposal, Mr. President.

SENATOR SERINO: Does the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: And, Senator, I don't know if you're aware of some of the programs that the million dollars -- last year we had a million. Every year we've kind of built that up for the past four years. But we've given money to the Cary Institute, Cornell, Stony Brook on Long Island. And like right now the Cary Institute, I think it's $190,000, which is really nothing when you think about it, but it's a lot to them. They're doing a tick project. And the tick project is through a variety of neighborhoods and they're trying to see what works to get rid of the ticks.

I was reading an article today that said that instead of making May Lyme Awareness Month, that we should make it April, because of the increase in ticks.

So I just wanted to see if you were aware of that financing going towards these really critically important programs. And it would be such a shame to not see that continue, especially when I know -- I have sick people coming in to see me all the time, whether it's an

adult that used to have a business and is walking with a walker and they can't -- they have no memory, it's affected their brain, or the fourth-graders that have come up here and said, "Hey, Senator Sue, I have rheumatoid arthritis," you know, are arthritic in their hands. Like that's unbelievable.

So this small amount of money, when you think about it, in a $175 billion budget, is so important. And budgets are about priorities. So I didn't know if you were aware of those programs that we helped fund for education, prevention, and research.

SENATOR RIVERA: Through you, Mr. President, I was aware of some of the programs, not all of them.

And through you, Mr. President, I certainly feel that obviously this is something that's very serious for Senator Serino and certainly very serious for many New Yorkers across the state.

What I can tell you is that we did provide some money to the Health Department. We hope to work with the Health Department to actually make sure that some of these programs

continue to exist. It is unfortunate that we were not able to fund them at the levels that we would have wanted. The reality is that we had to do -- and most programs in Public Health Works being one of them. That was a total cut of $27 million. But basically, across the entire state, we had to make -- we had to cut most of them.

This is -- I will tell you it was an incredibly challenging budget year because this is the budget that we were given by the Executive. We had to abide within the parameters that were there. And I certainly was scratching my head as to why some of the cuts, for example, that came in in the 30-day amendments came. I wish that we had more to do more -- more money to be able to distribute. The reality is that we do not. And we, I believe, did the best that we could. It is not that we don't care about these programs in the Majority. It is that, unfortunately, we had to make some very tough choices, and this is what ultimately we decided to do. Through you, Mr. President.

One -- I'm sorry, Mr. President. Thank you for -- again, the warrior queens

continue to prove themselves incredibly valuable, and I was just reminded of something, Mr. President. In the one-house budget bill that we did, we actually funded it, funded Lyme and tick-borne diseases at a level of -- we actually restored 1 million in our one-house. When we go downstairs, though, that's when the things get interesting. When the Assembly doesn't match us, Mr. President, and the Executive resists us, then we have to make some tough choices.

So ultimately the three-way agreement that we were able to reach was what we have in front of us. But I did want to again thank my staff for reminding me, we actually, knowing the importance of it, funded it in our one-house budget. Ultimately, it did not make it into the three-way agreement.

SENATOR SERINO: Thank you, Mr. President. I'd like thank Senator Rivera.

And I'd like to move on to aging now, if I could.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator May to answer these questions.

ACTING PRESIDENT BENJAMIN: Senator May, do you yield for some questions?

SENATOR MAY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: Thank you, Mr. President.

You know, for the past few years I've carried a bill that would extend the elder abuse hotline so it would operate 24 hours a day and seven days a week. The Governor had vetoed the bill, but he signaled support of it if we were able to carry it in the context of the budget. Last year we were able to reach a compromise that would extend the hours for the hotline that kept it open an additional three hours a day so it would run at least till 8 p.m. Monday through Friday. The Senate added $326,000 to ensure that this was done.

Can you tell me if that funding was included to ensure that the hotline can continue to run on these extended hours?

SENATOR MAY: Okay, my understanding is that wasn't in the SOFA budget, that was in the human services budget. So we'll

have to get the numbers there.

SENATOR SERINO: Can I ask -- through you, Mr. President, can I ask if it was put in the human services budget, was the funding --

ACTING PRESIDENT BENJAMIN: Senator May, do you yield?

SENATOR MAY: I believe it was not. We did add money for the elder abuse education and outreach through Lifespan, however.

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

ACTING PRESIDENT BENJAMIN: Senator May, do you yield?

SENATOR MAY: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: You know, for the past few years I've gotten such pushback on this, and I just really don't understand why. We're not reinventing the wheel, we have a child abuse 24/7 hotline.

But I'll go on to my next question, which is Community Services for the Elderly is a

program that we've always invested in because it's a flexible funding system that allows communities to fund programs that fit the unique needs of their seniors. So like Meals on Wheels or transportation for seniors or social adult day services. Communities across New York have countless seniors, actually thousands, that are on wait lists to receive these services.

So can the sponsor tell me what the appropriation for the CSE is in this budget?

SENATOR MAY: It's the same as last year, $31,183,000.

SENATOR SERINO: Does the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR MAY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: So last year I was able to secure $750,000, which was an increase for CSE. Can the sponsor tell me why you have chosen to hold this funding stream flat when we know there's a dire need for these services?

SENATOR MAY: So my understanding

is that 31 million includes the addition that you made last year, so that was continued again this year.

But we also added $15 million for the EISEP, the Expanded In-home Services for the Elderly Program, which also expands on this program. So that is a net very significant addition.

And the advocates for the elderly are extremely happy with what's in the budget this year.

SENATOR SERINO: Does the sponsor -- through you, Mr. President, does the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SERINO: For Community Services for the Elderly -- the difference between EISEP is the Community Services for the Elderly is a very flexible budget. So where in one part of the state you might have a great need for like Meals on Wheels, in another part you

might not. But it leaves it up to the localities to be able to decide where they put that funding, and that's where I'm afraid, without having that additional funding there, we're not going to be able to do that. So thank you.

SENATOR MAY: Is there more?

SENATOR SERINO: No.

On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Serino on the bill.

SENATOR SERINO: While I was encouraged to see that funding was included to support the programs that my colleagues and I have led the way on for years -- funding for Lifespan, as the Senator mentioned, funding to expand a program that helps senior victims of financial abuse to recoup stolen funds, which is an amazing program. But I'm so disappointed to see that a small step like extending the elder abuse hotline to protect vulnerable seniors was not carried forward by the Majority -- as I mentioned, a $326,000 addition.

And on Community Services for the Elderly, this is a program that we know works. And as I said, the wait lists are phenomenal.

It's thousands and thousands of people. And this allows localities to tailor the programs to meet the needs of their seniors.

Instead of funding this year, establishing a new private-pay model for senior services that will eventually allow the state to profit off the backs of our seniors. When it comes to senior services, I think you have the priorities backwards.

And now we're going to go back to Lyme.

The fact that there is no funding included for Lyme and tick-borne diseases -- when we know that this is a rapidly growing problem that affects New Yorkers across the state -- is outrageous to me. With so many members on the other side of the aisle from the Hudson Valley and Long Island, I am truly shocked. I can only assume that you are not hearing the voices of your constituents who are suffering, because I doubt you could ignore them if you did.

Just this week Syracuse.com reported that we are slated to see an especially high number of ticks this spring and summer. Imagine that. Now is absolutely not the time to be

cutting the little bit of funding we have been able to secure to address this epidemic. I can only hope that my colleagues across the aisle will go home to their districts and take the time to meet with their constituents who have been impacted by Lyme, hear them, and work to make combating it a real priority.

Budgets are all about priorities. In a $175 billion budget, a budget that eventually intends to set aside up to $100 million to spend on welfare for politicians, I find it hard to believe that you couldn't find $1 million to better protect New Yorkers from a public health epidemic.

This bill absolutely misses the mark, and I will be voting no, Mr. President. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Amedore.

SENATOR AMEDORE: Mr. President, will the Senator or the sponsor of HMH Part Y of the budget yield for some questions? That's the direct care human service COLA.

SENATOR GIANARIS: Mr. President, Senator Carlucci will be answering questions on

this.

ACTING PRESIDENT BENJAMIN: Senator Carlucci, do you yield for questions?

SENATOR CARLUCCI: Yes, I do. Thank you.

ACTING PRESIDENT BENJAMIN: the sponsor yields.

SENATOR AMEDORE: Thank you, Mr. President. Thank you, Senator Carlucci.

Can you tell me if there is funding in this year's budget for direct support professionals, and how much?

SENATOR CARLUCCI: Yes. We were able to put together a 2 percent raise for direct care workers starting January 1, 2020, and then another 2 percent raise will take effect in April of 2020.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: What

professionals are eligible for these funds?

SENATOR CARLUCCI: So we have the direct service workers, and it's broken out all the employees that are actually eligible, in one of the documents I have. But it's the 100s, 200s, and 300s.

So the direct care workers, just to be brief, just to name a few, would be the mental hygiene workers, counselors, peer specialists and others providing direct care services in OPWDD, OASAS and OMH.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Senator Carlucci, is there funding for a human services COLA in this budget this year?

SENATOR CARLUCCI: Unfortunately, there is not. Through you, Mr. President.

SENATOR AMEDORE: Why wasn't there any funding? Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR CARLUCCI: Thank you, Senator Amedore. Yes, I yield, Mr. President.

Yes, and unfortunately this is something that we were working towards and pushing the Governor. As you know, it wasn't included in the Governor's Executive Budget. We had pushed in our one-house to get a COLA for -- across the board for all of our agencies, but unfortunately we just couldn't get there in negotiations. And unfortunately, that's something that we're going to have to pick up and start working towards to make sure we can eventually get that COLA increase.

SENATOR AMEDORE: Through you, Mr. President, I know that --

ACTING PRESIDENT BENJAMIN: Are you asking the sponsor to yield or --

SENATOR AMEDORE: Yes, ask the sponsor to yield for another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR AMEDORE: Knowing all of the advocates and the providers, you know, there's one thing that they've requested year after year, and that is a COLA increase. And this -- unfortunately now you're telling me that this budget doesn't have one.

Do you have plans, are there plans to implement such COLA increases next year?

SENATOR CARLUCCI: That's -- through you, Mr. President -- definitely my idea, and I know the Senate Majority would love to work in that direction.

Unfortunately, we know the projection was $142 million to do the full COLA, something that this body wanted to do. We couldn't get there in negotiations with the Governor. And it's true, we have to make sure we're providing a cost-of-living adjustment to our hardest-working members of society taking care of our most vulnerable populations. So I know it's the intention of the Senate Democratic Conference to push forward that measure. And that's why we said we have to do something, and we cobbled the money together to do a raise for

direct care workers. And that's what we're able to deliver in this budget.

SENATOR AMEDORE: Thank you, Senator Carlucci.

Mr. President, I have a question to the sponsor or the Senator under Part GG funding for OASAS treatment, recovery, prevention and education services.

SENATOR CARLUCCI: I think Senator Harckham could take it.

SENATOR GIANARIS: Mr. President, could I just ask the subject matter? I wasn't paying attention to the question.

SENATOR AMEDORE: Mr. President, I have questions to the sponsor on funding for OASAS opiate treatment, recovery, prevention and education services. It's under Part GG.

SENATOR GIANARIS: Thank you, Senator Amedore. That would be Senator Harckham, please, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Harckham, do you yield for a question?

SENATOR HARCKHAM: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you, Senator Gianaris. Thank you, Senator Harckham.

There's language here in Part GG -- how did the sponsor come up with the figure of $100 million stated in this part of the budget?

SENATOR HARCKHAM: Through you, Mr. President, this was as a result of the opioid tax that actually passed last year under the previous majority and was ruled illegal by the courts and did leave a hole in the budget. And we realized that we needed to fill that hole, and so we decided to accept that measure as it was revised and provided in the Executive Budget, and we decided as a one-house to dedicate that funding to OASAS and to opioid treatment.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Will this money be used for new programs, or will it be used as

General Fund relief to support existing programs?

SENATOR HARCKHAM: Through you, Mr. President, our intent is for new programming.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Senator Harckham, will the funding be divided equitably to programs throughout the state? Who will determine that?

SENATOR HARCKHAM: Absolutely. We will be working with OASAS, through our committee and through the Committee on Health, and actually after the budget we'll be putting together a task force to travel throughout the state -- rural areas, upstate, urban areas, suburban -- to ascertain exactly what the gaps in the system are.

We took great strides in this budget that will save lives. We actually moved the needle from 14 days to 28 days on insurance

concurrent review or prior authorization, both for inpatient and for outpatient services. We reduced copays from multi-copays per visit to one. These will save lives, these measures, so we're off to a good start. And then we will find out what other gaps in the system there are, and this funding will be disbursed equitably.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you, Senator Harckham. You know, I know during the budget hearings last year I asked that specific question to the commissioner of OASAS, and even at that time that -- at that point she could not answer that question that they would allocate such new funds to go to new programs, but that it could potentially be used or would be used as the relief fund for the existing programs.

And we all know, as I said during my attempt of that amendment, that we in New York --

quite frankly, this country -- we face a huge epidemic of addiction. Whether it's nationally, over 77,000 people have died because of overdose deaths, or in this state thousands of people have lost their lives or families have been wrecked, pulled apart financially, ruined because of addiction.

So when you talk about this vagueness of -- or the intent maybe of having $100 million being -- going towards being used for the services that we have expanded these last few years in the state, how can you say to me today that you believe they're going to be for new programs when in fact the commissioner can't even commit to such a question?

SENATOR HARCKHAM: Through you, Mr. President. First, I would say we are not relying on testimony from last year's budget hearings, we rely on testimony from this year's budget hearings. I was not here last year, and there's a lot that's changed from last year. We're talking about this year. And this year is OASAS has told us they will spend every penny we can give them.

And I assure you, Senator, that this

Majority, every much as you do, shares your passion and concern for the opioid epidemic and the people that are dying in this state.

SENATOR AMEDORE: Will the sponsor continue to yield for one more question?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: I thank you again for your indulgence on the answer. And Senator Harckham, it sounds like you have that compassion and that great desire to help those who struggle with addiction in this state.

But if you're so committed and if this Majority is so committed to such efforts, then why haven't we seen any language even in the revenue bill directing this new money, this tax, to be directed specifically to new programs? As we know that the State of New York lacks programs, services, expansion in so many ways in areas to help those most vulnerable in society.

SENATOR HARCKHAM: Through you, Mr. President, and that will be our charge as the

Health Committee, as a Legislature, as a Committee on Alcoholism and Substance Abuse, is to work with our colleagues at OASAS to ascertain what those needs are and to get those funds directly where they need to be.

SENATOR AMEDORE: Thank you, Mr. President. No further questions.

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

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, as discussed, we're going to lay aside this bill temporarily pending the receipt of a message from the Governor. And at this point we will be calling an immediate conference for the Democratic Conference. And there's actually dinner available in the members' lounge, so if members can get their food and get to conference, we can get back at 8 o'clock for session.

And please call on Senator Griffo.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Mr. President,

there will be an immediate meeting of the Republican Conference in Room 315.

ACTING PRESIDENT BENJAMIN: There will be immediate meeting of the Democratic Conference and an immediate meeting of the Republican Conference.

SENATOR GIANARIS: The Senate will stand at ease, Mr. President.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:42 p.m.)

(Whereupon, the Senate reconvened at 8:58 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

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

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

The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the

following bills:

Senate Print 1500D, Senate Budget Bill, an act making appropriations for the support of government: STATE OPERATIONS BUDGET;

Senate Print 1501A, Senate Budget Bill, an act making appropriations for the support of government: LEGISLATURE AND JUDICIARY BUDGET; and

Senate Print 1509C, Senate Budget Bill, an act to amend Part U of Chapter 61 of the Laws of 2011.

All bills ordered direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(No response.)

ACTING PRESIDENT BENJAMIN: The Committee on Finance report is accepted and before the house.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now take up Senate Supplemental Calendar 30B.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 361, Senate Print 1500D, an act making appropriations for the support of government.

SENATOR GIANARIS: Lay it aside temporarily.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

THE SECRETARY: Calendar Number 362, Senate Print 1501A, an act making appropriations for the support of government.

SENATOR GIANARIS: Lay it aside temporarily, please.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

THE SECRETARY: Calendar Number 363, Senate Print 1509C, an act to amend Part U of Chapter 61 of the Laws of 2011.

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

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

SENATOR GIANARIS: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(Response of "Nay.")

ACTING PRESIDENT BENJAMIN: 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.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now take up the controversial calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 363, Senate Print 1509C, an act to amend Part U of Chapter 61 of the Laws of 2011.

ACTING PRESIDENT BENJAMIN: Senator Seward.

SENATOR SEWARD: Yes, thank you very much, Mr. President. I would ask if -- would Senator Krueger yield for a couple of questions?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR KRUEGER: I will yield for more than a couple of questions if Senator Seward would like.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR SEWARD: Since we are on the revenue bill, let's talk revenues.

SENATOR KRUEGER: Oh, good, let's talk revenues.

SENATOR SEWARD: The Executive Budget had over a billion dollars in tax increases and revenue raisers. Which ones did not make it into the final budget, and what was

the fiscal impact of each of those rejections? Are there any in the Governor's original proposal not in this budget before us?

SENATOR KRUEGER: We think all of the Governor's original revenue survived until this budget bill.

SENATOR SEWARD: So does that mean that the millionaire's tax is included in the budget? And how much is it worth this year and next year?

SENATOR KRUEGER: Okay, the continuation of the higher personal income tax rate five-year extension for 2019-2020 is scored at 771 million, and for 2021 it's scored at 3.56 billion.

SENATOR SEWARD: And so does this mean that the prescription opioid tax is included in the budget? And how much is that worth this year and next year?

SENATOR KRUEGER: So it was already baked into the financial plan from the 100 million we put in last year, but because of the court decision we couldn't use that. So that is now applied to this year.

SENATOR SEWARD: So does this

mean -- does that mean that the -- for example, the upstate auto rental tax, that's included in this budget?

SENATOR KRUEGER: Yes.

SENATOR SEWARD: And at what percentage? And how much is that worth in terms of revenue this year and next year?

SENATOR KRUEGER: We know it's 6 percent. And it's -- I'm sorry, excuse me, to speak into the mic. It's a 6 percent auto rental surcharge, and it's 22 million in revenue this year, 36 million in the next year.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: So the Governor put in his budget a 5 percent, and it's now 6 percent.

SENATOR KRUEGER: That's correct. And it's intended to go to upstate transit.

SENATOR SEWARD: Okay. Speaking of

that, where does the -- where do the tax dollars from this new upstate auto rental tax, where do the tax dollars from this new tax get deposited, and for what purpose?

SENATOR KRUEGER: So it is intended to be used for upstate transit in the non-MTA region. Is that right? Yes, I guessed right, in the non-MTA region.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: What happens to the money collected in those counties that don't have a funded transit system? They're paying the tax and they don't have a transit system. That includes some upstate counties.

SENATOR KRUEGER: So a county that has absolutely no bus service and no transit service?

SENATOR SEWARD: Mm-hmm. Sure.

SENATOR KRUEGER: They're thinking.

One moment.

So we're not sure, Senator. It's a good question, and we will try to get you that answer from a different staffer if you'd just give us another moment.

We believe that if you're a county without any transit system, you're not eligible to draw down on this funding source.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: I'd say that's a glaring problem, because they're paying into this fund and have no way to receive any benefits from it.

But let's move on to -- I want to return -- two more questions, if the Senator would yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield for two questions?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: Returning to the prescription opioid tax, can that be passed on to the final consumer, either in the price or otherwise?

SENATOR KRUEGER: Yes, we believe that it can be.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: So that means that those New Yorkers who get prescription opioids, they will be looking at paying an extra $100 million collectively each year.

SENATOR KRUEGER: Well, hopefully not individually, that no one's -- but yes, there is the reality that people will -- not all of them, because in some cases if the primary first seller was not a consumer, not to a consumer, someone else would be picking up the tax. But

the truth is all taxes end up being rolled down the hill. So I would say honestly, yes, that consumers will see an increase in the price of opioids. What we hope is that fewer people are using opioids over time.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: So I'd say that's another glaring problem with this revenue bill, is the fact that New Yorkers who get a prescription for opioids, their doctor says this is what they need, are going to be paying $100 million more throughout the state.

But moving on to a question, the final question, are there any new revenue raisers in this budget that were not included in the executive's proposed budget? And if so, what are they and how much revenue do they raise?

SENATOR KRUEGER: So we did create a real estate transfer tax on New York City only,

as well as a -- what's being referred to as a mansion tax on New York City only, with an estimated revenue in 2020 of 243 million and in 2021 of 378 million. And these revenues would be delivered into a lockbox for the MTA.

SENATOR SEWARD: If the Senator would continue to yield, I thought of another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: In the -- as I read the new -- the internet tax portion in the so-called marketplace, what are the distribution of those taxes?

If I could just clarify the question, when I say the distribution of the taxes I'm talking about the sales taxes that are collected.

SENATOR KRUEGER: Thank you.

So the internet sales tax would provide -- excuse me, would generate 160 million in new revenue for local governments and

320 million for the MTA capital plan lockbox, supporting up to 5 billion in bonding for the MTA.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: If I understand your answer then, Senator, this would be statewide sales tax revenues going specifically to the MTA.

SENATOR KRUEGER: No. So the state-collected sales tax, which would be 160 million, that goes to local governments. And then there's 320 million that ends up going to the MTA, which is a combination of the City of New York's internet sales tax as well as the state's share.

So state money that it would be collecting, plus the city's local share, go to MTA; that's 320 million. And the counties' share of their local sales tax goes to them, and that's

160 million. That does not go to the MTA lockbox.

SENATOR SEWARD: If the Senator would continue to yield. The more answers I get, the more questions I have.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: Of course, you keep mentioning the 160 million for counties. It's my understanding that they're going to have to share that with local municipalities to make up the cut in the AIM funding.

But also it is true if it's state sales tax money, that's being collected from New Yorkers from all over the state. And that state sales tax money is being directed to the MTA?

SENATOR KRUEGER: No. So if it's the locality's share, it goes to the county and then that gets shared with the localities within the county as other sales taxes do. The state's share of the sales tax would go to the MTA -- no?

One second. Thank you.

The state's share of internet tax does not go to the MTA unless it's the New York City share. So I misspoke before. So the only internet taxes that are going to the MTA lockbox are those generated from the City of New York.

SENATOR SEWARD: If the Senator would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: It's our reading of this provision that Part G refers to the central business district tolling capital lockbox, that it refers to state sales tax. And you're saying that it is only from sales tax from the City of New York. It's very unclear.

SENATOR KRUEGER: One moment.

So I believe that the answer, to clarify your question, is that the sales tax collected from people who live in the City of New York and do business on the internet, both the state's share of that and the city's share of

that both go to the MTA lockbox.

But if you don't live in the City of New York and you are paying your internet taxes to anywhere else in the state, then that does not go to the MTA lockbox.

SENATOR SEWARD: Thank you for responding.

SENATOR KRUEGER: You're welcome.

SENATOR SEWARD: I know others want to speak. But briefly on the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Seward on the bill.

SENATOR SEWARD: What a difference, you know, five or so months mean in this process. I was quite taken by comments of our new Democrat leader, our new Majority Leader right after the election. She was quoted as saying now that Democrats won a majority, their incoming leader said Democrats have no plans to raise taxes on New Yorkers. "We're not interested in that," according to our Majority Leader.

But what a difference five months make. Because of the fact that in this budget, the first budget presented to us by the new

Majority, there's $1.404 billion in new taxes that will hit New Yorkers this year. Next year that number grows to 4.558 billion. This is exactly the wrong direction for New York State.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President. Will the sponsor yield for a couple of questions, Senator Krueger?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

SENATOR AMEDORE: Thank you, Senator Krueger.

I want to chat about the opiate tax.

SENATOR KRUEGER: The opioid tax.

SENATOR AMEDORE: Yes. According to the language of the bill, buprenorphine and methadone are excluded from the tax. Would other medication-assisted-treatment drugs such as Suboxone or Vivitrol be included in this tax?

SENATOR KRUEGER: So there are only three drugs exempt, methadones, morphine and -- wait, we're looking up the third one. But we

also exempt drugs used by hospices and -- bupenephrine {sic}. I wish I knew what that was, I would be more articulate about that one. Oh, it is like Suboxone. So yes, that is exempt. And hospice drugs are exempt. And drugs used by substance abuse programs are exempt.

SENATOR AMEDORE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you for the answer. You know, Suboxone is a combination of Naloxone and buprenorphine. So buprenorphine is what you were explaining that is exempt, as well as methadone.

But Suboxone is not. Vivitrol is not exempt. And these drugs, these are medically assisted treatment that works. And so that's why I asked if they would be exempt from this tax, but I don't see the language that they are.

SENATOR KRUEGER: So I don't know that this does address mixes of the combination

of drugs. So if it's a combination of morphine and naproxen to create something else, then I'm not sure that it would be covered.

SENATOR AMEDORE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: You mentioned morphine. It is excluded from this tax, and other common drugs used in hospice care such as tramadol and transdermal fentanyl, they're not excluded. And these are drugs that are widely used by hospice. Why are these drugs, other drugs not exempt from the tax?

SENATOR KRUEGER: So the named individual drugs are not exempt. But if the hospice is purchasing the drugs, then they are exempt. So I'm assuming the drugs you're describing used by hospices would be purchased by hospice, so then they would be exempt.

SENATOR AMEDORE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you.

According to the language of the bill, hospice addiction treatment centers are exempt from this tax. Was an exemption for palliative care and cancer patients considered? Because I don't see that they're exempt as well.

SENATOR KRUEGER: One moment.

So I think you're correct, those are not exempt. You would have to be a hospice provider or an OASAS provider. So sometimes palliative care is provided in the context of hospice services, but sometimes it is not.

Although if you're -- well, I'm not a doctor, but if you're prescribing morphine to someone, it's probably more likely to be in a hospice center than in a palliative care/chronic illness setting situation.

SENATOR AMEDORE: Through you, Mr. President, I believe that, you know, whether --

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

SENATOR AMEDORE: Just quickly on the bill.

ACTING PRESIDENT BENJAMIN: Senator Amedore on the bill.

SENATOR AMEDORE: Someone who is going through cancer treatment may not need morphine coming from hospice, but being treated for the pain and the diagnoses that they have. It is separate: Hospice, palliative care, and cancer treatment. So --

SENATOR KRUEGER: That's correct.

SENATOR AMEDORE: -- you know, that's why I brought this up.

Well, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: You know, from what I'm able to gather from the revenue --

having the discussion that you had with Senator Seward, you talked about $100 million being generated from this tax. Is that correct?

SENATOR KRUEGER: That's the projection.

SENATOR AMEDORE: Mr. President, will the Senator continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So if there was around $100 million that's going to be generated, I believe that that tax would go straight to the General Fund and not to prevention, treatment or recovery programs operated by authorized or certified OASAS providers. Is that correct?

SENATOR KRUEGER: Because of the legal decision from last year, the Executive would not link this money with a specific purpose. So it is to the General Fund, to avoid the legal problems of last year.

SENATOR AMEDORE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: You know, the last bill we talked about -- and I had a discussion with Senator Harckham, we talked about Part GG of the HMH bill. And whether it was Part GG or -- that gave that language of the intent of the $100 million to be allocated. Now you're saying in this bill that it's not allocated to any prevention, treatment or recovery programs at all.

My question to you, Senator Krueger, is will any of the revenue be used to fund housing programs or new programs that will support those who are fighting addiction?

SENATOR KRUEGER: So again, I was out in the Finance Committee before when you had your discussion with Senator Harckham, so I don't want to misspeak. But my general understanding is there's a commitment to $100 million for substance abuse, opioid addiction treatment. But that is not necessarily the 100 million from the

opioid tax, because money is fungible, that tax money is going into the General Fund, and which dollar comes out for which purpose at any given day, none of us know.

So again, I'm going to stick with, for legal purposes, the Executive has made clear that there cannot be a direct connection between this tax and a specific purpose.

SENATOR AMEDORE: Thank you, Senator Krueger.

Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Amedore on the bill.

SENATOR AMEDORE: Here we go again, New York State at its finest. We found a new tax, a way that we can tax our seniors who are suffering with chronic pain, who are battling cancer, who need to go to hospice in maybe their last days of life. We go to someone -- we're asking someone who is battling with addiction, and they need medically assisted treatment. And if they were prescribed Vivitrol or Suboxone, we're making them pay more because these exemptions don't exist.

How can we say with a straight face

to our seniors and go back to our districts to say, You know what, we got your back, we made New York a little bit more affordable. Our veterans who are suffering with chronic pain, many of them. How could you say you got their back, you don't have to pay any more because, you know, we care for our citizens?

This tax is a direct shot to their pockets. And they're struggling to make ends meet, they're dealing with medical issues, some are dealing with addiction issues, families who are struggling to find help, need new programs, need to have supportive housing. These answers are not found in this house.

But what we do here is that $100 million, potentially $100 million, can just go right into the General Fund and the Governor can spend it, I guess, however he feels fit. Mr. President, I don't find that that is the right thing to do, and I will be voting in the negative.

ACTING PRESIDENT BENJAMIN: Senator Ortt.

SENATOR ORTT: Thank you, Mr. President.

Would the -- would Senator Krueger yield to some questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Thank you very much you. Through you, Mr. President, my questions to Senator Krueger, to the sponsor, center on the New York State film tax credit.

Could the sponsor tell me what percentage of the film credit reimbursements go to New York City?

SENATOR KRUEGER: We're trying to get that answer for you.

We don't have an answer for you. We are trying to reach out to people. But I will tell you I believe it's the significant majority.

SENATOR ORTT: Through you, Mr. President, I thank the sponsor for the educated answer, the educated hypothesis. I share her thought or feeling on that. But I will move along, and if she does get a concrete answer, we can always revisit that.

So through you, would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President, are there any other industries that the sponsor is aware of that receive a credit where 30 to 40 percent of their production costs are subsidized?

SENATOR KRUEGER: I don't think so. I mean, manufacturing is down to zero taxation, so I'm not sure about a credit there because we've now zeroed out their taxes. But I don't know off the top of my head if there are any that fit exactly the model for the film tax credit.

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

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR ORTT: Does the sponsor know how many permanent jobs this credit has created, permanent, full-time, year-round jobs?

SENATOR KRUEGER: Sorry. Sorry for the delay.

So according to a spreadsheet I am looking at, in 2016, with qualified costs of $426 million, there were 39,946 hires. It's a little hard to read this chart.

So it varies per season. And this is quarterly data, so it's ranged from 41,000 for a quarter up to 58 -- oh, 63,000 for a quarter. So there are seasonal differences.

And I'm assuming we can transfer this chart to you. I'm not smart enough to, but that someone will be able to transfer it to you.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: So through you, Mr. President, just so I'm clear, the sponsor said seasonal. And I'm looking forward to seeing the chart. But my question was -- so that's permanent jobs, jobs that are not seasonal, jobs that are created permanently here in the State of New York as a result of this credit. The answer sounds like those jobs might be temporary. I just want to get some clarification on that.

SENATOR KRUEGER: So most of these jobs, whether it's film, TV, commercials, are jobs that come and go for different periods of time, not unlike construction jobs for union workers. And in fact, these are mostly union jobs.

So you can track it in totals by the dollar numbers and the wages. But in fact if I am working on producing -- no, I'm sorry, if I'm a staff person on a film, I might be on for six months and then not working for several months. If I'm on a TV show, they tend to produce seasons and then go on hiatus and come back. They certainly hope for the next season.

So it is a rotating industry, and it actually does have seasons.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Can the sponsor identify or tell me how many MWBE firms have been recipients of this credit?

SENATOR KRUEGER: There is no specific MWBE component to the film tax credit.

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

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Would the sponsor agree or disagree with the following sentiment, and I quote, that "this credit is too generous compared to any other state."

SENATOR KRUEGER: May I ask whose quote that is?

SENATOR ORTT: Yours.

SENATOR KRUEGER: That's what I thought.

You know, I'm not sure. I did say that. And then I've also been watching and looking at the data on how New York's film and tax productions have continued to grow, have continued to create jobs year after year. We've watched now several other states decide to reduce their credits and have seen a reduction in the number of jobs that they have.

As always, I think it is worthy of evaluating every tax credit --

(Loud noise from behind.)

SENATOR KRUEGER: He's not editorializing, he's just tearing paper for some reason.

Excuse me. Excuse me, Mr. President.

So I think every tax credit deserves to be reevaluated on an ongoing basis. In fact, I have bills to propose that. And we have also expanded the categories of what the film tax credit can be used for over a number of years to allow more sectors of the industry. And so it's

actually been a changed credit since it first started. But it's always worth evaluating what you're getting for your money in a tax credit, any tax credit.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. This bill proposes changes specifically to the commercial tax credit. Could the sponsor clarify to me what those changes are?

SENATOR KRUEGER: It's a multiple answer, so we're only going to do one piece at a time.

So we changed it so the commercial tax credit was in three pots. And one was being underutilized, so it's been reduced to two pots so that it can be more effectively utilized.

(To counsel.) Keep going.

So we also expanded the categories

that you can apply for in commercials, and we expanded to include online media as well, since so much of advertising today actually is done online as opposed to in a traditional TV commercial.

SENATOR ORTT: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Mr. President, the sponsor mentioned that it went from three pots to two, one of those pots was eliminated. Could the sponsor identify which pot was eliminated and why?

SENATOR KRUEGER: So when this was first created, one pot was set aside for new businesses to take advantage of. But it turns out that the industry is mature enough that there really weren't new businesses coming in and applying for it in the commercials, so that was going unutilized. So that's been rolled into the

other two.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: So just so I'm clear, there was a pot for new companies or for growth that has been eliminated because there was no growth to justify that pot of money. Is that an accurate representation?

SENATOR KRUEGER: So I'm not a hundred percent sure why it wasn't being utilized, but it wasn't being utilized. So they've removed that pot.

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

ACTING PRESIDENT BENJAMIN: Senator Ortt on the bill.

SENATOR ORTT: I want to thank the sponsor certainly for her good-faith attempts to answer.

I think it should be really telling that on a $420 million credit, we don't know some really basic questions that everybody in this room expects businesses back home to answer when they get money. We put them through the wringer when they can't answer a question. And I don't fault the sponsor, I don't think there's really any answers. I don't think we -- we don't know what we don't know when it comes to this credit. Except we know the price tag.

And just to be clear, we've extended the tax credit for two more years even though it didn't expire until another two years. So now it's extended to 2024, and between now and then we'll spend $2.1 billion on this credit for a fluid number of jobs.

Conversely, I think it's interesting that the Amazon project, which we've all heard so much about, would have created 25,000 permanent jobs at a minimum. And it would have cost the State of New York 1.7 billion over 10 to 15 years. But all we heard about was how bad that project was. Corporate giveaway. But 2.1 billion, we're okay with that.

So there's clearly a disconnect

there, or maybe it's just hypocrisy, I don't know. But we heard today it was a tough budget year time and again. And it was a tough budget year. And in tough budget years, as the Majority is finding out, you have to make really hard decisions. This could have been an easy one. Instead we're going to tell the DD community, infrastructure, schools, veterans organizations, farmers: Tough budget year. But you know who it wasn't a tough budget year for? The film industry and Hollywood.

Mr. President, I vote no.

ACTING PRESIDENT BENJAMIN: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President. I have some questions on the discovery portions.

SENATOR GIANARIS: That's Senator Bailey.

ACTING PRESIDENT BENJAMIN: Does Senator Bailey yield for questions?

SENATOR BAILEY: Absolutely.

SENATOR RANZENHOFER: Through you, Mr. President. Thank you, Senator. Can you tell me how the final language differs from what was

in the Executive's budget?

SENATOR BAILEY: Certainly. Through you, Mr. President. The final language results in -- there's additional good cause that's given to the prosecutors beyond the 15 days post-arraignment material. If a prosecutor has a good-cause reason for an extension, that they can't give the evidence up after 15 days, then that was -- that's one of the major components of the change.

SENATOR RANZENHOFER: Okay. Can you tell me -- through you, Mr. President, if the sponsor will continue to yield for --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: In the bill, from what I've seen, the prosecution is now required to release information about either victims or witnesses with respect to the names and other information. Can you tell me what other information is now required to be released?

SENATOR BAILEY: Through you,

Mr. President. Witness's names would be given, but -- "with adequate contact information." That does not mean that addresses would necessarily be disclosed.

SENATOR RANZENHOFER: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Would the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: But under the law that is introduced now and is going to be voted on shortly, the address of the victim or the address of the witness could be disclosed; is that correct?

SENATOR BAILEY: Through you, Mr. President, no, unless the defendant has good cause.

SENATOR RANZENHOFER: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR RANZENHOFER: So when you say other contact information, what information are you referring to that's going to be released?

SENATOR BAILEY: Names -- through you, Mr. President. Names, phone numbers, emails. Not addresses.

SENATOR RANZENHOFER: So we are going to -- again through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: So it's now, under this new law -- where previously the phone number was not released, you are now going to be releasing phone numbers of victims and witnesses to the defense; is that correct?

SENATOR BAILEY: Through you, Mr. President, it is quite possible that a phone number would not be released if the prosecution makes an application for a protective order with good cause shown.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: So under this new proposed law, then, the district attorney who's prosecuting the case cannot assure a victim and cannot assure a witness that their contact information will not be released, would that be true?

SENATOR BAILEY: Through you, Mr. President, that would be inaccurate.

SENATOR RANZENHOFER: It would be inaccurate?

SENATOR BAILEY: That's correct, Mr. President.

SENATOR RANZENHOFER: Well, how can -- through you, Mr. President, can you tell me how a --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

SENATOR RANZENHOFER: -- prosecutor can guarantee that this information will not be released?

SENATOR BAILEY: Through you, Mr. President, there is a provision in the bill that provides for the application for a protective order which has the standard of good cause shown. A prosecutor is welcome to apply for that -- welcome to apply for that protective order.

SENATOR RANZENHOFER: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: And if that application by the prosecutor is denied, then that information would then be released, is that correct?

SENATOR BAILEY: Through you, Mr. President, it could be, but the court has ultimate discretion if there was concern -- that

the judge had concern about the witness information getting out.

SENATOR RANZENHOFER: So it would be fair to say -- through you, Mr. President --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: So it would be fair to say that as a prosecuting attorney, you could not with any level of certainty guarantee to a witness that certain information is not going to be released. It could be released, it may not be released, but you can't tell the victim or the witness unassuredly that that's not going to happen.

SENATOR BAILEY: Through you, Mr. President. This statute was drafted after negotiations that took prosecutors' concerns into effect. So I would say that there would be a high possibility of, again, if a prosecutor applies for a protective order, considering the standard is good cause shown, considering that we are making it quite reasonable, considering the

language that is applied in the statute, that a prosecutor would have every opportunity, every possibility to obtain a protective order.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Can you tell me how many public hearings you had on this -- on discovery?

SENATOR BAILEY: Through you, Mr. President, none.

SENATOR RANZENHOFER: Can you tell me -- can you tell me when the actual --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

SENATOR RANZENHOFER: Thank you. Can you tell me when the actual language that we are voting on today was actually released to the public?

SENATOR BAILEY: The specific language that is in this bill before us today was released this afternoon. However, as indicated by Chief Judge Lawrence Marks during the public protection hearing, discovery reform is something that we've been talking about for 25 years.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Senator, I'm sure you know that we talk about a lot of things for many, many years and things don't happen. But now there is a bill that's live on the floor. And are you aware that the District Attorneys Association for New York State has come out and issued a very blistering statement about how this bill was not done in the light of day, how there were no public hearings, and they are very much opposed to it?

SENATOR BAILEY: Through you,

Mr. President, I have heard of such a statement. And that statement strikes me as odd, considering that I had multiple conversations with multiple district attorneys in multiple jurisdictions about this legislation coming forth. And these district attorneys, who are -- who uphold -- are the chief prosecutors, the chief law enforcement officers in our specific counties, they have indicated that they are sympathetic towards criminal justice reform, that they have an appetite for discovery reform.

So it is rather odd to me -- and a statement that I have not necessarily seen yet -- that such a statement would be made, Mr. President.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Senator, are you aware that in the statement issued by the

New York District Attorneys Association they specifically have stated that it places unnecessary burdens on the workings of our criminal justice system? They call it unrealistic, unworkable requirements, they called it chock-full of half-baked policy that was crafted with a lack of transparency, a lack of input from the appropriate stakeholders, and they should have included more open hearings, more public comment, and more expert testimony? Are you aware of that comment from the New York State District Attorneys Association?

SENATOR BAILEY: Through you, Mr. President, based upon the Senator's reading, I now am aware of the full reading of it.

(Laughter.)

SENATOR RANZENHOFER: That wasn't -- through you, Mr. President, that wasn't the -- I just saved some of the parts. That was not the full reading. They are not happy with it.

And let me ask you a question, if I may --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Can you tell me about the change of grand jury testimony, which is a long-held process, a secretive process which is intended to protect witnesses and victims?

SENATOR BAILEY: Through you, Mr. President, the -- there is more time than the 15 days to release it, but the prosecutors eventually do have to release grand jury information.

SENATOR RANZENHOFER: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: How much sooner does the grand jury testimony have to be released than under prior law?

SENATOR BAILEY: Through you, Mr. President, it will be much sooner, because

under current law the standard is just before trial. Excuse me, not just before trial, but that it only has to take place before trial.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Would you agree with me, Senator Bailey, that victims and witnesses do not have the same level of protection that they formerly had when this information was released at a much later date?

SENATOR BAILEY: Through you, Mr. President, I would not agree with that. There is a broader protective order under this bill than there is in the current law.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Would someone accused of rape be allowed access to their victim's information under this new bill?

SENATOR BAILEY: Through you, Mr. President, any information can be withheld if the prosecutors apply for a protective order and they deem that individual too dangerous -- or not dangerous, excuse me, if they deem that individual not somebody that should be able -- should be willing to obtain that information.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Will child predators be allowed to now get victims' information?

SENATOR BAILEY: Through you,

Mr. President, if there is good cause to protect the information, the prosecutors can apply for that protective order.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: So would it be fair to say, Senator, that absent any special protection from the court, if you are a victim of a rape or you are a victim of a sexual predator or a family member of yours has been murdered, that information is now more disclosable than ever unless you get a special dispensation from the court? Would that be fair to say?

SENATOR BAILEY: Through you, Mr. President, the language is carefully drafted so that a protective order can be obtained via the standard of good cause shown, any standard of good cause shown, which is a very reasonable and very low standard to obtain a protective order.

Lenient standard. I should not say low. A lenient standard, Mr. President.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Notwithstanding the -- whether it's reasonable or what some judge is going to do at a later date, unless you get this special protection, this information, in terms of if you're a rape victim or if you're a sexual predator victim, this information is going to be released unless you're successful in getting a protective order. Is that correct?

SENATOR BAILEY: Through you, Mr. President, the prosecution would have to apply for a protective order.

SENATOR RANZENHOFER: And that's not the case under current law right now, would that be fair to say?

SENATOR BAILEY: Through you, Mr. President, that would be fair to say.

SENATOR RANZENHOFER: Does the bill also talk about preservation of --

ACTING PRESIDENT BENJAMIN: Senator Ranzenhofer --

SENATOR RANZENHOFER: Yes, of course, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Does your bill, Senator Bailey, talk about preservation of crime scenes?

SENATOR BAILEY: Through you, Mr. President, could Senator Ranzenhofer repeat his question?

SENATOR RANZENHOFER: Yes, Mr. President. Does the bill, the new proposed language, deal with the issue of preserving a crime scene?

SENATOR BAILEY: Through you,

Mr. President, it does.

SENATOR RANZENHOFER: And under existing law -- well, strike that, if I may. Mr. President, if the sponsor will yield --

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: The crime scene now has to be preserved so the accused can now look at it, is that correct?

SENATOR BAILEY: Through you, Mr. President, the accused may ask for permission to visit a crime scene, as under current law.

SENATOR RANZENHOFER: And under the new bill, how long does the crime scene have to be preserved for the accused to be able to inspect it?

SENATOR BAILEY: Through you, Mr. President, I am not certain about the time frame of that at the current time.

SENATOR RANZENHOFER: Mr. President, if the sponsor will continue to yield for just a couple of more questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Certainly. For a couple -- more than a couple, Mr. President.

SENATOR RANZENHOFER: Okay. Well, if you wish.

(Laughter.)

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BAILEY: Mr. President, in response to Senator Ranzenhofer's last question, there is no time period assessed to the last question concerning the accused.

SENATOR RANZENHOFER: Through you, Mr. President. But it is true that the time would have to be until the accused is allowed to inspect the crime scene, is that correct?

SENATOR BAILEY: Through you, Mr. President. Not necessarily. It depends on -- it's context-specific.

SENATOR RANZENHOFER: So, Mr. President, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Yes, sir.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: So in a domestic violence situation where there is -- there are allegations of abuse that took place in the home, does that crime scene have to be preserved if the accused is asking to inspect the crime scene?

SENATOR BAILEY: Through you, Mr. President, only if a defendant asks for it. And the judge can rule that the premises can be preserved for a specific amount of time -- a specified amount of time. Excuse me, Mr. President.

SENATOR RANZENHOFER: If the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, sir.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: So a victim of domestic violence, an individual is beaten senseless in his or her home, how long would that crime scene have to be preserved so the accused can inspect it?

SENATOR BAILEY: Through you,

Mr. President. Once again, that is a context-specific question which depends on the specific nature of the case and the judge -- and the judge in that instant proceeding.

SENATOR RANZENHOFER: And a final question, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR RANZENHOFER: Is the accused, the defendant in a particular situation, is that person allowed to return to the crime scene in a domestic violence situation?

SENATOR BAILEY: Through you, Mr. President, only with judicial permission. And the judge has to weigh, carefully weigh the rights of the victim against the hardship that will be caused to the accused defendant.

SENATOR RANZENHOFER: Mr. President, I just want to thank the sponsor for his colloquy and for answering the questions. Thank you.

SENATOR BAILEY: Thank you as well.

ACTING PRESIDENT BENJAMIN: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President. Mr. President, would Senator Krueger yield for a question?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Can the sponsor tell us whether or not this budget has been scored by any office in terms of how many new jobs it is anticipated will be created in the State of New York?

SENATOR KRUEGER: I'm not sure it has been scored. I'm not sure we ever score budgets for the number of jobs to be created. But I could be wrong. Do we think we usually score them? So my colleagues over here don't think we score budget documents for number of jobs created.

SENATOR LANZA: Thank you.

Mr. President, I have a few

questions for the sponsor of the area of the budget dealing with speedy trial and bail.

SENATOR GIANARIS: Mr. President, each one has a different person answering questions. If it's speedy trial, it would be Senator Bailey. Bail would be myself.

SENATOR LANZA: Speedy trial first, then, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Bailey, would you --

SENATOR BAILEY: It will be my pleasure.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President.

First I want to say that the sponsor and I have had long-standing conversations about this and other criminal justice issues, and I've always enjoyed those conversations. We've listened to each other and we've really tried to work together to enact good policy.

On speedy trial, my understanding -- through you, Mr. President -- is that the only change is that when the state, the prosecution,

answers "ready for trial," that they will be required now to issue an affidavit proving that in fact they are ready on that date. Is that the case?

SENATOR BAILEY: Through you, Mr. President, that is -- well, there is a judicial inquiry about readiness. And also the right to appeal is preserved, Mr. President.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Yes, sir.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. This is an area where I think you and I have agreed, and others perhaps, where we could actually squeeze some time out of the process. And so I'm encouraged that it seems that that has been heeded, because I think this is an area where we could have improvement. It seems to make sense to me.

My question -- through you, Mr. President -- are there other changes to the

speedy trial statute, though, in this budget?

SENATOR BAILEY: Through you, Mr. President, also it applies now to the Vehicle and Traffic Law and also to defendants who are held in OCFS custody.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Besides that, can the sponsor tell us are there other fundamental changes, though, not with regard to what they applied to, but with respect to the statute, the 30.30 statute, in terms of speedy trial?

SENATOR BAILEY: Through you, Mr. President, we are requiring judges -- we're asking judges, excuse me, to inquire to prosecutors about the progress made with readiness, and restricting a prosecutor's ability to go from unready to readiness, to -- to all of a sudden switch the clock on and off.

SENATOR LANZA: Would the sponsor yield for one more question?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Aside from the issue of the prosecution's answer of ready for trial, are there any other changes to the speedy trial statute in the State of New York?

SENATOR BAILEY: Through you, Mr. President, speedy trial is more now tied to discovery.

SENATOR LANZA: Mr. President, I understand what that means. And I thank the sponsor, and I'd like to ask some questions about bail.

ACTING PRESIDENT BENJAMIN: Does Senator Gianaris yield for questions?

SENATOR GIANARIS: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you,

Mr. President. Presently in the State of New York, upon arrest the accused is brought into -- in New York City, it's quite possibly the district attorney's office or to one of the precincts, and the paperwork is drawn up by an assistant district attorney, and the defendant is then arraigned. And at that arraignment, the prosecution makes an application for bail.

The defense makes their application in terms of what they think is right, and the judge decides based on the defendant's risk of flight. Meaning the court makes an assessment as to whether or not the defendant standing before them who's been accused of a crime is likely to return to court. And that's how it works now with respect to the majority of those who are arrested in the City of New York.

Through you, Mr. President, is it true that now, under this legislation, that the majority of people arrested in the State of New York will now be issued in effect a desk appearance ticket and told to come back to court on another day?

SENATOR GIANARIS: Mr. President, I'm not sure it would be a majority or not, but

it would be a very large portion of those who are charged with misdemeanors or nonviolent low-level Class E felonies.

SENATOR LANZA: Through you, Mr. President, would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Are you aware that the Assembly has said that -- and there are other public statements with respect to this legislation -- that now 85 percent of those arrested in the State of New York will not be arraigned at the time of the arrest but instead will be issued a ticket to return at a later date?

SENATOR GIANARIS: With respect, I think my colleague is misunderstanding what the Assembly has stated. That number of 80, 85 percent is how many would no longer be subject to bail. That does not mean that they would be in the category that would just get a desk appearance ticket.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: So through you, Mr. President, let me then try to understand this. Under this legislation, what will happen when someone is arrested for having committed a crime in the State of New York? Can you walk me through from the point of arrest forward?

SENATOR GIANARIS: Sure. Mr. President, it depends what the crime alleged is and how serious it is and what category it falls into.

If the crime is a serious violent felony -- and there is a list enumerated in the legislation -- then the process that is experienced today would be very similar to the process that would be experienced when this law takes effect.

If in fact the crime alleged is in the category of nonviolent felonies or

misdemeanors, then the accused would either get a desk appearance ticket, if in fact it was most misdemeanors or Class E felonies, or would be evaluated by a judge the way a judge evaluates the accused today, except bail would not be an option for those crimes.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President.

My understanding of the way this legislation is written, if we would apply it -- I understand that there are certain exceptions -- certain felonies, certain violent crimes. But if we were to apply this legislation to what let's say occurred last year in the State of New York, it seems to me, because it would include and apply to the majority of all misdemeanors committed in the State of New York -- which would mean, Mr. President, that in fact the majority of

those arrested in the State of New York for having committed a crime will in fact, at the point of arrest no less, be issued a ticket to return to court at a later date.

Am I not reading this properly?

SENATOR GIANARIS: Mr. President, Senator Lanza is correct that for most misdemeanors, not including -- there are exceptions for sex-related misdemeanors, for example. But for most misdemeanors, that is correct, there would be a desk appearance ticket issued and the accused would be expected to return to court on the court date.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. What happens if the person that's arrested for having committed a crime is a resident of another state? Will they also be issued a desk appearance ticket?

SENATOR GIANARIS: That's correct, Mr. President.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. What happens if the person who has been accused of committing a crime in the state is from another country? Would they be issued a desk appearance ticket and be told to come back at some point later?

SENATOR GIANARIS: That is correct, Mr. President.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you,

Mr. President. Is the sponsor concerned, given the fact that there doesn't seem to be much incentive to return at a later date, that many people will actually abscond because of this new legislation and never return for justice?

SENATOR GIANARIS: Mr. President, first of all, the answer is no, because all relevant data shows that putting money on the table does not ensure a greater rate of return for trial.

And I would in turn ask my colleague if he's concerned that asking people to pay to be let out of jail is an injustice that has been going on for far too long in our state.

SENATOR LANZA: Did the sponsor ask me to yield?

(Laughter.)

ACTING PRESIDENT BENJAMIN: Does Senator Lanza yield for a question from Senator Gianaris?

SENATOR LANZA: Yeah, I do.

SENATOR GIANARIS: Would you like me to repeat it?

SENATOR LANZA: Sure.

SENATOR GIANARIS: I would ask, in

turn -- you asked me if I was concerned about people absconding, and I would like to ask you in turn if you're concerned with the great injustice that's been occurring with the fact that people who are in poverty or people who are poor are asked to pay to be let out of jail. And oftentimes they can't, and our jails are riddled with people who simply can't afford to be walking the streets. And our system of criminal justice is not supposed to be based on wealth, and yet it is. Is that something that concerns my colleague?

SENATOR LANZA: Through you, Mr. President, yes, it concerns me. But as the sponsor knows, when bail is set, the wherewithal of the defendant's ability to pay bail is considered in the application. And what is actually issued, having done this for six years as an assistant district attorney in the Manhattan DA's office, I can assure you judges do that. And the only reason we have bail in this state is because absent a better idea, which I don't see here or anywhere else, the people of the State of New York have the right to ensure that people who are accused of crimes, people who

commit crimes in the State of New York, will actually come back to court so that justice can be determined.

And so I am concerned about what the sponsor has suggested, but I'm also concerned about ensuring that this state has the ability to find justice for the people in this state.

SENATOR GIANARIS: If I can ask my colleague to yield for one more question. I don't mean to flip this; I'll go back to answering your questions. But just one more follow-up on --

ACTING PRESIDENT BENJAMIN: Does Senator Lanza yield?

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Lanza yields.

SENATOR GIANARIS: I would just ask, as a follow-up, is it my colleague's belief that people whose bail is set as low as, say, for example, $500, choose to spend months and sometimes years in jail waiting because they want to? Or is it because they can't afford it because their financial wherewithal was in fact not considered properly by a judge?

These people sitting in jail are not there by choice. They're there because they can't afford to pay to get out.

SENATOR LANZA: May I respond?

I disagree with the sponsor. They're there because the court has decided that they present a risk of flight and that they will not return to court in the absence of bail being set. That is the only way bail can be set according to the law in the State of New York.

Now, if the sponsor is suggesting that that is abused, then we ought to root out the abuse. But we should not overturn the very system which ensures -- and by the way, the only reason bail can be set is to ensure that people come back to court.

SENATOR GIANARIS: Thank you. I yield back.

SENATOR LANZA: Thank you. If the sponsor yields.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Is the sponsor aware of the fact that a similar provision was enacted in Washington, D.C., which has a population of 702,000 people, and that the cost there was more than $65 million? If you extrapolate, you consider the population of New York and extrapolate, it would seem to me that the cost of this program may approach a billion dollars. Is that something that concerns the sponsor?

SENATOR GIANARIS: I don't believe, Mr. President, that that is anywhere remotely close to what would happen here. In fact, it is estimated that the localities in New York State would save upwards of a billion dollars because the cost of housing people in jail is excessive. In fact, the estimates are -- I have it here somewhere -- that it's somewhere in the neighborhood, if I remember correctly, of $160,000 a year -- $168,000 per year per inmate that we would save by not forcing people to stay in jail when they shouldn't be there.

SENATOR LANZA: Through you, Mr. President, would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: I have to say the few places this has been tried, that has not been the experience of either Washington, D.C., or the states that this has been tried.

What has been found is that the costs just keep running through the ceiling because we can offset the cost of the pretrial procedures regarding this measure with, as the sponsor rightly pointed out, the cost of housing people -- I get that. But then when you factor in all the other things that will happen here, the recidivism and all that, I think that the experiences in the other jurisdictions prove that the costs are excessive.

Would the sponsor yield for one more question?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: So presently when a person finds themself accused of a crime in the state where the crime is most likely the result of that person's addiction -- these are always sad situations, I can tell you -- presently the defendants are offered a choice between -- when a risk of flight has been determined, they're offered a choice between the bail and entering a program by way of a drug court.

And we've found in this state that this actually works. And it may be the only opportunity we have, and that person and that person's family has, to get the help that that person needs.

If we eliminate bail in these cases, what would be the incentive for a person who finds themself in that position to actually seek alternative programs?

SENATOR GIANARIS: Mr. President, I'm glad my colleague asked this question, because he put his finger on a great contradiction for those who want to maintain a bail system. On the one hand, he's telling us bail should only apply to make sure someone returns for trial, and now he's suggesting that

bail is a mechanism of leverage.

Of course he's right, bail is used as a mechanism for leverage. And oftentimes it's used to induce a guilty plea from someone who is sitting in jail charged with a relatively low-level crime, they spend six months to a year in jail, and lo and behold, the prosecutors come up to them and say "Why don't you just plead guilty? You'll be home tomorrow. Because what you've been accused of wouldn't even be punished by as much as you're already spending in jail."

That is one of the great injustices we're trying to solve here, where bail is set, someone who's poor sits in jail, they sit there long enough, and yes, bail is, as you pointed out, then used as leverage to elicit a guilty plea which then follows that young person around for the rest of their lives, regardless of whether they committed a crime or not.

We haven't had a chance to touch on the fact that every single person that would be affecting by this change in the law has yet to be convicted of a crime. So we like to talk about we're all innocent until proven guilty, but that's not the way the system works. The way the

system works is you're guilty unless you have enough money to pay your way out. And that is what we're trying to change here today.

And let me just point out that -- you said something earlier about the cost that this would be. I hope it's not your suggestion that we should keep people in jail because it's cheaper. This is about justice. And if your suggestion is we should maintain the current system and keep people in jail because it might cost us more to make sure they have services when they're out of jail, then I feel sorry for you that you feel that way.

SENATOR LANZA: I have a question -- and I'm going to get back to this. I have a question on congestion pricing.

(Laughter.)

SENATOR GIANARIS: That will be Senator Krueger, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Krueger -- Senator Krueger, do you yield?

SENATOR KRUEGER: Talk about a non sequitur, Mr. President. It's about justice, Mr. President.

ACTING PRESIDENT BENJAMIN: Do you

yield, Senator Krueger?

SENATOR KRUEGER: Of course I do.

ACTING PRESIDENT BENJAMIN: Senator Krueger yields.

SENATOR LANZA: Through you, Mr. President, could the sponsor tell us what people from Staten Island who have the gall to travel within their city and enter the Manhattan business district are going to now have to pay?

SENATOR KRUEGER: Through you, Mr. President, there is no detail within this bill about specific dollar amounts that anyone would have to pay.

SENATOR LANZA: Through you, would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. So we're asked to vote on a congestion pricing commuter tax scheme where we don't know what the price that the people of Staten Island and Brooklyn and Queens and the

Bronx are going to be charged -- could it be $10, $20, $30, $50? Is that what we're looking at here?

SENATOR KRUEGER: So yes, there are not details in this bill. There would be a committee created -- committee or commission? Review board, thank you. All the names changed, so it's now Traffic Mobility Act and it's the Traffic Mobility Act Review Board. So they will be evaluating what the fees are, they will explore the possibilities of reductions and exemptions and pricing at each different bridge.

So I don't know that the people of Staten Island will face more or less of an issue than the people of any of the other boroughs or the rest of the MTA region.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: The people who live in Manhattan in this district, are they going to

be charged to drive within their own district?

SENATOR KRUEGER: Through you, Mr. President, if the people who live in the core district leave the district and wish to come back, they will be charged. If they never leave the district, they won't be charged.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Mr. President, through you. My understanding is that the reason for this scheme is that the people of Manhattan don't want to have cars in this district, they have too much traffic. As the sponsor is aware, traffic is a problem all throughout the city. I can tell you one of the biggest quality-of-life issues on Staten Island is traffic.

Will the sponsor support a scheme that would allow the people of Staten Island to charge motorists from Manhattan, the Bronx, Brooklyn and Queens to enter into Staten Island?

SENATOR KRUEGER: Through you, Mr. President, I think we could ask the same review board to take up that question, but we'd probably need additional legislation to do so.

I would argue on behalf of the people in my district, which includes a decent chunk of the core of Manhattan, they don't actually want to have to pay more either. And they are fully aware that they are living in a congestion zone. And it's not just because of the vehicles of people who live there, but in fact the whole world seems to try to travel through Manhattan south of 60th Street day in, day out. So we do have a congestion crisis that has negative impacts on businesses, on students, on schools, on asthma rates, on the overall economic reality of the region.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: That's great.

That's about the most encouraging word I've heard throughout this budget process. I look forward to Senator Krueger joining me as the people of Staten Island ask this panel to charge the people of Manhattan, Brooklyn, the Bronx and Queens for coming into our roads, for polluting, for congesting it, for causing traffic and creating all manner of a degradation of quality of life.

SENATOR KRUEGER: Through you, Mr. President. I just want to highlight my other Staten Island colleague here to my right has pointed out it already costs us $19 to go to Staten Island.

(Laughter.)

SENATOR LANZA: Would the sponsor yield?

SENATOR KRUEGER: Sorry.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Well, there are a lot of bridges and a lot of tolls -- in fact, most people would

agree too many throughout New York City. And this is just one more toll. But this one's really specific. This one benefits the people of Manhattan at the expense of the people of the outer boroughs. So this is very different and this is a targeted tax on people who have the gall, as I've said, to do nothing more than travel within their own city, the place where they live and the place where they pay taxes.

I have one more question, if the sponsor would yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. If this is such a good idea, why is the Legislature abdicating its responsibility to take a position on tough policy initiatives? This may very well become, because we don't know if it's $10, $20, $30, $40 -- turn into a massive new tax on the people who live in New York City. Why can't the Legislature -- we get paid to cast these votes, the folks in the Assembly, the

Governor. Why is it that once again Albany politicians are looking to pass the buck -- and I know the answer to this, so it's -- but I do want an answer from you -- pass the buck to a group of people who aren't elected, who aren't accountable to the people of the City of New York or the State of New York -- why is the Legislature handling this very important issue, that I've heard about for so long, in this way?

SENATOR KRUEGER: Through you, Mr. President. We are not experts on pricing tolls or pricing how you come up with the revenue for the MTA system. And the fact is, this challenge has been before us since -- oh, my goodness, when was the -- at least a decade. And we haven't acted. And we find ourselves in a larger MTA crisis now than in modern times.

And so in fact we are attempting to come up with a rational way to get this done by drawing on experts to make recommendations that are actually more fair to everyone. So I have to disagree strongly with the argument that this is good for Manhattan but everybody else pays, because you will pay if you are in Manhattan as well. Because most people who live in Manhattan

who might have vehicles end up leaving between 60th and Lower Manhattan, so they will also face the increased costs, as will, I think, when this is all done, everyone coming in and out of Manhattan from whatever direction.

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

ACTING PRESIDENT BENJAMIN: Senator Lanza on the bill.

SENATOR LANZA: I want to thank Senator Krueger, Senator Gianaris, Senator Bailey for the discussion. Point of personal privilege.

Senator Gianaris said that he feels sorry for me. Don't feel sorry for me, Senator Gianaris. Feel sorry for the people of the State of New York, because this budget is a disaster. It's an assault on the good hardworking families all across New York. Don't feel sorry for me. Feel sorry for them.

How many jobs -- how many jobs will be created? That's the question I had. What was the scoring on this? We don't know. I'll score it for you, Mr. President. Zero. Anyone with a brain who looks at this budget will tell you it's less than zero. We're going to hemorrhage jobs

in the State of New York.

Bail. Listen to this one. You commit a crime in the State of New York -- maybe you live in Texas, maybe you come from another country, we don't know who you are, where you've come from. We might not know your real name. We don't have the opportunity to find out whether or not you actually have a record, whether or not you've actually absconded before, whether or not you're a fleeing felon. Police officers have got to make a decision on the spot. And you know what this law makes them do? With the exception of a few, a few violent crimes, if you commit a crime, the police officer says, Here's a ticket to court, come back in a month. Have a nice night. It's ridiculous.

You know what's going to happen? Because we've seen it in other jurisdictions. You think you're helping the defendant? You're not. Because you know what ends up happening? Recidivism rates go up. And when we ultimately find this person, because maybe they are -- they do have a drug problem, and we're not going to offer them help. Talk about leveraging bail. How about having an opportunity to help people?

But that's not the purpose of bail, I agree.

So by the time we actually find this person, it may not be this initial crime that they're faced and charged with, maybe two or three more. I'm not talking hypothetically. I was a prosecutor. There are others here, they'll tell you the same story. When they come back, now they're facing real time.

That ought to help them. And in the in the meantime, that means there are more victims of crimes in the State of New York. That's what this whole bail fiasco is going to make happen.

Congestion pricing, it's a complete joke. Everybody knows what it is. People back home aren't stupid. They're going to wake up -- if you live in Brooklyn, Queens, Bronx and Staten Island, and you're going to find out that now when you're doing the night shift as a nurse or a hospital employee in Manhattan, happy birthday, we have a new present for you. You're going to get charged $10, $20, $30 -- who knows? Who cares. Welcome to New York.

It's a disgrace. It really is a disgrace. Don't feel sorry for me. Feel sorry

for the people of New York post-budget.

Let me tell you what this budget does. And of course there are good things in any budget. It's a mixed bag. As a legislator, you have to weigh the entire budget and you have to decide, on balance, is this good or bad for the people of New York?

This is bad. You know why? We're going to have more crime. That's a fact. Mark my words. Let's come back in a year or two years, let's find out. Was Senator Lanza right or Andrew Lanza was wrong? We're going to have more crime. That doesn't make New York better.

There are going to be fewer jobs. That means it's going to be harder for people to put food on their table. Maybe they're going to have to leave New York to find those jobs. Does that make New York better or worse? It makes it worse.

Congestion pricing, internet tax, tax on everything that moves, everything that breathes. When you're grocery shopping, carry the groceries out, juggle them, roll them into the parking lot. That's a lot of fun. That makes sense. And by the way, mark my words, it

won't do a damn thing to help the environment, and everyone here knows it. It's about a tax, it's about controlling people's behavior, it's about telling them that they're just not smart enough to figure out how to live their lives.

And then finally, all these new taxes -- I'm going to finish. New taxes. It's just -- people are numb to it when they hear it. Let me translate what it means. It means the cost of living in New York for every working family is going up. You know, if a corporation were to give every one of their employees a pay cut, people would go berserk. They'd be outraged. There would be condemnation. Well, here's what this budget does. It gives a pay cut to every working family in the State of New York.

And yes, I'm outraged and I condemn it, and I vote no, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Jordan.

SENATOR JORDAN: I have questions on Part PPP of the revenue bill, AIM funding.

ACTING PRESIDENT BENJAMIN: Senator Krueger, would you yield for questions?

SENATOR KRUEGER: Thank you. I'm

sorry, I didn't hear which part you wanted to discuss.

SENATOR JORDAN: PPP. AIM funding.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR KRUEGER: I do.

SENATOR JORDAN: Thank you.

Was the state's funding of the Aid and Incentives to Municipalities eliminated to towns and villages? And if so, how?

SENATOR KRUEGER: It was not eliminated, and it will continue at the same amount as in previous years.

SENATOR JORDAN: Through you, may I ask another question?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR JORDAN: Will the state be paying the AIM funds to the towns and villages?

SENATOR KRUEGER: Well, there is a -- there will be a new internet tax that the

counties will -- excuse me, the new internet tax will be collected by the State Comptroller. It is estimated to be, outside of New York City, $160 million. And the first $59.9 million of AIM funding will be sent directly from the Comptroller to the towns and villages so that they will continue to get their AIM, and the remaining $100 million will go to the counties.

SENATOR JORDAN: Through you, Mr. President, does the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR JORDAN: So if a county is already distributing sales tax money to the towns and villages, will that county now be required to pay the full AIM amount in addition to the sales tax money that they already pay?

SENATOR KRUEGER: Thank you, I just wanted to make sure I got that right.

So as I explained, if it's 160 million in projected internet tax, the first 60 million goes to the towns and villages

directly from the Comptroller to address the AIM funding. And then the remaining 100 million goes to the counties to then be distributed as whatever their normal pattern is of sharing sales tax between the counties and the towns and villages. Each county apparently has somewhat different arrangements.

SENATOR JORDAN: Through you, Mr. President, does the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR JORDAN: I'm not sure I understand the answer to that. My question is fairly simple. If the county is already responsible for distributing sales tax to the towns and the villages, now will they be distributing AIM in addition to what they already pay?

SENATOR KRUEGER: No. The Comptroller will be distributing the AIM to the towns and villages, and then the remainder will go to the counties to distribute as if it was any

other sales tax arrangement.

SENATOR JORDAN: I'll just speak on the bill.

ACTING PRESIDENT BENJAMIN: Senator Jordan on the bill.

SENATOR JORDAN: Thank you for answering my questions.

I'm not sure that Section PPP states it the way Senator Krueger has explained it to me. But as I understand, the AIM program provides $715 million in state financial support to cities, towns and villages outside New York City and is a vital program for local governments.

Part PPP of the revenue bill before us now eliminates aid to 87 percent of towns and villages. Despite our best efforts, the Democratic majorities in the Senate and Assembly accepted the Executive's proposal to cut AIM. This reduction would permanently eliminate 1,326 towns and villages, or 87 percent of them, from the program and would reduce total state payments by $59.2 million. After this proposal, only $8 million, or 1.2 percent of the total amount of 655.8 million in AIM funding, will now go to the

state's towns and villages. The remaining 647 million of the remaining funding, or 98.8 percent, would be distributed to the state's cities other than New York City.

In addition, if towns and villages already receive a disbursement of county sales tax greater than their 2018 AIM allotment, they will receive no additional funding. In other words, counties will now be required to use their sales tax to restore the cuts in AIM funding.

The permanent elimination of AIM funding will effectively strangle the finances of local governments already struggling under the combined burdens of Albany's unfunded mandates and the property tax cap.

I do not support this irresponsible proposal eliminating AIM funding from our towns and villages. As a former local elected official, I know that local governments have been doing more with less for years. Eliminating the AIM program for so many of our towns and villages is shortsighted and wrong.

I wrote the Governor back on January 18th urging him to reverse course on the deep AIM program cuts he made in his Executive

Budget. It's disappointing that the Governor and the Democratic majorities in the Senate and Assembly failed to join us in supporting AIM program restorations and standing up for our local communities.

I'll be voting no.

ACTING PRESIDENT BENJAMIN: Senator Funke on the bill.

SENATOR FUNKE: Thank you, Mr. President. No questions, I just wanted to rise specifically to address and oppose the commission included in this bill related to elections and public financing.

I think public financing is a really bad idea. It will cost taxpayers, by the Speaker's own estimate, up to $500 million a year. We can spend that money on a lot of things.

It will force taxpayers to subsidize negative campaigns and robocalls, and it's going to do nothing to clean up our system. In fact, it may contribute to corruption, as we saw with former Democratic Majority Leader Malcolm Smith going to prison for trying to game the New York City public financing system.

And even though I strongly oppose public financing of elections, I'd like to focus instead on the commission itself and its infringement on the power of this body. We were all elected to consider, to vote on and to make laws. We were not elected to punt our responsibilities to unelected commissions controlled by the Governor.

Those who don't learn from history, they say, are doomed to repeat it. We should have learned our lesson from the overreach of the pay commission. And now we sit here again faced with another commission, this one allegedly about public financing. And yet tucked into the bowels of this proposal, in Part XXX, we see language having nothing to do with public financing. These lines refer to fusion voting, the ability of a candidate to run on multiple lines for office.

I run on the Conservative, Independent and Republican lines. Many of my friends on the other side run on the Working Families line as well as the Democratic line. And that has long been accepted as part of our system. The Governor never questioned it before,

so why now? Let me take a wild guess. The Working Families Party backed Cynthia Nixon last year, and Zephyr Teachout the previous time, so now he's looking to crush his internal opponents in the Working Families Party and his external opponents on the right in one fell swoop. And that is what this section allows. That is what it contemplates. And that is exactly what Governor Cuomo will do.

Don't vote for this. Learn from history. Learn from the pay commission. To quote a famous song by The Who, "I won't get fooled again." I urge everybody here to learn from history and to vote no.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Boyle on the bill.

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

First I'd like to quickly associate myself with the remarks of my colleagues regarding this commission. What do we do around here? First a pay raise commission, now the public financing commission. Evidently there was a congestion pricing review board or commission.

Why don't we just create one big commission and let them make all the decisions for us? That's what it's coming to.

I'd also, more importantly, like to speak about an environmental issue that's very important in this bill, the Regional Greenhouse Gas Initiative, better known as RGGI. For our newer members who may not know, RGGI is a cooperative agreement between 10 states from Maryland to Maine, and they collect funds from power plants by the sale and auction of allowances, carbon dioxide allowances.

In New York State, that is administered by the Department of Environmental Conservation, the DEC, and the funds are collected by NYSERDA, the New York State Energy Research and Development Authority. It's a lot of money, almost $24 million in that fund. These funds are supposed to go to the energy efficiency and clean energy technology account. The account is administered for the purposes of, and I quote New York State Regulation 507.4, to promote and implement programs for energy efficiency, renewable and non-carbon-emitting technologies and innovative carbon emissions abatement

technologies with significant carbon reduction potential. Twenty-four million dollars.

With $24 million you can have the opportunity to stop 16 to 18 metric tons of carbon dioxide from going into New York State's atmosphere. With $24 million you could purchase a solar farm with 18 megawatts of capacity. Eighteen megawatts is enough to power 3,100 homes, and it could be done without one drop of carbon dioxide.

However, this bill sweeps or steals the $24 million from the RGGI fund and puts it into the General Fund. Big mistake. I know I hear a lot from both sides of the aisle talking about climate change, we need to stop pollution, protect our environment. I'm urging my colleagues on the Majority side to join the environmentalists on my side in voting against this.

ACTING PRESIDENT BENJAMIN: Senator Kavanagh.

SENATOR KAVANAGH: Thank you, Mr. President.

I have a question about the provision that was just mentioned by a colleague

across the aisle, Part XXX, regarding the commission. I don't know if maybe Senator Myrie is the appropriate person.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: I believe Senator Myrie will answer this question.

ACTING PRESIDENT BENJAMIN: Senator Myrie, would you yield for a question?

SENATOR MYRIE: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: the sponsor yields.

SENATOR KAVANAGH: Okay. So my question is about this Part XXX, which is about the establishment of a commission to create a voluntary public financing system for statewide and state legislative public offices. And there's been a lot of talk today, Senator Myrie, in other contexts about whether this language would in fact authorize this commission to make other changes that are unrelated to public financing. And I just don't read it that way, and I'm wondering if Senator Myrie could comment.

So the language that people are concerned about is Part J of Section 2, which is

a long list of things that the commission would be asked to do in the context of creating a public financing system, and then there's Section 3, which says "The commission shall limit its recommendations to a public financing program that has a total maximum annual fiscal cost of no more than $100 million."

So I wonder if -- do you read this as permitting this commission to make laws that would become enacted laws upon its recommendation unless the Legislature were to effectively void them? Do you read it as allowing that commission to make recommendations beyond what's necessary to create a public financing system?

SENATOR MYRIE: Mr. President, through you, I do not read it as such. Section 2 of Part XXX says "the commission shall specifically determine and identify all details and components reasonably related to the administration of the public financing program."

That section is then followed by ten subsections that mention public financing explicitly or implicitly by referring to it as "the program." Section J then says "Rules and definitions governing," followed by a number of

phrases that may have been interpreted to say that this has jurisdiction outside of public financing. But I think collectively the 10 subsections, combined with Section 2 and the following section, that says it must limit its recommendations to the public financing program, do not allow for this commission to examine things outside of public financing.

When it mentions political party qualifications or multiple party candidate nominations, it is as it pertains to public financing. For example, if there is an individual who wants to run on multiple party lines, should they be allowed to take advantage of the public financing system?

So it is my belief that the intent of this commission and the intent of this legislation is to determine how best to institute a public financing system in the State of New York.

SENATOR KAVANAGH: Thank you. Through you, Mr. President, thank you, Senator Myrie. No further questions.

ACTING PRESIDENT BENJAMIN: Senator Jacobs.

SENATOR JACOBS: Thank you. On the bill.

ACTING PRESIDENT BENJAMIN: Senator Jacobs on the bill.

SENATOR JACOBS: A few days ago, about a week and a half ago, a number of judges in my area invited all the elected officials, their staffs, to come and meet with them to get their thoughts and to express their --

ACTING PRESIDENT BENJAMIN: Order in the chamber, please.

Continue, Senator Jacobs.

SENATOR JACOBS: -- and the judges to express their concerns about the criminal justice measures that were being discussed in the budget.

In all the time I've been in elected office, I've never heard of members of our local judiciary calling electeds to talk to them about how serious they took these changes and the concerns of them. Asking other of my colleagues who have been in elected office longer than I, they also don't recollect such a meeting.

That meant a lot to me that these individuals, from a variety of parties, a variety

of backgrounds, all came together to express their concerns.

I also got a call from a trooper who said: Off the record, because I work technically for the Governor -- to express his concerns, a trooper that works specifically in dealing with campus sexual assaults and the consequences these changes would have in his ability to do his job.

And then here we are tonight where the head of the District Attorneys Association comments very, very strongly about his concerns and lack of input on this major and sweeping piece of legislation that is within this budget.

In the three years I've been in the Senate, I've commented often on concerns I've had where major policy issues have been put into the budget, which is supposed to be about the expenses and the revenues of the budget and not broad-based policy.

I would say this is -- this instance is greater than any other where a major and sweeping policy is put into this budget. And I would just urge this body to reconsider that this major policy -- and there's merits to it, I've listened with interest as Senator Bailey and

Senator Ranzenhofer and Senator Gianaris and Senator Lanza discussed with a lot of different experiences and insights. Unfortunately, the ink is already dry on this. This is already happening. It was a discussion for the sake of I don't know what.

But I think this needs more time to know the consequences in terms of the people who are being charged, in terms of protecting the victim, in terms of the major fiscal impact that could happen here. I do not believe, with all the people that we respect -- the judiciary, the District Attorneys Association and others that we respect -- I do not think it is responsible to enact this within the budget tonight.

I am in the negative. Thank you.

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

Senator Rivera on the bill.

SENATOR RIVERA: Thank you, Mr. President.

I wanted to wait until the end because I wanted to make sure that I heard everything that was said. It will be quick, don't worry.

It is -- every vote on a bill -- every budget vote is a challenge. We have to take into consideration everything that is in, that it is not. And this has been, as I said before, a challenging budget year.

The bill before us has a bunch of stuff in it kind of like a turducken. You've heard of that, I'm sure. You take a small bird, you put it inside a bigger bird, and you put it inside a bigger bird, and sometimes you deep-fry it. Sounds disgusting just thinking about it.

But there are things in here that are important to point out. It is -- although it's certainly not perfect and nothing in this budget is, the congestion pricing scheme that we came up with, while again certainly not perfect, does create a revenue stream for the MTA which is absolutely necessary. Ninety to 95 percent of the people in my district use a bus or a train every single day. It is necessary to make sure that if we're going to have the city run, that we have the public transportation system run effectively.

There's much to do still, and I trust that my colleagues, both Senator Kennedy

and Senator Comrie, will do their best to make sure that as we make this transition, it happens well. So that is a good thing.

I do think that speedy trial and bail reform are absolutely necessary. And I would ask my colleagues who mentioned many of the resistance that they have to this change to consider and remember one of my former constituents, Kalief Browder. We've talked about him on this floor before. A young man of 16 who was arrested, charged with stealing a backpack, spent three years in Rikers Island, was ultimately let out of Rikers Island with charges dropped because he had done nothing. And because of what he suffered in there, he ultimately committed suicide.

And let us remember that the reason he was in Rikers Island was because he did not have the money to post bail to leave Rikers Island. And there are many Kalief Browders still to this day that are in there.

So I believe it is absolutely necessary. And my colleague -- and I trust that my colleagues that made the decision of what this package needs to look like did the right thing.

I thank Senator Bailey, Senator Kaminsky and others who were involved in making sure that this is the right thing.

I want to just briefly talk about the public financing commission. I will be quick, but I just think that this needs to be said for the record. I share many of the concerns that my colleagues have about this not being a real thing. And matter of fact, except for the fact that Senator Funke said that he did not support campaign finance, if you took me saying I support public finance and then you took everything else that you said, it would have basically been exactly the same thing.

So I share your concerns about it. And I believe that this is not the end of it, and we're certainly going to look at it very closely. Because for those of us that believe that this is important and necessary, this is not a good thing.

However, in balance, one has to make a decision. Which is why I will be voting in the positive, in the affirmative for this piece of legislation, because there's a lot of things that should be in it, things that are in it give us --

move forward on certain ways. But we will have much more to say after we get this budget passed on all of these issues again.

Again, Mr. President, I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT BENJAMIN: Seeing and hearing no other Senators wishing to be heard, Senator Flanagan to close debate.

SENATOR FLANAGAN: Thank you, Mr. President.

I actually have one question, and it's on education. I don't know if I should be asking Senator Mayer or Senator Krueger to yield.

SENATOR GIANARIS: That will be Senator Mayer.

ACTING PRESIDENT BENJAMIN: Senator Mayer, do you yield?

SENATOR MAYER: Happy to.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR FLANAGAN: Thank you, Mr. President. Through you. My question relates to this bill, the school runs, and what I saw. And we can talk about BOCES, we can talk about Special Acts, 4201s, all of which I know you

strongly support. And we could probably have multiple, multiple hours of conversation on Foundation Aid. But I looked at this, and I looked at my own districts, and they didn't do so well. But that's not my question.

I noticed that -- after talking to Senator Funke, Senator Robach, Senator Helming, Senator Antonacci, Senator Tedisco and a number of my colleagues who represent small cities and members of the Big Five, I looked to see if there was anything special for them outside of the regular funding that would be in the school aid run. We all looked at the runs together, and there was nothing. When I look at this run -- and on the last page of the run are the details for the Big Five. And I notice that for some particular reason that the City of Yonkers gets a $12 million special grant that no one else in the state gets.

With over 700 school districts in the State of New York, I'm trying to figure out even with the academic grant that they get of $17.5 million -- which they need, and which they've been getting year after year -- and even with a $10 million increase in Foundation Aid,

which they need, their state aid is close to 7 percent. And now with this special grant that goes to them and them alone, their state aid is close to 11 percent if not 11 percent.

Can you explain how they are different and why they seem to be special compared to all of my colleagues who represent municipalities that are similarly situated and who have virtually identical needs?

SENATOR MAYER: Through you, Mr. President, I'm happy to.

In the first place, I would dispute your premise that the small cities and districts throughout New York did not benefit by many of the policy changes in this budget that relate to education funding. The rejection of the proposed consolidation of expense-based aids, the raising of the BOCES superintendents' salary, the staggering building condition survey. There are a remarkable number, I would say, of positive policy provisions in this budget that positively impact every district in the state, and many of the members on your side of the aisle probably more than some of our more urban districts.

So I take -- I think you're

incorrect in your initial assessment.

With respect to the City of Yonkers, I'm happy to answer. As you know, I spent six years very proudly fighting for Yonkers school funding before I came here. This year Yonkers faced a $60 million operating deficit in the Yonkers public schools' operating budget for the next year. I think that greatly exceeds any other hole in the budget from a break-even operating budget for any other district.

In order for Yonkers to avoid massive layoffs, reductions in what is already completely inadequate services -- less social workers, psychologists, art, music, sports and everything else that you would want for your district -- Yonkers needed $60 million. We have been unable to fill that gap. We have made a good-faith effort to help Yonkers avoid a catastrophe, at the request of the mayor and, on a bipartisan basis, the Yonkers City Council.

And I'm proud that we were able to begin to address the shortfall in Yonkers. I talked to the mayor today. We have not finished, we cannot avoid a crisis. Our job is to address the shortfall in the districts throughout the

state. Yonkers has an extraordinary shortfall, and it is our job and I'm proud that we are beginning to address it.

SENATOR FLANAGAN: Thank you, Senator Mayer.

Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Flanagan on the bill.

SENATOR FLANAGAN: I want to thank Senator Mayer for her response.

But I'm just looking at Senator Amedore, who had very detailed conversations with me based on me seeing him on TV fighting for one of his school districts, during which he told me they have a $2 million deficit. I had conversations with Senator Griffo, who happened to tell me about a multi-million-dollar deficit in one of his school districts. And I daresay I could look at every one -- looking at Rich Funke, the magnitude of the issues confronting Rochester.

And the points that Senator Mayer raised about things that were done for small city schools and others, those were done for everyone. Everyone. Every school district. So if we were

being equitable and we were doing it in that fashion, then anyone who would have a deficit should be given special consideration.

I just know when I go back to the districts I represent -- and I listened to my colleagues -- people are going to -- they're going to know this. It's not like it's hidden somewhere. They're going to know and they're going to say, I looked at this. How did they get that bonus? How did they get almost an additional 4 percent specifically lined out compared to everyone else?

I think I know the answer, and I know how I'll answer it when the question comes to me. And I'm pretty sure I know how my colleagues will answer it as well.

And I look at the education package in relation to something that we did just about three weeks ago. We were here and we listened to a number of our colleagues talk about the one-house budget and the priorities and Foundation Aid and Foundation Aid and Foundation Aid and Foundation Aid. And how the promise had not been kept. And how this Majority put on the floor before us an education package of

$1.6 billion, matched by the State Assembly at $1.6 billion as well.

And less than three weeks later, we find ourselves back here and you all are coming back with a Foundation Aid number that is half of what was advocated and an overall package in education that is $600 million less than what you voted for a couple of weeks ago. And that's what you brought to us, and that's what you voted for and that's what you supported. We did not. And I don't have any intentions of voting for this bill.

So when I hear about Foundation Aid, I heard there was going to be a three-year phase-in to meet the promise and meet the commitment. It's not here. It's not in the bill. I know we had this thing called the GEA, the Gap Elimination Adjustment. We fought to make sure and we got in the budget a multiyear promise and a multiyear commitment in the budget to make sure that it got done. But that's not in here for Foundation Aid.

Now, the number for Foundation Aid last year was $618 million, and that's exactly what it is this year. But I know all my

districts do not do as well. The minimum granted to each district this year is less than half of what it was last year. That's on education.

I listened to the comments about what is commonly referred to but misnamed as congestion pricing. It's a commuter tax. It's a reinstatement of the commuter tax. And I listened to Senator Lanza; I would only add this to what he says. It's going to hurt my constituents. It's going to hurt Phil Boyle's constituents. It's going to hurt Kenny LaValle's constituents. It's going to hurt Sue Serino's constituents. Because they're all going to have to pay that tax.

Now, we have two similar problems. Number one, congestion pricing commuter tax. The responsibility for that is being kicked down the road. I call it punting. And I said to some of my colleagues today when you play football and your team is punting more than it should, you're losing.

Here the Governor and the Legislature is abdicating its responsibility. There was a recent fare increase and toll increase that was voted on by the MTA board. I

1 don't have any problem with that, because the
2 Governor controls the board. They had to be held
3 accountable. But now we're passing this off to
4 somebody else because it's tough and because
5 nobody really wants to do it. In reality, the
6 board is controlled by the Governor. He makes
7 the bulk of the appointments. Make them do it.
8 Don't slough it off to somebody else.
9 And everyone's been told, you've got
10 to come up with $15 billion in order to make this
11 work. We haven't even seen the effects of what
12 we did last year for for-hire vehicles and taxis
13 and livery and everything else.
14 I don't think it's responsible to
15 ask someone else to do it. Senator Lanza made
16 very valuable points about we don't know -- 10,
17 15, $20? I read today the Verrazano, 19 bucks,
18 the most expensive bridge in the country. You
19 talk about a lousy distinction. The iconic
20 bridge is the most expensive bridge in the
21 country.
22 Those decisions should not be
23 delegated. Tough though they may be, those
24 decisions should be made by people who are
25 appointed on that board. Not some panel, not

some review board, not some group of people who may be experts -- but they shouldn't be the ones making the decision. That should be done by people who are appointed, whether it's the Governor or anybody else, so they can be held accountable.

Last, but God, by no means least, when I look at what we went through in this budget, and here we are finishing up -- and I will finish up -- there was a whole discussion about all kinds of things that we could fund and the things we couldn't fund and it's a tough budget. I've been here 33 years. And I may have been born at night, but my God, it was not last night. This commission for public financing of campaigns, anybody who votes for this, anyone who votes for it, you are voting for public financing of campaigns. And if that's your schtick, more power to you.

I am philosophically opposed to public financing of campaigns in any way, shape or form. I can think of many, many, many, many better uses for that money. Here we are creating a fund, welfare for politicians. People say no, it really works, look at New York City. Boy, if

I look at the public financing of campaigns, I will look at New York City and say that is the exact thing that I would never want to see happen.

I think that system stinks. I think it's an abomination. I think it is abuse of taxpayers. And if that's going to be the template -- the charge of this commission is not something that should be given to somebody else. Now we find ourselves in the situation the Assembly has passed this year after year after year and shoved it into our face. And I'm perfectly happy to have said yes, I never voted for it. And if I had a chance to vote for it, I would vote against it, which is exactly what I'm going to do tonight.

I wouldn't want to go home to my taxpayers and say, hey, you got to pay this for this really glossy mailer that tells somebody that somebody else is an idiot.

We should be spending money on the environment, on healthcare, on direct care workers, on Lyme disease, on veterans services, making sure that we don't have to do things like a prescription drug tax that's going to cost

seniors. And I don't believe for one second, not one, that this is going to be limited to $100 million. Because I have seen the pay commission -- twice -- and I sat in a room when those decisions were made. That pay commission, they went so far outside their field of authority. I am New York certain that that's exactly what's going to happen if we give this power away to some unelected board.

If people want to support public financing of campaigns, put it on the floor for real. Don't pass it off to somebody else. We were elected to govern, and that includes making the difficult choices.

There are plenty of other things to talk about in this component of the budget. Mr. President, I appreciate your indulgence. Senator Mayer, thank you for answering my question. And in case you weren't able to figure it out, I will be voting no.

ACTING PRESIDENT BENJAMIN: Clear. We are clear, Senator Flanagan.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President and my colleagues. I rise in order to speak about education funding.

And I say to all of you that I will be voting yes, but with reservations. The unity of our Democratic Conference, and to support all of the positive things that we have done and all of the positive things that we are working on in this $175.5 billion budget, and all the future legislation we intend to work on.

For those of you who are unaware, I launched the Campaign for Fiscal Inequity in 1993 as the president of Community School Board 6 in Manhattan when my youngest daughter was in the first grade at PS/IS 187. And yes, I make reference to my children because this is personal.

The lawsuit took 13 years. And I walked 150 miles from New York City to Albany --

eight days -- in order to fight for the children of the State of New York. And we won. The Court of Appeals ruled in our favor in 2006. And in 2007, some of you were here when Eliot Spitzer, the then-Governor at the time, and the Legislature created the Foundation Aid formula so every child in New York State would have the funds to provide them with the opportunity to get a sound, basic education. That's what this was about. And that's what the fight continues today.

Two months ago I joined with the Alliance of Quality Education to tour schools across New York State. We visited Rochester, Syracuse, Schenectady, Peekskill, Ellenville, Mount Vernon, Ossining, Washington Heights in New York City, in my district, Westbury and Brentwood, Long Island. And what do we find? Underfunded schools. Many kids being denied the opportunity for a sound, basic education.

Well, this is what the Constitution of New York State guarantees them, the opportunity to get that sound, basic education. And why don't we have it? I can think about the past in this legislative body, but I'm not going

to raise that now. I know that this body failed to give those children the opportunity for a sound, basic education. And now this body, along our Governor -- this Governor has refused to fully fund the Foundation Aid formula. And no one can tell me that it doesn't work. Fund it first, then tell me it doesn't work.

Yes, $4 billion are owed to our children under the Foundation Aid formula. And you know one thing? They're entitled to it. And we have an obligation to give it to them. And if we don't, we fail in our responsibility to the children of New York State.

You may disagree with me, but I tell you, I've been to these schools, I know what they look like. I've sat through 12 hearings and joint hearings with superintendents and mayors and Bill de Blasio -- and I know a lot of you don't like him -- all of them spoke about the fact that if in fact Foundation Aid is not increased and fully funded, there will be layoffs all around. Programs will be cut, after-school programs, intervention programs. And there's one district, a rural district, they don't even have one social worker in the entire district.

The New York State Board of Regents and the State Commissioner of Education said this year at budget hearings, please fund $1.6 billion this year and phase in the rest of the $4 billion next year -- over the next three years, so our children will have the opportunity for a sound, basic education.

And this isn't about upstate versus downstate or urban versus suburban or rural. This is about every part of New York State. And it's our obligation to educate the 2.2 million students of our state.

The fight might be over today, but tomorrow is another day. And every day after, we will organize and fight anyone blocking our children from getting the opportunity for a sound, basic education.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Jackson to be recorded in the affirmative.

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I want to start out by pointing out

that I don't like his bill. And it's got a lot of things in it that frankly shouldn't be there, and other things that shouldn't be anywhere. But we're here because of a flawed process that we'd better get our hands around going forward, because this state's going in a very dangerous place and people are being disenfranchised when the Legislature doesn't get to have its say properly over the issues before us.

I want to agree with Senator Flanagan. There are things in here that shouldn't be all put together. But they are, and we're stuck with it. For example, you all just voted against the property tax cap. Congratulations. I know that you've been working for that for many years, but it took a Democratic majority to get it permanent.

But the point is, you shouldn't be forced to make a decision between that and everything else in this bill, nor should we. And yet here we are.

And I am supporting this bill, because there are some amazing historic things that are done in it. And unfortunately, we are forced to make some very difficult and unfair

decisions to make them happen.

For me, I am incredibly proud that we are transforming our criminal justice system today and making it fairer for so many who have been suffering simply because they are poor and cannot afford to buy their way out of jail. That is something to be proud of. That is something, when our public service careers are over, we can look back on and say we helped thousands and thousands of people in this state get out of the cycle of the criminal justice system that has plagued our communities for far too long. And for me, that's worth a yes vote.

There are other things in this bill that I like, there are other things I don't like. There are things we shouldn't even be talking about in any context that are in this bill.

But for me, saving those lives is incredible, and I'm proud to be a part of it. I'm proud that when we talk about Kalief Browder it's not just a story of tragedy now, but a story of reform that will help so many that will follow in his footsteps.

And I do want to thank my colleagues who worked so hard to help make this happen --

Senator Bailey, Senator Myrie, Senator Mayer, Senator Kaminsky -- who helped put the words on the paper to make this happen. But it is something that I think, given time, even my colleagues who are voting no will appreciate that this was done.

I also want to say a word of thanks to Senator Jackson, because he is absolutely right. We have to get our act together on funding our schools properly in this state. Because what all these issues have in common is a brighter future for young people in New York.

And because there are things in this bill that will bring dramatic reform to our state, I will be voting yes, Mr. President. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Gianaris to be recorded in the affirmative.

Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President. And I'm going to speak on my vote, and I will be brief. I know it's late.

There's an abundance of issues that I have with this revenue bill, but I want to focus on one that really hits home for my

residents and my community, the topic of conversation basically tonight, the MTA.

Since taking office I have been calling for an independent forensic audit of the MTA, and I'm absolutely thrilled to see this piece in this budget bill. As you may be aware, the New York Times ran an exposé, and I believe it was last year, that showed that MTA construction costs are about seven times higher than the global average.

In regard to operating costs, since the job-killing MTA payroll tax was put into place in 2009, the entire $1.5 billion that the tax brings in has been consumed by growing operating costs. It is absolutely critical that the state prioritizes curbing MTA construction and operating costs.

I am, however, incredibly disturbed to see that this is being done in the same bill that would enact an aggressive congestion pricing scheme, and that required the reorganization plan to be submitted before the forensic audit is required to be released. While I see that the effective dates require the forensic audit to be completed before the commuter tax actually kicks

in, I worry that by already approving the commuter tax and rushing the reorganization plan, the audit's results won't be taken seriously by this body or by the MTA. And I really hope it's not just a PR sham.

Before we take in a single dollar of new revenue for the money pit that is the broken MTA, the state needs to fully comprehend its failings and put a plan in place to ensure efficiency and smart use of taxpayer dollars. I urge my colleagues to take this initiative seriously, because I know that my constituents -- and I'm sure I'm not alone on this one -- are sick and tired of being considered an ATM for the MTA.

This is just one of the many reasons that I cannot in good conscience support this bill. I vote nay, Mr. President. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Serino to be recorded in the negative.

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Mr. President.

I want to say that in New York State really the most important job that we have is

educating our schoolkids. And thus if you look at our total expenditures, schools, our public schools and education are among the very top.

As we all know, it's certainly not enough. We have been all saying that it's a little over $4 billion short. I believe we've made every effort to increase that school aid as much as possible. And in fact we did increase it by just a little over a billion dollars in total over last year's spending. It's still not enough. And $618 million of additional Foundation Aid is not nearly enough.

I think that going forward we have to make it very clear we still owe the schoolchildren of this state another $3.5 billion to be square with what the courts demanded of us a number of years ago.

We will continue to work to improve our schools. On the New York City front, I want to say that we are giving the mayor a three-year extension of his so-called control, what we like to consider accountability. That accountability will be looked at very seriously, I believe by our chamber as well as by our partner house in the Assembly.

As part of the extension of mayoral accountability, a/k/a control, we are giving parents a much stronger voice -- a stronger voice on the CEC, a stronger voice in the PEP with the addition of a parental appointment, the ability to look at school closures and to provide input before they occur, and also giving parents on the CEC the opportunity to review final appointments or final considerations for school and superintendent positions before they are actually made.

We're also demanding more accountability from the PEP itself in the form of if the mayor decides to remove a member, the mayor will have to provide the justifications for such removal. And also there will be no more ability to exempt or permanently exempt a chancellor from the educational requirements under State Education Law. That exemption would not be valid for more than six months, just for transition purposes.

So these are measures that I think will make our schools in New York City more accountable, run better. And we will look for the mayor and his Department of Education in

New York City to make sure that they are running our schools as best as can possibly be.

One other note. The issue of mobility tax, congestion pricing, whatever you want to call it. The point here is that it's never an easy choice. In fact, it's always an ugly choice when it comes to the MTA. But we need the MTA. The MTA runs our transit system. The transit system, even when that revolves around the City of New York, is the economic engine for the entire state. And so we need a solution to make sure that these trains and buses are running properly. This is not the best solution, but I believe with our Chairmen Comrie and Kennedy, under the leadership of Andrea Stewart-Cousins, we will hold the MTA very much accountable and make sure that they indeed bring us finally into the 21st century when it comes to transit.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Liu to be recorded in the affirmative.

I'd like to remind all members, please keep your comments close to two minutes. Thank you.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

I'd like to first thank Senator Ranzenhofer and Senator Lanza for their spirited discussion about this matter of criminal justice, which will be the focus of my explanation of my vote.

There was a movie called Miracle, about the 1980 U.S. Hockey Team, where Herb Brooks said: "Great moments are born from great opportunity." In this chamber today we have a great moment because of opportunity, because of the opportunity that the state gave us, who have a Democratic majority, to finally get criminal justice reform done.

You see, I recognize my opportunity that was given to me by Leader Stewart-Cousins to be the chair of the Codes Committee. And it's something that I don't take for granted every night when I drive to my hotel and I pass by the University at Albany, where 15 years ago I was an intern across the aisle, across the hallway in the Assembly, under the leadership of Speaker Heastie, and I realize the opportunity that I've

been given today to shape the face of criminal justice reform. A kid from the Bronx can help shape the face of criminal justice reform -- that is an amazing opportunity, afforded to me by education at the University at Albany, afforded to me by an incredible leader. To quote -- we didn't get a scripture today, Mr. President -- Proverbs 27:17 says "Iron sharpens iron." And this is what we do in this chamber when you have people like myself and Senator Gianaris and Senator Myrie and Senator Kaminsky and Senator Mayer. When we work together, there is no limit to the opportunity that we can accomplish, Mr. President.

Education is the great equalizer because it provides opportunity, but what about those who don't get that education and they don't get the opportunity? They become prisoners of circumstance. They become individuals who sometimes succumb to certain things. But we have to make sure that the justice system is not a place that is unkind. We have to make sure that it is fair.

And you're wondering, well, how does this kid from -- that went to Bronx Science,

that's never been in trouble, that's never been arrested, as he said before, what the hell do you know about criminal justice? Well, I can tell you, Mr. President. In speaking to my aunt today, I was reminded about my cousin, who spent two and a half years on Rikers Island for a crime he didn't commit. We couldn't afford the bail. They had no discovery. By the grace of God -- only by the grace of God, Mr. President, my cousin was released.

That is why I care about this so much. That is why the opportunity to change these things has not been lost on me. When we talk about Kalief Browder and not saying his name in vain, we have an opportunity once again, Mr. President, to make sure that the Kalief Browders that we've never met and never will meet don't meet the same fate. That is our call, Mr. President, as public servants. This is our job. This is our vocation. This is what we are elected to do.

And today we've done it. Before today, if you were a litigator in a civil case you got discovery plentifully when life and liberty wasn't on the line, but if you were in a

criminal matter, oh, well. Well, no more. Not after today. Not after what this body is going to do. Landmark reform, Mr. President.

I recognize my time is coming to an end in the explanation of my vote, but I want to leave you with this. It was mentioned by Senator Gianaris earlier about what are we doing this for and who are we doing this for. So in 15 years when my daughters pick up a textbook or a tablet or whatever it is that kids are in school using at that point, I want them to be able to say "Dad, looked what you helped to do." That's why we do this work, Mr. President. And none of us should ever forget.

I'm from the Borough of the Bronx, where our motto is "ne cede malis," which means, in Latin, to yield not to evil. And this body will not yield, we have not yielded, and we will never yield. I vote aye, Mr. President. Criminal justice reform has been done.

ACTING PRESIDENT BENJAMIN: Senator Bailey to be recorded in the affirmative.

Senator Antonacci to explain his vote -- Senator Antonacci to not explain his vote.

Senator Biaggi to explain her vote.

SENATOR BIAGGI: Thank you, Mr. President.

I represent Rikers Island, where we've heard now many times in this chamber Kalief Browder spent three years in jail, nearly two of them in solitary confinement, for allegedly stealing a backpack.

I represent Roosevelt Avenue, where immigrant and trans women face pretrial incarceration on charges related to survival, coercion and circumstance. I represent hundreds of thousands of families who suffer the emotional trauma and financial strain of having a loved one incarcerated during pretrial.

Nearly 38,000 people are sent to Rikers every year because they cannot afford bail. And each year more than 20,000 people are represented in Bronx Criminal Court faced with the very difficult decision of whether they should plead guilty or go to trial, mainly because they're forced to make decisions in the dark without key aspects of the case that is being brought against them.

The criminal justice system has

disproportionately affected people of color, people who do not have money, and it has happened for too long in the great State of New York. And today we change that.

I am humbled to be in this chamber today when we are passing this transformational policy, and I tip my hat to my colleagues Senator Bailey, Senator Gianaris, Senator Mayer, Senator Myrie, thank you. The efforts for bail reform, for speedy trial reform, for discovery reform will be some of the best policy that we do this year.

But I have to say, just like Senator Gianaris, I am not happy with the entirety of this bill. When I speak in this chamber I recognize I'm not speaking for myself, I am speaking for all of the people of District 34 that put me in here, from the Bronx and Westchester, from Pelham all the way to City Island, to Riverdale, all the way down to Hunts Point. And on their behalf, I will say that I owe it to them to be transparent about this budget process.

And I have to also say that from this week, this budget process requires an

incredible dose of transformation, of collaboration and of transparency. And why? Senator Gianaris touched on it very, very briefly. Because of a case, Silver v. Pataki, a ruling that gave the executive branch outsized influence and ability to control key aspects of the budget process.

And what we've learned, simply, is that we really need a more collaborative way to make decisions to fund our state's priorities. And I don't think that there is a soul in this room who disagrees with me.

This is how we get our state government to work better. This is how we make smarter decisions, by fully leveraging all of the smart and dedicated members of our Legislature in both chambers. My voters sent me to here to deliver a more transparent and progressive government for them and for their families. And despite the sobering realities of what I've seen this week, I'm determined to achieve that for them. And, lucky for them, I love a good challenge.

So these are the disappointing results of the process. The failure of including

the pied-á-terre tax, the failure of including the ultra-millionaire's tax. Our State Budget is $175 billion, and our education Foundation Aid funding is not even 1/100th of that.

So Senator Flanagan, who is not in the chamber at the moment, I agree with you. We can do better and we will do better. And we will do better because we've only just begun.

And lastly, because I know my time is now coming to an end, I ran on real campaign finance reform. And to those people in this chamber who believe that it costs the state too much or that the taxpayers should not be paying for campaign finance reform, this is what I say to you. Too many members in this chamber have left in handcuffs. And that is because of money in politics and the corrupting influence that it has on people making decisions in the Legislature and other branches of our government.

So I will close tonight by saying this. We've seen how this process is done. It is illuminating, it is inspiring, and we will look forward to transforming it.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Biaggi to be recorded in the affirmative.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, the hour is very late, it's 11:30. I do just want to remind our colleagues, we do have a rule to keep our vote explanations to two minutes. The list of those who still want to explain their votes is lengthy. So I would ask you, Mr. President, to begin to enforce the rule because we do have to proceed with the business today. Thank you.

ACTING PRESIDENT BENJAMIN: It is so ordered.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President. Serving in this body is really one of the greatest privileges in my life, and I know that. Franklin Delano Roosevelt once worked in this very chamber. He was of course a great man of privilege and a member of a political dynasty, kind of like we know who. But his work here was always about helping the other. He championed vast reforms to labor laws and put women and children on his agenda first. He

vehemently opposed Tammany Hall, perhaps because he understood that New York State needed change. African-Americans were migrating here for better jobs, immigrants from Italy and Poland were arriving, as were people from Ireland and Germany still. New York was set to make a choice between the few and the many.

And we sit here today in this very same chamber with the very same choice. As we've stood on the brink of change these first three months of session, we've passed sweeping reforms improving democracy and the lives of many New Yorkers. And this budget, like a true compromise, is equal parts Governor and Legislature. Or so it would seem. FDR was a true man of the people, and so of course he became president of this great country when Americans needed him most. Our state needs us most today. In New York there are tens of thousands of homeless people, people with jobs and people with families. There are business tycoons with luxury apartments and summer homes. There are workers who are spending less and less time with their family because they have to go to work or commute on an unreliable transportation

system. There are CEOs making more than 300 times their workers' salaries. We've seen some of the tallest skyscrapers built in New York City, but building affordable housing for those very same construction workers is somehow hard. Children are learning without music or art or in proper classrooms, seniors on fixed incomes are struggling to make ends meet. It's as if all of us have had to --

ACTING PRESIDENT BENJAMIN: Senator Ramos, how do you vote?

SENATOR RAMOS: -- tighten our belts so that a select few can live a good life. And it's not an accident. It's an orchestrated hijacking of our government --

ACTING PRESIDENT BENJAMIN: Senator Ramos, how do you vote?

SENATOR RAMOS: I vote (slowly) aye.

(Laughter.)

SENATOR RAMOS: And I'm not done.

(Laughter.)

ACTING PRESIDENT BENJAMIN: Senator Ramos to be recorded in the affirmative.

I apologize, Senator Ramos, but we

have to enforce the rule that was just laid down by our floor leader.

SENATOR RAMOS: -- Mr. President, and if I may conclude very quickly, I did want to get into a little bit about public financing and corruption --

ACTING PRESIDENT BENJAMIN: Senator Ramos.

Senator Krueger to explain her vote.

I apologize, Senator Ramos.

SENATOR RAMOS: Okay, thank you.

ACTING PRESIDENT BENJAMIN: I apologize.

SENATOR RAMOS: That's okay.

ACTING PRESIDENT BENJAMIN: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Okay. To go quick.

Mr. President, like it has been said by many of my colleagues, this process needs to be improved. Maybe we shouldn't be putting all this policy in one big budget vote. And we're probably going to have to make some adjustments and some amendments to a lot of what we are doing today.

But there is a lot of good in this budget. And one of the things that's great is finally we get a permanent property tax cap that is going to significantly help every taxpayer in my district, across Long Island, and across this state.

And I'm thrilled with the increase, the record increase in school aid for Long Island. One of my districts, Glen Cove, a city school district, has been shortchanged by this chamber for years. They have a fire monitor 24/7 who goes around and the taxpayers pay him to make sure the buildings aren't on fire. But 62 percent of the kids in that district receive the free and reduced meals. And under these formulas, for some reason, in the past they have not gotten the aid that they need. Well, finally that injustice is being turned around.

We're going to finally get an audit of the MTA. We're going to try to figure out why the Long Island Rail Road doesn't run on time. And AIM is fully restored, regardless of what anybody says in this chamber. We wanted to get more, but we are in tough budget times.

And finally, Mr. President, I spoke

to some families this week who lost their children in tragic limousine accidents. And one of the great things we're doing today is we're starting down the road to providing safety for limousine drivers.

So, Mr. President, I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Gaughran to be recorded in the affirmative.

Senator Ranzenhofer to explain his vote.

SENATOR RANZENHOFER: Thank you, Mr. President.

I rise to explain my vote. I will be voting no, and for two primary reasons. One is the criminal justice bill.

And the comment that I would like to make on that is I heard some language earlier about this was an opportunity to make some changes. But with opportunity comes responsibility as well. And when I hear that a bill is introduced and the language for the very first time is available two hours before the vote, when there's no opportunity for the public to chime in and have comments on this, when there's no consultation with district attorneys

and courts -- which are the very people that are involved in the criminal justice system -- I don't think that the opportunity was seized properly and the responsibility was exercised as it should have been.

And what I see here is a really unbalanced changing of the criminal justice system where we are no longer favoring the victim, but we are favoring the criminal. And that is one of the reasons I'm voting no.

The second reason is, as you know -- and I think everybody has read the reports in this state that we are losing population greater than any other state in the entire United States. So what have we done? What have we done?

So if you shop and you like to buy your clothing or whatever online, it's now more expensive, you have to pay a new tax. If you happen to need groceries and want to go to the grocery store and purchase groceries, you're now going to have to pay money for a paper bag. If you happen to have the misfortune of having to have medications or pain medication, your medications are now going to be more expensive because you're going to be paying a tax on that.

If you happen to get -- if someone runs into you and your car is smashed and you happen to rent a car, it's now going to be more expensive for you to rent that car.

And finally, it's now going to be more expensive if you're a homeowner or a business owner because with the money that we are no longer giving to our counties and towns and villages, we are now going to force them to raise property taxes.

On all scores, we should be taking the exact opposite direction and we should be making it more affordable for people to live in this state. Because we are not, because this budget is going in the wrong direction, I'll be voting no.

Thank you, Mr. President. One minute, 59 seconds.

(Laughter.)

ACTING PRESIDENT BENJAMIN: Senator Ranzenhofer to be recorded in the negative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

I'd like to thank my colleagues for

their work on this budget and their work on the criminal justice reform.

Today is a historic day, and not just because we are voting on criminal justice reform. But 200 years ago to the date, in 1817, March 31st, this New York State Legislature voted to abolish slavery in the State of New York. A legislature that looked very different than how it looks right now, but a legislature that was faced with a question that we are still facing today.

And that is when you stand up and you pledge to that flag, to whom do the following lines apply: "With liberty and justice for all"? Is it liberty and justice for the rich, liberty and justice for some, or is it liberty and justice for all?

Reforming our bail system, reforming discovery, and reforming speedy trial is about justice. Make no mistake, there is a direct line from slavery to our mass incarceration complex. And just as this Legislature 200 years ago was faced with the question of slavery, today we are faced with the question of liberty and justice.

I stand proud today before you in a

body and a chamber that wouldn't even let me in the door 200 years ago. In a body led by a woman who wouldn't even be able to clean the bathrooms 200 years ago. Today we change the course of history in the State of New York. And it is just the first step.

So I urge my colleagues to join me in voting to free our people today. Once again, Mr. President, I vote aye.

(Applause.)

ACTING PRESIDENT BENJAMIN: Senator Myrie to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President. I rise to support my affirmative vote on this bill and to speak briefly on education.

No, this is not a perfect bill on education, as my colleagues have so aptly said. And while we have made some very important policy strides, we have vastly disappointed the students of New York by not putting enough money on the table that they are owed.

And I want to assure my colleagues on the other side of the aisle, I think my

colleagues here in the Senate Democratic Majority will never apologize for fighting for the students of New York City, the students of Yonkers, the students of Glen Cove, the students of Lackawanna, the students of rural districts, the students of every district in this state. We do not have to apologize for fighting for the money they are owed and they need to have a sound, basic education. That is our responsibility as legislators, that is our responsibility as Senators.

So I am proud to fight for them to put money on the table and to argue, as we will be going forward, that the current Foundation Aid formula does not work for enough students, does not work for enough districts, that we must examine it. And we are absolutely committed to revisiting the way it is currently drafted to ensure that a district like Yonkers doesn't have a $60 million operating deficit, to ensure that the City of New York and the students there get what they need, and the students throughout New York.

We are going to proceed. I am voting yes. This is a step in the right

direction. It is nowhere near good enough. We are committed to moving ahead. And we owe it to every child in New York to do better for them than we did this year. This is a step in that direction. Now we have work to do.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Mayer to be recorded in the affirmative.

Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

I will be voting against this bill for three main reasons: Over a billion dollars in new taxes; new criminal justice policies that those with the professional expertise and experience, our district attorneys, have called unrealistic, unworkable requirements that ultimately will fail the very people and communities they were intended to benefit; and finally, for the fact that we are giving away more of our authority to the Governor when we should be doing the complete opposite.

I vote nay.

ACTING PRESIDENT BENJAMIN: Senator

Gallivan to be recorded in the negative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I vote aye on this bill not because I am proud of this bill but because I am insanely proud of my colleagues and my conference and the hard work, the passionate work, the brilliant work that they have done to make this the best criminal justice bill that we could have, the best education funding we could squeeze out, the best -- at least to move the dial on campaign finance reform. We have a long way to go with that, but I know this group will be vigilant and will do the work that it takes to get the best campaign finance reform that we can get.

The AIM funding, with apologies to my colleague Senator Jordan, we restored the AIM funding. I am proud of that, and I am proud that my colleagues in the city were collaborative with those of us upstate on working on issues like that.

I am proud to be part of this body, and I vote aye. Thank you.

ACTING PRESIDENT BENJAMIN: Senator

May to be recorded in the affirmative.

Senator Martinez to explain her vote.

SENATOR MARTINEZ: Thank you, Mr. President.

I want to begin by thanking my colleagues and leadership for their hard work and commitment to the constituencies that we all represent and to New York as a whole.

I am proud that despite this very difficult fiscal year, we were able to deliver a record amount of school funding for our students, although I am disappointed that we fell short to the Senate proposal we put out two weeks ago.

I want to reinforce my steadfast commitment to fully delivering the Foundation Aid that is owed to school districts across the state. But I will continue to fight for what is rightfully theirs without shortchanging others.

While I am proud to have lowered the burden on taxpayers by enacting a permanent tax cap, I also look forward to working with my colleagues to further address education funding and make sure we are adequately preparing the next generation of New Yorkers to lead.

In order for local governments to remain within the property tax cap, we must protect our local governments and provide adequate resources. That is why I am also deeply disappointed that the restoration of AIM funding for towns and villages is linked to internet sales taxes, as this is not a true restoration. All levels of government are hurting, and counties should not be forced to forego the revenues they so desperately need in order to operate at the high standards that they have.

As for the congestion pricing plan, I am pleased that this initiative ensures that there will be a dedicated revenue stream for Long Island. If the people of Long Island are shouldering the cost of the repairs to the MTA, it is only right that Long Islanders receive reliable service on safe, comfortable equipment.

Furthermore, this budget increases funding for Suffolk County buses by over 7 percent, a vital and necessary transportation for Suffolk County residents. Although this increase also falls short of what the county needs, at least it's a step in the right direction.

I am proud of our conference's commitment to creating a more fair criminal justice system, but we can't ignore the devastating effects of crime on our families and our communities. We must hold perpetrators of violent crimes accountable for their actions. We must take into consideration the concerns of our law enforcement officials and those who protect us. It will be the residents of my district, living in communities that are already struggling --

ACTING PRESIDENT BENJAMIN: Senator Martinez, how do you vote?

SENATOR MARTINEZ: -- who will be most victimized by crimes often committed by very dangerous individuals.

If I just may, Mr. President, the one thing that I am disappointed with the criminal justice is that --

ACTING PRESIDENT BENJAMIN: Senator -- Senator Martinez, how do you vote?

SENATOR MARTINEZ: Well, I am going to vote ...

ACTING PRESIDENT BENJAMIN: You're going to vote?

SENATOR MARTINEZ: ... in the affirmative.

(Laughter.)

ACTING PRESIDENT BENJAMIN: Senator Martinez to be recorded in the affirmative.

SENATOR MARTINEZ: But if somebody else wants to give up their time, I'll take their time to finish my vote.

(Laughter.)

ACTING PRESIDENT BENJAMIN: Understood. Thank you, Senator Martinez.

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Mr. President.

First I listened to Senator Jackson explain his vote. I just want to say amen. I know him 20 years. He's been relentless in his fight for educational opportunities for children. Thank you.

And I also want to say, Mr. President, no one in this chamber should ever misinterpret anything I say as a questioning of Senator Bailey's dedication and motives. It's a privilege, a personal privilege, to work with him. I think he did a yeoman's job with respect

to speedy trial and really struck a good compromise there.

But I have grave concerns, as I've discussed, with respect to the bail reform. you know, calling something reform doesn't make it reform. The definition of reform is to improve, and I don't think this does this.

And in explaining my no vote, I just want to say this. "While most New Yorkers were sleeping and enjoying the weekend, a handful of lawmakers with limited knowledge of the criminal justice system, behind closed doors, came to an agreement that will place unnecessary burdens on the workings of our criminal justice system and actually slow down the wheels of justice. Our hope was that our lawmakers would heed some of the suggestions by prosecutors concerning the procedure involved in the bills related to bail, discovery, and speedy trial. Instead, they have set up unrealistic, unworkable requirements that will ultimately fail the very people and communities they were intended to benefit."

That was the statement from the president of the New York State District Attorneys Association, a Democrat, Albany County

District Attorney David Soares. And that explains my no vote better than anything I could say. I vote no.

ACTING PRESIDENT BENJAMIN: Senator Lanza to be recorded in the negative.

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

Today is a big day. State aid runs came out. People were scurrying around to get ahold of them. I had to fight my staff to get a copy.

Just think, hundreds and hundreds of people have worked on this formula, worked on these computer runs that are before us. I actually am looking -- I see Senator Stavisky, and at one time she knew me as the director of the Senate Education Committee. So I'm looking at some of the results here, and I'm very saddened by some middle-income districts have fallen short of getting an acceptable aid number.

And so believe it or not, people that put this together -- teachers, school administrators, superintendents, board members, a lot of people. And people in the State Education

Department. When we look at the results, many of us are scratching our heads and saying how could this be? We're spending a lot of money and yet districts are falling short.

This is probably one of the most important things that we do, giving an allocation of money that is acceptable and giving it to our local school districts to support the students in our state, the teachers and administrators. And this proposal falls far short of where it should be.

I vote in the negative.

ACTING PRESIDENT BENJAMIN: Senator LaValle to be recorded in the negative.

Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you.

There are components of this bill that I fully support and I've advocated for, and that I know will have a positive impact on the lives of New Yorkers. The progress that this final budget offers on criminal legal reforms is a victory even if it's incomplete, and one that should be celebrated.

By passing these reforms together, we're decisively taking measures to lower the

obscenely high incarceration rate in New York. I'm proud that we're taking this step toward acknowledging that there is no justification for holding someone on the basis of whether or not they can afford to buy their pretrial freedom.

On discovery reform, we know that the process is currently biased against defendants. Imagine if you had to make a profoundly consequential decision but the information you need to make that decision is withheld from you until the date of trial or until the eleventh hour.

Despite many progressive actions taken in this budget, there are also omissions and additions in the revenue bill that I find completely inexcusable. I find it completely inexcusable that the pied-á-terre tax on non-primary residences that would have generated over $600 million per year in revenue is ultimately excluded -- not because it was unpopular in the Legislature or among our constituents, but because it was killed by powerful real estate interests.

I find it inexcusable that we are unable to follow through on a commitment to real

public campaign finance that would make our electoral process more accessible to New Yorkers, that would incentivize candidates to be accountable --

ACTING PRESIDENT BENJAMIN: Senator Salazar, how do you vote? Senator Salazar, how do you vote?

SENATOR SALAZAR: I -- okay.

ACTING PRESIDENT BENJAMIN: Please.

SENATOR SALAZAR: Just let me wrap up. Because it was one minute.

ACTING PRESIDENT BENJAMIN: Senator Salazar, we are -- we're out of time. Please, how do you vote?

SENATOR SALAZAR: I reluctantly vote yes, because I know that our conference is stronger --

ACTING PRESIDENT BENJAMIN: Senator Salazar to be recorded in the affirmative.

I'm sorry.

Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Mr. President.

I will quickly just say that I rise today on behalf of the rural residents of New

York State. I've heard some great conversations today, I've heard talk about liberty and justice for all, talk about initiatives that will save lives.

I just want to remind everyone of so many things that have been cut from this budget that could help save lives, that could help improve the quality of lives for the rural residents living primarily in upstate New York.

Every single penny to critical access hospitals has been cut. Every single penny to the veterans Warrior Salute program has been cut. Every single penny to the Finger Lakes law enforcement emergency services has been cut. The breast cancer funding has been cut in half. Lyme funding has totally been eviscerated from this budget. There are so many programs, so many decisions that were made that I totally disagree with.

And again, when you talk about liberty and justice for all, I remind you to think about our poor rural communities. They need your support and your help as well.

I'll be voting no for these reasons and so many more. Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Helming to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 363, those Senators voting in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Felder, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 39. Nays, 23.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, first let me explain to my colleagues, as it is now 11:57 and we're trying to get the next bill passed by midnight -- the Assembly has just passed it and it is being run over here for a substitution. But everyone who wants to explain their vote on this bill or the subject in this bill will be permitted to have their say on one of the bills that's coming down the road. We are just trying to get the next bill passed before the clock strikes 12.

And so let me apologize to my colleagues for the strict enforcement of the two-minute rule. But anyone that wishes to speak on any subject in this bill will have the opportunity to do so at some point in a short while.

So if we could please stand at ease while we wait for the substitution to come over from the Assembly.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:58 p.m.)

(Whereupon, the Senate reconvened at 11:59 p.m.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, we had earlier laid aside temporarily Calendar 361. Can we please take that up noncontroversial.

ACTING PRESIDENT BENJAMIN: There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Krueger

moves to discharge, from the Committee on Finance, Assembly Bill Number 2000D and substitute it for the identical Senate Bill 1500D, Third Reading Calendar 361.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, as it is now 11:59 --

(Laughter.)

SENATOR GIANARIS: -- I move, pursuant to Rule 5, Section 2, that we remain in session past midnight.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

SENATOR GIANARIS: Mr. President, I believe we had earlier laid aside temporarily Calendar 355. Can we please take that bill up.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 355, Senate Budget Bill, Senate Print 1503D, an act making appropriations for the support of government.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

SENATOR GIANARIS: Mr. President, first of all, is there a message of necessity at the desk on this bill?

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

SENATOR GIANARIS: I move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(Response of "Nay.")

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

Senator Griffo.

SENATOR GRIFFO: Please recognize Senator Ortt.

ACTING PRESIDENT BENJAMIN: Senator Ortt.

SENATOR ORTT: Thank you, Mr. President.

I would like to ask some questions regarding the agriculture and markets aspect of this bill.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Senator Krueger.

ACTING PRESIDENT BENJAMIN: Senator Krueger, would you yield for questions?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Through you,

Mr. President. Would the sponsor care to tell me the difference in this bill as it relates to Ag and Markets in spending between the enacted budget and the Senate one-house budget? What's the dollar difference?

SENATOR KRUEGER: We're looking for the Senate one-house. Senator Ortt, since the hour is late, do you actually know the answer?

SENATOR ORTT: I don't. Not between the one-house and this bill.

SENATOR KRUEGER: You don't know the answer for the one-house.

SENATOR ORTT: No.

SENATOR KRUEGER: Okay.

SENATOR ORTT: I wouldn't ask a question I knew the answer to, Senator Krueger.

SENATOR KRUEGER: Sometimes people ask questions because they know the answer.

SENATOR ORTT: Sometimes certain people do.

(Laughter.)

SENATOR KRUEGER: But you didn't either. All right, fine.

SENATOR ORTT: Through you, Mr. President, we can always continue the churn.

SENATOR KRUEGER: Would you like to ask a different question while I will get you that answer?

SENATOR ORTT: Yes. Yes, I would. If the sponsor would yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR KRUEGER: I was hoping he would ask and answer it himself, but that wasn't going to work.

(Laughter.)

SENATOR ORTT: Through you, Mr. President, in the Ag and Markets section of this bill we're spending $1.2 million less. Can the sponsor tell me where that $1.2 million comes from and how those programs were selected or not selected? The ones that were not funded.

SENATOR KRUEGER: I'm sorry, we had a little trouble hearing him over here. Could we ask him to speak louder?

ACTING PRESIDENT BENJAMIN: Order in the chamber, please. Order in the chamber.

Senator Ortt, can you --

SENATOR ORTT: Mr. President, the enacted budget as proposed in this bill as relates to Agriculture and Markets spends $1.2 million less than in last year's enacted budget. I'm curious as to -- that $1.2 million came from either cuts to programs or the reduction in programs. How were those programs decided that were cut or that were reduced?

SENATOR KRUEGER: Through you, Mr. President. I now can answer the first question and the later question.

So in our one-house we had $37.848 million for agriculture, and in our enacted budget it is $34.215 million. We would have loved to have our one-house budget fully funded, but we did not have the revenue to do so.

So we're actually showing that this year's budget, enacted, will be $972,000 less than last year. I believe you said 1.1 million, so we might be disagreeing over 200,000.

SENATOR ORTT: Through you, Mr. President, we had -- I was showing 1.2 million less than last year's enacted, but certainly I'm guessing at this late hour we

can -- what's 300,000 between colleagues, right?

(Laughter.)

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Can the sponsor tell me how many programs have been cut from last year's budget, agriculture programs?

SENATOR KRUEGER: Did you ask how many are funded or how many are not funded?

SENATOR ORTT: How many were removed, how many programs were removed out of this year's budget?

SENATOR KRUEGER: We did not have funds for 11 local programs.

SENATOR ORTT: Through you, Mr. President. I don't know if it will be -- the sponsor will continue to be -- I wanted to ask a few questions regarding -- or actually, you know what, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Ortt on the bill.

SENATOR KRUEGER: I just want to clarify, we did continue funding for 66 programs. We were not able to fund 11. Thank you.

SENATOR ORTT: On the bill, Mr. President. I want to thank the sponsor for her answers.

You know, I guess on the whole agriculture probably came out better than maybe I would have thought going into this budget, especially when you consider many of the farms and the programs are in districts not represented by the Majority.

But there were a number of programs that were cut. And again, when you look at where we have placed money in this budget, whether it's 900,000 or 1.2, clearly the money was there for those programs but we chose to spend it elsewhere. And I think for the return on investment, I think everyone would agree here the ROI that we get through many of these programs for our farms, our farmers, to provide food not just in my district but in cities, in food deserts -- agriculture is our largest industry,

and the amount that -- the little amount of money we spend in that sector compared to other sectors which I have highlighted, along with some of my colleagues, we get a pretty good bang for our buck.

The last thing I want to make a note of on the veterans spending, I could not help but notice there were some cuts to some of our veterans programs. One of them was the $50,000 reduction in the Vietnam Veterans of America program. I just thought it was ironic that just a couple of days ago we had some Vietnam veterans here in this chamber and we welcomed them home and we said thank you, and it was a great day. It really was. But today we followed that up with a cut of 50,000 to that organization -- 50,000. I find that very disappointing, Mr. President.

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

ACTING PRESIDENT BENJAMIN: Senator Ortt to be recorded in the negative.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, by unanimous consent, I ask that the bill be

restored to the noncontroversial calendar.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

SENATOR GIANARIS: Mr. President, once again we're going to stand at ease while we wait for the Assembly substitution.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

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

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

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Finance, Assembly Bill 2003D and substitute it for the identical Senate Bill 1503D, Third Reading Calendar 355.

ACTING PRESIDENT BENJAMIN: Substitution so ordered.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up Calendar 356, which was earlier laid aside temporarily.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 356, Senate Budget Bill, Senate Print 1504D, an act making appropriations for the support of government.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, by unanimous consent we're going to proceed to debate this bill while we await the message from

the Governor, similar to what we did earlier with the health budget bill. And so let us proceed with debate on Calendar 356.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President.

I'm not going to be talking about the bill because they've given me the opportunity to talk about education, I believe.

ACTING PRESIDENT BENJAMIN: Senator Tedisco, are you on the bill or are you asking a question?

SENATOR TEDISCO: I'll tell you when I'm asking a question.

ACTING PRESIDENT BENJAMIN: Senator Tedisco on the bill.

SENATOR TEDISCO: I want to talk about education. As you know, I was in the Assembly for many years and I was an educator for many years before that. And because I was an educator, I understand the importance of children and I understand the importance of education in children's lives. So as an Assemblyperson, I

always supported full Foundation Aid. When I got over to the Senate, I supported full Foundation Aid here.

But even when I supported full Foundation Aid, the Republicans were the ones -- this majority of Republicans at that time were responsible for holding up enhanced Foundation Aid, full Foundation -- oh, they protested. Every day there was a protest out in the hall, in front of offices, went to people's homes. Educational advocates.

And I realize all my colleagues on the other side of the aisle who support full Foundation Aid campaigned last year. You're going to have the resolve. Fight, fight, fight, fight, fight. If I heard fight once, I heard fight enough if I got a quarter for every time you said it when you were talking about that, that we could have full Foundation Aid.

And then you apologize -- it was like true confessions. I'm not going to apologize for fighting for full Foundation. You don't have to apologize for fighting for full Foundation. What you have to apologize is not even close to achieving it -- not even close to

achieving what you told your constituents you were going to achieve.

If you call that fighting, I call it folding like a cheap suit. What you found out is that that guy on the second floor isn't quite as easy as you thought he was to work with. Like you were going to stroll in here and get 1.6 billion or 2.8 billion. You know what you got? Six hundred eighteen million, the same amount these Republicans got last year.

So you've got a lot of atonement to do when you go back to those advocates who were in the streets, on the buses, had millions of dollars going into your campaigns because you were going to get full Foundation Aid. You didn't even come close. You didn't even come close.

And now, what I hear you saying is kind of trying to say, boy, I fought for -- I really fought for that aid. I'm going to fight for it again next year. But this is your year. You were going to do all those things you said you were going to do during the campaign. You were going to get all that money for our kids.

And I agree with you, I want more

Foundation Aid. I wanted more Foundation Aid last year when they marched in front of us and marched in the halls.

But something's awry here, because I didn't hear all that marching this year. I didn't hear the steps being full of educational advocates saying "I want that money." And I'm wondering why. I'm wondering if they really want the funding for education for kids or they have another agenda which maybe relates to something political. And politics shouldn't be involved with our kids who need a great education.

So you can stand up here and say fight, fight, fight, fight, and I'm going to continue to fight, but I think your constituents want you to fulfill your promise. Because it really wasn't those bad Republicans last year, was it, who held up the Foundation Aid. Because I have to guess it's you this year who held up the Foundation Aid, because you got the same amount we got last year.

So I think you've got some answering to do, and you might want to take a little vacation before you go home to your constituents after this session. Because those progressives,

that's really important for their agenda. And Mr. Sanders knows that, he's a big supporter. Jackson, excuse me. Sanders is over there, that's --

(Reaction from members.)

SENATOR TEDISCO: You know what I understand? You both love education. You have that in common.

But as much as you fought this year, really what did you accomplish more than the Republicans last year, $618 million?

So you see, it's always easier -- I don't know, the Governor says that you can promise and then you've got to deliver, or govern. Okay? And now it's your turn to govern. And now it's your turn to really accomplish what you told those advocates for education, those kids in school, those kids at the poverty level that you said you'd get that money for. You didn't get it this year. You didn't work hard enough. Okay? And you didn't really fight for it the way you should have fought for it. And I guess you have to explain that to your constituents, because you didn't do any better than we did last time.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President. Will the sponsor yield for a couple of questions? Senator Krueger.

ACTING PRESIDENT BENJAMIN: Senator Krueger, do you yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you, Senator Krueger.

I've got a few more questions going back to the issue of heroin and opiate funding, because we all know it's very important.

SENATOR KRUEGER: I'm sorry, you know -- I apologize, Mr. President. And I think because I have a head cold, I'm not hearing as well. Could you repeat that, please?

SENATOR AMEDORE: I want to ask a couple of questions regarding heroin and opiate funding, okay?

SENATOR KRUEGER: Oh.

SENATOR AMEDORE: So,

Mr. President, will the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: You know, the Governor's proposal allocated $211 million in funding to fight the heroin opiate crisis.

Can the sponsor, Mr. President, tell me how much funding is actually in this budget to combat this epidemic?

SENATOR KRUEGER: Just a moment. We need to go looking. It's getting late and everyone's getting tired.

SENATOR AMEDORE: Take your time.

SENATOR KRUEGER: Would you like to ask a second question while we get you the answer to the first?

SENATOR AMEDORE: Sure. The second question -- Mr. President, through you -- how much of that funding, if there was any new funding or additional funding, is new funding?

SENATOR KRUEGER: I suspect I'll need to get the first answer before I can give you the second answer.

Would you like to discuss another

topic until I can get this one --

SENATOR AMEDORE: Sure, I'll keep going. Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: We all know that the Senate one-house budget included an extra 15 million for new prevention, treatment and recovery services. Is this funding included in this final budget?

SENATOR KRUEGER: Through you, Mr. President, no. An additional 15 million is not included.

And actually if we had been able to continue our efforts to put legalization of marijuana into the budget, there would have been a new funding stream for drug treatment and drug prevention. But alas, we did not get there this year.

And I hope that we will, because the commitment is to use a certain percentage of revenue from adult-use legalized marijuana to

deal with drug treatment and education against drug abuse.

So we do not have the 15 million. That is one of the things that fell out between our hopes and dreams and this final budget.

SENATOR AMEDORE: Through you, Mr. President. Would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I do. But I think I might have the question going backwards, if that's all right.

SENATOR AMEDORE: Sure.

SENATOR KRUEGER: Through you, Mr. President, we believe that the investment in community treatment for drug abuse went up 5.155 million. So in fiscal year -- so it went from 500 -- I'm sorry, so this enacted budget would go up to 579.206 million. So an increase of 5.155 million, rather than the 15 million we hoped for.

SENATOR AMEDORE: Mr. President, can she give me the answer --

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR KRUEGER: Yes, I do.

SENATOR AMEDORE: -- again, so I understand? Because I didn't understand that answer. Sorry, Senator Krueger.

SENATOR KRUEGER: So I believe that your previous question was how much money was in the budget for treatment services and how did that differ from last year. Am I just not hearing right?

SENATOR AMEDORE: Mr. President, may I -- so the Governor's proposal allocated $211 million in funding to fight the heroin crisis. My question to you was, can you tell me how much funding is actually in this year's budget? Is it the same as the Governor's proposal? Did the Majority increase from the Governor's proposal or did they decrease from the Governor's proposal?

SENATOR KRUEGER: All right. So I'm not sure how the Governor counts money within OASAS for dealing with the opioid crisis, as opposed to the entire OASAS community treatment program budget. But the budget did go up 5.155 million from the year before.

Because I believe that the Governor, in defining a $211 million share of the budget, was perhaps choosing select things within the OASAS budget to count as specific to the opioid crisis, as opposed to all other drug problems. But I'm not sure what he meant.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: The Senate also had a one-house budget that contains an extra $10 million over the Governor's $90 million for expansion of heroin and opiate support services. Was that included in this budget?

SENATOR KRUEGER: Okay. Through you, Mr. President, that 10 million was for capital funds. And we still have not done a capital-funds budget bill this year. There is an expectation that we may be doing a capital-funds appropriation bill at some point not tonight.

And so there is still the possibility that 10 million, which was capital for community residential -- opioid residential programs.

SENATOR AMEDORE: Through you, Mr. President, would that be included in this budget?

SENATOR KRUEGER: No, because we do not have a -- so this capital budget bill is the 30-day amendments capital budget bill. And what we are expecting to see at a later date is a supplemental capital budget bill. So that $10 million could still end up being made available for capital for residential substance abuse in the supplemental capital budget, which we do not have yet.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: I would take that as a no answer. But maybe in the supplemental or

amended capital bill that comes up in a few days, a few weeks --

SENATOR KRUEGER: Correct. It is not in this -- that is right, Senator.

SENATOR AMEDORE: Whenever it comes.

SENATOR KRUEGER: Yes. It is not in this budget bill. And there is still an expectation of a supplemental capital budget bill.

SENATOR AMEDORE: Senator, is there any funding for suicide prevention programs in this budget?

SENATOR KRUEGER: We think that that funding would be in an OMH budget. But we don't necessarily have the lines to look for right now. I think it would probably be through different community programs.

I know in the City of New York we have a specific suicide hotline and other programs, and there's likely some kind of parallel for other counties. But at this moment I can't pull it out for you. It would not be in this budget bill, because I don't believe suicide services are defined as capital items.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: I do believe that that would have been in the Aid to Localities. And I'm having a hard time finding it myself. As you know as well as I know, and all of our colleagues here know, that if there's any one thing that we're facing, not only is it the epidemic of addiction, but the suicide rates continue to skyrocket. And mental health issues that we face in our schools, and the counseling and the programs that are needed -- that's why I asked, because this is critically important. And we have fought very hard for many years to make sure that we continue to either have services, have a hotline, fund special programs that would allow the help and the counseling, particularly to our young people that are struggling with their identity and contemplating ending their

lives.

My next question to you, Senator Krueger, would be the crisis intervention teams. I did notice some funding in the budget for this, but I didn't see where or how the money was going to be appropriated. Do you have some information on that for us?

SENATOR KRUEGER: My understanding is the funding for crisis intervention teams would be the same as in past years, where it's a formula evaluation going out to the counties.

SENATOR AMEDORE: Through you, Mr. President. Would that be expanding through all the counties, just some counties, downstate, upstate?

SENATOR KRUEGER: Through you, Mr. President. My understanding is that they look at where the need is and they target the funding to highest priority areas per year. But it is not a determination that's made by the Legislature. The funding is provided by the Legislature.

We can have input, I just learned, into that. So yes, we can have input.

SENATOR AMEDORE: Through you,

Mr. President, one last question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield? Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you, Senator Krueger.

And you're correct, there is some, or direction of. And I believe that this body should have some say as to where the appropriations are needed, because we would have a very good understanding as to the needs in all of our communities and counties.

My last question to you, Senator Krueger, is the Sources of Strength program. Is there any funding for that specific program, which deals with, again, suicide prevention?

SENATOR KRUEGER: I don't believe so. I have not heard of that program myself personally. But I don't -- we're looking, but we don't think there's a specific line, unless you know that the Department of Mental Health contracts with said agency.

I am receiving more information.

Through you, Mr. President, if I might ask a question to clarify.

ACTING PRESIDENT BENJAMIN: Senator Amedore, will you yield for a question?

SENATOR AMEDORE: Yes.

SENATOR KRUEGER: So is that a specific not-for-profit organization?

SENATOR AMEDORE: No, it's actually a -- through you, Mr. President, it's actually a program that works through the local school districts. So that's why I asked.

SENATOR KRUEGER: So that it's possible -- through you, Mr. President -- that the local school districts might be funding in program in some way. Or that there might be some kind of contract between mental health -- the Office of Mental Health Services and individual school districts. I'm not familiar with that program.

SENATOR AMEDORE: Thank you, Mr. President.

I appreciate the answers and the information. So thank you, Senator Krueger. I have no further questions.

ACTING PRESIDENT BENJAMIN: Okay.

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I would ask if Senator Krueger would yield for some questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield, Senator Krueger?

SENATOR KRUEGER: Senator Seward. Hello, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: Through you, Mr. President. Earlier today, or was it yesterday, we finally received a financial plan. And I know you all have been looking forward to this discussion at this hour in particular.

But this is critically important because as the budget that's being enacted, the financial plan really does outline where the revenues are coming from, how it's funded, as well as the level of funding for various programs.

And I'm very pleased that we finally got the financial plan because Section 54, subdivision 2, paragraph B clearly states that

before voting on an appropriation bill and related legislation, each house is required to place on the desks of its members a report relating to each bill. So better late than never.

And I just wanted to ask a few questions regarding this financial plan. Just recapping what I understood you to say earlier when we began a discussion on this which we terminated, was that there was $975 million in adds, 200 million in other actions, 733 million in offsets and reestimates, and 300 million in adjustments to pension prepayments. Now, that is what I understood you to say earlier today.

Now, your financial plan indicates that on the State Operating Funds basis, using the Governor's 30-day-amendments budget as a baseline, that the combined state and local disbursements increased by 723 million, with 491 million in offsets to general state charges, none of which are reflected in the State Operations bill copy.

Can you walk us through this 491 million? And which number is accurate in terms of the increase in spending?

SENATOR KRUEGER: So you're right, I think it was yesterday morning. So we did put a report -- you did have the report on the full changes in the budget as of the first Finance Committee meeting this morning, just for the record, and you got the financial plan later in the day.

And when you asked me questions fairly early today -- yesterday morning, I gave you the general numbers we had at the time. They were revised for our financial plan, so the financial plan we gave you was actually the more accurate final version based on the completion of all of the budget items.

Ironically, when we gave you the preliminary review this morning, not all the budget bills had been completed, and so we could only go as far as we could.

So the $491 million in general state charges is in fact the correct number, not the -- what was the number we gave earlier today? So, I'm sorry, so -- let's try again.

Why don't you ask me questions based on the financial plan, and I will try to answer that. But I will agree that the earlier numbers

I gave you this morning were based on drafts from DOB that were then later updated when we got you the full financial plan.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: That's fine, I'm very happy to discuss the financial plan that has been before us at this time.

So I wanted to return to that 491 million in so-called offsets. Just what does that number represent?

SENATOR KRUEGER: So this is a change in the pension prepayment schedule. It's a savings in the financial plan because the Governor agreed to make this change in the pension prepayments in the final budget.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: Were there any actual spending cuts compared to the Governor's original Executive Budget and this budget that's before us this evening? Are there any actual spending cuts?

SENATOR KRUEGER: No.

SENATOR SEWARD: There were not.

SENATOR KRUEGER: No.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: According to the 30-day amendments and the budget, the updated Executive Budget related to that, there was $190 million in possible growth before reaching the 2 percent cap, with a total spending amount of at least 723 million above the Executive and what happen appears to be, as you stated, no

cuts.

How can you say that we are still within the 2 percent State Operating Funds spending cap?

SENATOR KRUEGER: So in addition to the reduction of 491 because of the pension readjustment, the Governor also did some reestimates of his own projections. So that even with that $190 million change in personal income tax, we still remain within the 2 percent cap.

SENATOR SEWARD: Moving on to the -- I had a question regarding --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: I had a question regarding the proposal in the Executive's budget regarding a cap on the STAR growth as well as the lowering of the basic STAR exemption and income limit from $500,000 down to $250,000. Does this budget that's before us today accept or reject those changes that the Governor recommended in the STAR program?

SENATOR KRUEGER: This budget accepts those proposed changes.

SENATOR SEWARD: If Senator Krueger would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: As I understand it, these changes seriously dilute the STAR program's positive impact on homeowners throughout our state, and I would have to say, in particular, middle-class suburban households are -- are -- this decimates the STAR program, the acceptance of those two changes.

But moving on to a question, what is the structural surplus or deficit in the outyears? Because obviously spending that we -- that is passed in this budget, program expansions, whether it be Medicaid, school aid -- they all have impacts in the outyears. And could you share with us whether there's a structural surplus or a deficit in the outyears?

SENATOR KRUEGER: Thank you.

Mr. President, through you, I just want to clarify that the changes that were made in the STAR program do not decimate it, it leaves the benefits at the same amount. It's a change in the structure of how it operates. So I don't actually share my colleague's analysis of that.

But for the outyears, in 2020-'21 we are currently looking at a $2 billion deficit. In '21-'22 that drops to a $490 million deficit and, in '22-'23, a projected $717 million surplus.

SENATOR SEWARD: Thank you.

If Senator Krueger would yield for one more question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR SEWARD: Just returning to the STAR discussion, I just would point out that when you cap the growth of the STAR program, that -- as school taxes go up, that means that the STAR benefit goes down if you're going to cap the growth in the STAR program. And that's why I

say that it dilutes and in some cases decimates the program.

But my question is on the -- we are technically on the capital projects budget. And there is talk in your response to a question from Senator Amedore of a supplemental capital bill at some later date.

SENATOR KRUEGER: Yes. Yes.

SENATOR SEWARD: My question is, is the Executive and the Assembly on board with doing a supplemental capital bill at a later date?

SENATOR KRUEGER: Yes. It is my understanding that we have a commitment to do so, but not tonight.

SENATOR SEWARD: Mr. President, I say thank you to Senator Krueger for responding to my inquiries.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT BENJAMIN: Senator Robach.

SENATOR ROBACH: Yes, Mr. President. You know what, due to the late hour -- I wanted to focus on results, not politics and promises -- I'll go right on the

bill on capital --

ACTING PRESIDENT BENJAMIN: Senator Robach on the bill.

SENATOR ROBACH: -- and transportation.

So we've talked a lot, had a lot of dialogue, we had our subcommittees and we talked about parity between roads and bridges and the MTA, which is the current law that we have right now. The problem is we don't -- we're not spending at a parity level. And we need to do that for a number of reasons.

But I first want to say, not only are we not meeting current parity, but we're also going to add what I can estimate -- and I would ask the question, but I don't think anybody really has the answer -- what I can ascertain, about $54 billion to the MTA, which they need. But we ought to all be working to make sure we're doing that $27 billion for roads and bridges.

And, you know, we all know we have an aging infrastructure, we all know it's an issue of fairness, road safety, so many things that need to be addressed. We should really do this. And so I've heard a lot of things about

we're going to address it, we're going to do it. This budget doesn't do it. And I heard an earlier comment where somebody said, well, we're going to do a new plan. We will do a new plan, but that doesn't mean you don't do this one.

And I have to say it's also very unfair to add that much money to transportation in one part of the state and not one where -- for upstate New York, where really that's almost all we have is that road and bridge money. That's how the majority of our people get around.

And my colleague Senator Kennedy actually had said -- I don't remember how many years, but whether it was a hundred or 50 years that we were in charge. I know from my time here we were in charge except for two years, and that's the only time that I've been around the Legislature in 30 years when the parity was broken, was the last time my colleagues were in the majority. And now it looks like you want to go down that road again. And that is really the wrong, wrong direction and not a good thing to do.

And there's a lot of people watching, whether they're local government

people, people in the building trades, people in the construction field, highway superintendents, everyday citizens. You know, I had a bridge in Monroe County that had a lot of traffic, and literally for several years pieces of concrete were falling off the bridge, hitting cars in some cases. Luckily, no fatalities. And the answer from our local DOT was, we understand it's a problem and deficient, but we don't have the money.

The money needs to be there. And whether the deficient bridge is in Long Island, Syracuse, Buffalo, Rochester, you've got to have that. People pay a lot in taxes. They ought to know, when they go on the road, they're going to be able to get to where they want. And I'm not even talking about potholes and those things, I'm talking about aging infrastructure.

So we've talked about it, we have had these meetings, we have had these hearings, yet we get no result and no response in this budget.

If you add CHIPS, severe storm weather, a lot of talk was done, a lot of promises were made -- they took a cut. So now

local governments, on the pothole issue and maintaining roads, are even going to get less money. So this budget, when it comes to transportation, really, really, really falls short.

And I would really say it's unfair to motorists across the state, not only in upstate New York but on Long Island, in the Hudson Valley, even New York City. A lot of people still have cars there, and a lot of people go in in cars and buses too. So we shouldn't ignore them. I think it's really unwise that we're kicking this can down the road. The places that need repair, bridges, that infrastructure is not going to go away. So we're going to be dealing with it one way or the other.

And lastly, and why I'm going to be voting no for this, is this is unacceptable for the people that I represent. And when you couple this with a billion dollars in new taxes but no response to roads and bridges, a criminal justice so-called reform that clearly is going to lead to more victimization of innocent people, a lack of doing anything for jobs, and campaign financing that could cost up to half a billion dollars, but

we say we don't have money for this, I think is wrong.

So I will ask -- I know what happened when I was the chairman. I'll ask the current chairman and my colleagues that I hope, like my colleague Sue Serino said on an audit, I think we need to have an audit, minimally on that $27 billion before we go add and double what that's going to be for the MTA. I want them to get their money, but we need to do ours.

But this, if you care about the motoring public, this budget falls very, very short and is tremendously unfair to every motorist, but especially those who rely on their car to get to work every day, especially in Rochester and Monroe County and upstate New York where I live. And to have a tax go on us that's going to go designated to the MTA, when for years -- Senator Krueger, would you like me to tell you the tax? Part of the internet tax is going to be designated, I believe, isn't it 59 -- no? Okay. What's that? That's what it says in the -- well, let me keep going and we can talk just for a minute.

Whether it does or it doesn't,

people in upstate New York pay a lot of taxes. I think the budget says a certain amount of it is going to be designated to that. If that is the case, I could tell you whatever you are, whatever party you're in, people in your district aren't going to like that. They're not going to like it in the current structure. But if that's the case, whether it's on rental cars, anything else, and not addressing us fairly, it is going to be a challenge and it is going to be not well-received.

So I waited and waited hoping that in the supplemental or this last bill we put out, there would be some addressment of this. I hope -- I don't know where you'll get billions of dollars -- in the supplemental budget that you have coming up you will listen to the people of the state, especially those in upstate New York, and add a little parity to this. At least that would lessen the pain.

But for what we know right now, if you care, again, about motorists in your district, this is a good no vote and one we could do much better on.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

Senator Krueger, I don't know whether you would be the one I ask this question of. Is there any additional funding for the operation of the SUNY hospitals?

ACTING PRESIDENT BENJAMIN: Senator --

SENATOR KRUEGER: We can give it a try. And we'll make sure we have the right staffer here for you.

SENATOR KRUEGER: So through you, Mr. President, my understanding is that the SUNY hospitals have an additional $60 million coming through the federal DSH payments in this budget.

SENATOR LaVALLE: Senator Krueger, I --

ACTING PRESIDENT BENJAMIN: Senator LaValle -- Senator LaValle --

SENATOR LaVALLE: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR LaVALLE: We're talking about 78.6 million which three hospitals would receive that are not receiving. Now, these three hospitals also receive DSH monies. So I don't know how much in DSH they're receiving and would -- you have indicated 60 million?

SENATOR KRUEGER: Yes. That is from the chancellor's testimony before the budget hearing on January 28th.

SENATOR LaVALLE: So we really are not getting the numbers. What about the 78.6 million for the three hospitals?

SENATOR KRUEGER: So my understanding is that's the request to have the state pay the debt service on the three hospitals, and that is not in this budget.

SENATOR LaVALLE: That amount is approximately 50 million? So let's put these numbers where we are deficient by 78 million. You talked about a 60 million. And the debt service is 50 million.

SENATOR KRUEGER: So last year the

Governor was able to provide 78 million in his executive operating budget, and this year that was dropped because of the 60 million in federal DSH payments.

So you are correct that they still want additional money, but that is not in this budget.

SENATOR LaVALLE: Yeah. On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator LaValle on the bill.

SENATOR LaVALLE: Thank you, Senator Krueger.

The hospitals and the staffs that run these hospitals that take care of our patients need to be supported in a better manner. Having been chair of the Higher Ed Committee for a while, there was always, on the Executive's part, not a lot of enthusiasm to own and run public hospitals. And so if we don't have better support of our three SUNY hospitals, they will just deteriorate.

And these are -- these are our constituents who go to those hospitals to receive care. There is great dedication, great

dedication on the part of the professionals that work in those hospitals, and we are not supporting them with this budget measure.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator O'Mara.

SENATOR O'MARA: Thank you, Mr. President.

Would one of the sponsors regarding CHIPS funding, extreme winter recovery funding, care to yield for a question?

SENATOR KRUEGER: This is an interesting approach. It's sort of pick a bill, ask a question.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KRUEGER: Yes, I'd be happy to.

ACTING PRESIDENT BENJAMIN: Senator Krueger yields.

SENATOR O'MARA: Well, this is the Aid to Localities bill, isn't it?

SENATOR KRUEGER: I don't think so. This is capital projects.

SENATOR O'MARA: Capital projects,

which CHIPS funding is capital.

SENATOR KRUEGER: Fair enough. Capital projects.

SENATOR O'MARA: Is there any money in this budget, whether it's this bill we're on right now or any other of the ones we're talking about, for extreme winter recovery funds?

SENATOR KRUEGER: No. The Governor did not restore that in this budget.

SENATOR O'MARA: The Governor didn't put it in his budget.

SENATOR KRUEGER: No.

SENATOR O'MARA: The Majority put it in the one-house budget here.

SENATOR KRUEGER: Yes.

SENATOR O'MARA: The majority in the Assembly put it in their one-house budget.

SENATOR KRUEGER: Yup.

ACTING PRESIDENT BENJAMIN: Senator O'Mara, are you asking the sponsor to yield?

SENATOR O'MARA: Will she yield for a question?

SENATOR KRUEGER: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So you put it in the one-house budget, the Assembly put it in its one-house budget, the Governor didn't want to do it. So did both majorities get rolled on this issue?

SENATOR KRUEGER: We live and hope that in the supplemental capital budget there may still be an opportunity to provide funds for both of those critically important programs.

So yes, I think you are right that both houses, both parties, think that is critical money. We haven't won that fight yet.

SENATOR O'MARA: And there was no increase provided in this budget for an increase in the base CHIPS aid from year to year.

SENATOR KRUEGER: Through you, Mr. President, that is correct.

SENATOR O'MARA: On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator O'Mara on the bill.

SENATOR O'MARA: This budget is a complete failure, as it comes to upstate and frankly anywhere outside of New York City, for the lack of attention to our infrastructure

needs. We on this side of the aisle all understand how important the MTA is. I have three railcar manufacturers within the district I represent that make railcars for the MTA. We love the work. We love the business. It provides good jobs. But our upstate infrastructure, roads and bridges, are equally as important.

When we were in the majority over the past eight years, CHIPS funding and local road and bridge funding had increased across the board approximately 45 percent over that period. Yet we're flat this year on CHIPS and we're losing $65 million on extreme winter recovery funds. Ask anybody in your districts how they think your roads fared during this winter, which isn't quite over with yet. They're going to tell you their roads are crappy. We need to do better.

You know, as a former district attorney and seeing some of the criminal justice reforms we passed tonight, and reading the statement that the District Attorneys Association put out -- and I was a member of the District Attorneys Association. And it's their president,

our local DA here in Albany County, David Soares, a Democrat -- that this budget is chock-full of half-baked policy -- this statement doesn't just apply to what we did in criminal justice reforms, it applies to this entire budget. Half-baked policies.

A new commission for public finance and do away with third-party voting? A new commission for congestion pricing in New York City? Can we not make difficult decisions here? How many lawsuits are going to come out of the commissions that we establish tonight? I know there's two right now that came out of the pay commission from last year, and there's probably one or two more coming.

This legislative body should not be shirking its responsibilities when it comes to making tough decisions that affect every New Yorker. We can't pass the buck. We were elected to do our jobs here. We didn't have the guts with the leadership in both houses of the Legislature to pass a legislative pay raise on our own. We shirked it off to a commission. Now we're shirking off these responsibilities to two more commissions. It's a disgrace. It's an

insult to the people that elected us to come in these offices.

We have created a billion new dollars in taxes in this budget. Internet taxes, eliminating charitable deductions, eliminating exemptions on energy service companies, an auto rental tax for upstate of 6 percent, making it 11 percent. Real estate transfer taxes.

Internet sales taxes of $160 million, which is the local share, which normally goes to our counties -- the state is taking that portion and distributing over a third of it on their own. Eliminating AIM funding and the state's responsibility to provide that.

Yet also from the internet sales tax, there's $160 million set aside for the MTA, which will increase 1 percent each year from here on out, with no guarantees for equitable funding and parity for our upstate roads and bridges as it comes to that. We have failed our voters.

There's a new tax on vaping.

There's a new opioid tax for people that are in pain and are on legitimate opioid prescriptions, that are suffering, that are going to pay more for them to get relief. These are

our constituents. A hundred million dollars from individuals suffering in New York State. Yet out of that $100 million new opioid tax, we have no additional spending on our opioid and heroin crisis that is beleaguering the State of New York and every state in this country and the nation.

Yet despite these billion dollars of new taxes, we're able to maintain a film tax credit of over $400 million to provide relief for Hollywood elites. And on this economic development program, there is no MWBE requirements. Yet on every project that receives economic development money in upstate New York, there are outrageous MWBE requirements that are unrealistic and cannot be met without us hiring businesses from outside of our regions to make up the MWBE thing. So we're taking our economic development region for our regions and having to go out outside to other regions, losing the impact.

It is a disgrace what we've done here. The parity, as Senator Robach mentioned, on road and bridges -- twice as much for MTA than there is for the rest of the state.

Again, the District Attorneys

Association, Democrat David Soares said it best: "Instead we have set up unrealistic, unworkable requirements that ultimately will fail the very people and communities they were intended to benefit."

We can and we must do better in this state. Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Skoufis.

SENATOR SKOUFIS: Thank you, Mr. President. If I may speak on the bill.

ACTING PRESIDENT BENJAMIN: Senator Skoufis on the bill.

SENATOR SKOUFIS: Thank you.

There is much to celebrate in this budget, thanks to the stewardship of our Majority Leader. This budget lifts up many of the poorest and most disadvantaged New Yorkers, it makes the property tax cap permanent, a long-sought-after measure of relief for every property taxpayer in the state outside of New York City, and it does so in a balanced and fair approach by enacting TRS reserve accounts for our schools. It funds the EPF, clean water infrastructure. And most importantly perhaps, for those of us north of

New York City, it finally, for the first time I've been alive, holds the MTA accountable with a forensic audit and makes sure that we get our fair share, 10 percent, north of New York City, which is the most we will ever see out of a capital program.

But I rise today -- and it is today, because we are in the morning now -- because I would like to speak about a locality that was not in the Aid to Localities bill that we recently passed.

A couple of my colleagues here, former Assembly colleagues, like Senator Mayer and Senator Sepúlveda, have heard me say what I'm about to say, because this is now Year 4 of a crusade to try and save a community that is a couple of years away from fiscal calamity.

The North Rockland community, made up of two towns, Stony Point and Haverstraw, 50,000 people, a third of which are families of black and brown individuals, a majority of these school districts free and reduced lunches. This is a hard-nosed working class, blue collar set of communities, at first blush like many other diverse suburban communities in our state.

But upon closer examination, this community is unlike any other school district in New York, because 12 years ago North Rockland effectively lost not one but two power plants. Many of our school districts, many of our towns and villages face a crisis by losing one power plant. This one has lost two. In Stony Point, the Lovett Power Plant is completely gone, formerly a coal plant. And in Haverstraw, Bowline remains as a peaker plant.

When both of these plants were fully operating 12 years ago, they were paying $44 million a year in school property taxes. Now those two properties are paying $2 million a year, a $42 million a year loss on the revenue ledger for the school district.

In addition, the Bowline Power Plant's owner, Mirant at the time, filed a successful tax certiori, so the school district had to take out what is still the largest tax certiori in New York State history: With interest, $369 million, in a community of 50,000 people.

And so for the past 12 years this school district has not only lost $42 million a

year in revenue, but they also lose $12 million a year paying back the Mirant power plant company.

This is a set of challenges unlike any other school district. We all have unique communities and unique school districts. But in two years, maybe three, if we don't do anything in this chamber and in this city, we will have the first bankrupt school district in New York State. That is not hyperbole. We have hyperbole up here every day, every week, every month of legislative session. You will have the North Rockland Central School District, if we continue to take no action, coming up here and handing over the keys. Good luck, Senate, good luck, Assembly, good luck, Governor, we can't provide a sound, basic education any longer.

And so for the past three years the Assembly has tried to take action. I represented half of the district in the Assembly, my colleague Assemblyman Zebrowski the other half. And we've put a solution into our one-house budgets every year. This year was the first year the Senate took action and joined the Assembly in putting that same solution into our one-house.

Sadly, we're enacting a budget yet

again without any sustainable relief for the North Rockland community. And this is not just endangering the school district. Let me be clear. Over the past 12 years, if you're lucky, your taxes have doubled. Many residents have seen their taxes tripled in 12 years. If we don't do anything, not only will the district be crippled, but the district will become a ghost town because no one will be able to afford to live in it any longer.

When we had these two power plants, commercial ratepayers made up 60 percent of the tax base, residents 40 percent. Now the commercial ratepayers make up 32 percent and residents 68 percent. Completely flipped.

And so my colleagues, my community has begged and pleaded and implored Albany to take action. Just this past week, after being provided some hope that now both chambers were on board with trying to solve this problem, in a matter of days over 2,000 people signed a petition begging this Governor to join us and deliver the relief that they've long been waiting for.

But again, for the fourth year of

trying to accomplish something here, North Rockland has been rebuffed. People are frustrated, people are angry, and people are worried. My colleagues, we have to do better.

But there is some good news. Today the Governor's office committed to finding a solution to this problem in this legislative session. I will work with the Governor and Assemblyman Zebrowski to finally get this done, and we will hold him to that commitment. Because quite frankly, no one in this chamber, no one in the other chamber, and I would like to think the Governor -- no one wants to see the first bankrupt school district in New York State happen on their watch. We have to do better, we must do better, they deserve to have us do better.

Thank you, Mr. President. I hope my colleagues here will join me in making sure that we look after all of our children in this state, especially those that are most vulnerable.

ACTING PRESIDENT BENJAMIN: Senator Helming.

SENATOR HELMING: Thank you, Mr. President. Mr. President, through you, would Senator Krueger be willing to take a few

questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I'll give it a whirl.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Through you, Mr. President. Senator Krueger, can you tell me if there's any policy or any funding for databases, programs, or anything else related to the expansion of the SAFE Act or firearms regulations in this bill or any other bill in the budget?

SENATOR KRUEGER: No, unfortunately there is not.

SENATOR HELMING: Thankfully there is not.

Through you, Mr. President, if the Senator --

ACTING PRESIDENT BENJAMIN: Do you yield?

SENATOR KRUEGER: Yes, I yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Krueger, I see that there was funding included for a searchable database of economic development projects. Does this budget contain any Article VII language to codify the database of deals?

SENATOR KRUEGER: One minute.

So no, there is no Article VII language for the database of deals. There is a commitment by the Governor of funding to -- sorry, there's a commitment by the Governor of funding for said effort. But we still would need to do separate language outside the budget.

SENATOR HELMING: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Krueger, why isn't there any language in the Article VII?

SENATOR KRUEGER: The Governor rejected it.

SENATOR HELMING: Okay. On the

bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Helming on the bill.

SENATOR HELMING: I have to say that it's highly disappointing to hear there's no Article VII language in the budget to codify the database of deals. As most of you know here, the Republicans led the effort last year to create the database of deals and to get that legislation passed.

Without Article VII language, neither the Legislature nor the public can be sure that all the state's economic development projects are being captured in the searchable database. This limits transparency and accountability. I find this especially surprising and extremely disappointing considering that one of the primary reasons state elected officials opposed the Amazon deal and the up to 40,000 jobs that would have come with it, was insufficient transparency in the process.

I would hope that the Amazon experience and the loss of up to 40,000 jobs would have motivated our colleagues to prioritize and ensure that the database of deals was

included in the final budget. It appears my hope was very displaced.

Mr. President, it is my belief that until we address the high taxes, the unnecessary red tape, and the overregulation that burden our local small businesses, they're going to continue to pack up and exit this state as quickly as possible, just like the overtaxed people who live here. We're not going to attract new businesses, we're going to see more problems unless we address these issues.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Akshar.

SENATOR AKSHAR: Thank you, Mr. President. I'm on the bill, specifically --

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: Thank you, Mr. President. Specifically around the area and the space with the heroin and opioid crisis.

The heroin epidemic is the public health crisis of our time. And really we're at a sad state of affairs tonight. When I heard Senator Amedore and Senator Krueger speaking

about was there additional funding, will there be additional funding -- with all due respect to my colleague, she said something along the lines of we really needed to legalize marijuana to be able to provide additional monies for these services.

And I'm just trying to understand this. Are we suggesting that if we could get more people to smoke marijuana we would have more money to provide drug services? I'm -- I'm just -- I'm a little bit confused.

For me -- I'm not asking a question, no. I'm just speaking. For me, it's about wants versus needs. And I arrived here in 2016, and I just want to remind everybody in this house that the great work that the Task Force on Heroin and Opioid Addiction did. That task force really, in my opinion, changed lives. And it empowered people who were on the ground and on the front lines every day, the community-based providers, and helped them, really, provide these services.

So since I'm here in 2016, we found a way -- 2016, an additional $25 million; '17, an additional $10 million. In '18, an additional $15 million.

And I can't help but think about

some of the things that my colleagues have spoken about. Twenty-seven million dollars for the DREAM Act, we found that money. A hundred million dollars in an opioid tax, none of which is going for new services -- none of which is going for new services. Four hundred twenty million dollars, as Senator O'Mara said, for the film tax credit. But yet we can't find an additional 15, 20, 25 million to deal with the public health crisis of our time?

So what I'm going to do is I'm going to go home, back to my district, in 52, who -- we just lost 10 people this month, 10 people this past month to overdose. I'm going to go back and tell Lourdes Hospital that no, we don't have $175,000 for your substance abuse counseling for youth. I'm going to go back to Tioga County and say to CASA-Trinity, no, we can't fund you at $70,000 for school-based substance abuse. I'm going to go to Chenango County Behavioral Health and say, I'm sorry, we don't have $70,000 for you, because we didn't legalize marijuana and there's no money, but yet we found $27 million to fund the DREAM Act, we allowed opioids to be taxed at $100 million, and we raised other monies

for other things -- but no, we're not going to fund these things.

Mr. President, I'll be voting no.

ACTING PRESIDENT BENJAMIN: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

So I think I'm going back to the revenue bill, but I do want to correct the record. I answered Senator Helming incorrectly. I apologize. There is reappropriation language in the Division of State Police of $10 million for services and expenses related to the development of a records management system that I believe is specific to the SAFE Act.

So this is money that had not been spent in previous years but continues to be a statewide record system to share information which could include the SAFE Act in it. So that is actually from the Division of State Police reappropriations.

I don't know whether -- I want to give Senator Helming a chance to --

ACTING PRESIDENT BENJAMIN: Senator Helming.

SENATOR HELMING: Through you, Mr. President. I guess I'm looking for more explanation. Can you give me a little more detail? Is this new funding to expand?

SENATOR KRUEGER: No, it's a reappropriation of money that was not spent but in theory could be spent for these purposes.

SENATOR HELMING: Is that the intent, to --

SENATOR KRUEGER: It's 2014 money, so it's there as a reappropriation. It would not need additional legislation. The SAFE Act has already been passed.

SENATOR HELMING: I'm sorry, did you have something more?

SENATOR KRUEGER: I'm sorry. So it would be 10 million in reappropriations for these purposes, which could include the SAFE Act database.

SENATOR HELMING: And the database of -- what would the database include? Through you, Mr. President.

SENATOR KRUEGER: I believe this was a database for tracking ammunition.

SENATOR HELMING: Thank you.

SENATOR KRUEGER: You're welcome.

On the bill.

ACTING PRESIDENT BENJAMIN: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

And I think I'm going back to being on revenue, although we are free flying tonight on the budget. Or this morning.

So, one, I just want to address something that's been said quite a few times, just to clarify. That 100 million opioid tax, with all due respect, was passed by the majority when they were Republicans last year. So it's not actually us, it was them. And now it's all of us.

And no, the only way to get money for substance abuse is not whether you pass legalization of marijuana. But I wanted to highlight that in our one-house bill we had hoped to have money for many things that we don't have. But had we been able to create a regulation and tax system for cannabis products, the commitment, at least in the legislation that I have been carrying for quite a few years now, would in fact commit a significant percentage of revenue from a

tax and regulation system to provide both substance abuse treatment and education to discourage people from using drugs.

And my colleague also referenced so we have to get people to smoke marijuana in order to get money for drug treatment. With all due respect, they're already smoking marijuana. The question is will we ever legalize, tax, regulate and ensure that we have a system in place that actually raises revenue rather than costs us money and creates a safer, noncriminal environment for the New Yorkers who are already smoking cannabis in quantities pretty equivalent to states that have already legalized. So we have a reality; we're just not confronting that reality.

I did want to highlight, though, how proud I am of this bill for all the things that aren't in it. So it doesn't have adequate funding for education. I have to agree with several of my colleagues from across the aisle, we shouldn't have punted campaign finance to a commission, we should do it ourselves.

I appreciated the comments about look what happened when there was a pay

commission. Well, that wasn't my idea either, that was the Republicans in the majority. I would have just given us a raise. I think that would have been the right answer.

So I also am quite concerned about a commission when we just should have done a public financing system.

But as you've heard so eloquently from so many of my colleagues tonight, what we're doing for criminal justice reform is going to have enormous positive ramifications throughout our communities. And despite the fact that there are some DAs saying this isn't well thought out, the truth is on discovery and speedy trial, most states are already here. They've already been doing this for years. So I don't know what's so shocking about it.

And on bail reform, we have also been talking about it for years and years and years. And I know when I go home, even though my district isn't disproportionately made up of people who end up not being able to afford bail if they need it, that it will be one of the first questions I am asked by people: "Did you get criminal justice reform done?" And I'll be able

to say "Yes, we did," and they'll say "Good job, Liz."

Then we have the MTA and the mobility tax or congestion pricing or whatever people want to describe it as. And there I also think where we have come and where we have gotten to tonight is the right answer. Because the entire future of the MTA region and much of the state is dependent on making sure we have a functioning, funded 21st-century public transportation system.

And here's the issue that I think people are misunderstanding when they talk about, where's the equity? We're not asking the state to pay for it. New York City is basically paying for it, and the New York City region of small numbers of commuters who do drive into New York City. The irony is it's New York City who will be paying for the MTA capital plan through congestion pricing. And we will just -- and we will be sharing that system with a universe much larger than ourselves.

So when we look at the plan for congestion pricing and we look at who's going to pay, it is the City of New York who's going to

pay. And when we look at one of the tax -- two of the tax increases people seem so concerned about, which are the transfer tax increase and the mansion tax increase, that will be wealthier people in the City of New York paying for the MTA. It's not anybody outside the City of New York, it's not the State of New York, it's the City of New York's people contributing, through a more progressive tax system, money towards the MTA.

And when you talk about the gross on the increase of a billion dollars in taxes, again, please remember, it's mostly coming from the people of the City of New York. Because when we talk about continuing the higher personal income tax rates with a five-year extension, the largest increase, which is just a continuation of what we've already had -- there was a chart going around about who actually pays that. It's the people in my district personally.

I am very comfortable with the fact that representing the wealthiest district in the State of New York, we're supposed to pay our fair share, and that means progressive taxation. And they've been doing it for five years, and nobody

has left because of it. I have more millionaires now than I did five years ago. Nobody is going to sell their apartments and leave because we're continuing that tax to make sure that the people of New York State have more revenue for everyone. So we are a donor to the rest of the state through this tax.

We are protecting AIM for our localities. I think there was a great deal of confusion about that. The internet tax is not an unfair tax, it's a fairness tax. And it will mean money going to our localities and our towns and villages. And no, it won't be going to the MTA, just the City of New York's share of the internet taxes will be going to the MTA.

So yet again, when you talk about parity, we're trying to save ourselves with revenue that's coming straight out of the City of New York.

And so even though we haven't been able to do everything we wanted to this year, Mr. President, and even though there are people saying you're raising taxes by a billion dollars, pretty much all of that is coming from higher-income people in the City of New York,

very often the people in my district, and they aren't going to leave New York because they love New York, they want it to be successful, they know they need a functioning MTA system. We all know, if you come from the 12 -- 13 counties of lower New York State, we all know that we need to make the investments in the MTA.

And we've held them to a much stricter standard of accountability in the new plan. Several of my colleagues today talked about the importance of the forensic tracking and accounting and auditing, and we are doing that. And we are doing much clearer, cleaner transparency and far more details.

And I'm not going to tell you I feel confident it's all going to work out, but I feel more confident that we have a plan that can help us ensure that we have subways and buses and trains that we need to have in order to keep our economy thriving. Because it matters in my city and my region, but it actually matters just as much for upstate New York.

So I'm proud to be voting yes, Mr. President. Thank you very much.

ACTING PRESIDENT BENJAMIN: Senator

Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise to speak on criminal justice, which I was delayed --

ACTING PRESIDENT BENJAMIN: Senator Breslin on the bill.

SENATOR BRESLIN: -- some time ago.

And I think that I first of all have to thank the team from my conference who did such a phenomenal job, and for Andrea Stewart-Cousins, our leader, to give them the strength and the ability to go forward as a group to change the law.

And when I think of myself as a young lawyer spending a lot of time in local police court here in Albany, I think of George Santayana saying "He who forgets the past is doomed to repeat it."

I was confronted with conservative white judges, prosecutors that weren't particularly fair, frequently young African-American men who had been charged with misdemeanors of a nonviolent nature, but they were in jail because they couldn't afford minor

amounts of money. And when they were brought into court, furthering -- when they were brought into court, they weren't in suits and preppy, they were coming from jail. So that compounded the problems in getting a fair and equitable disposition.

And I think frequently of particular people who I represented more than once. And if they ended up because of their circumstances pleading to a minor violation or a minor crime, the next time, well, that person has a record. So it was compounded again.

And I think of all the unfairness that went on, and all the unfairness that still goes on. And I applaud what we've done tonight, no cash bail. Proper discovery. Speedy trial. And this day I will remember forever. And I believe our children and grandchildren will look back at this day as a very important day that made a difference in the way our criminal justice system will be in the State of New York from this day forward.

So I feel somewhat relieved, probably my conscience being relieved, for some of the experiences I had in those representations

as a young lawyer. And I hope that we can move forward where young lawyers won't feel the same way I did at that time.

And on another point, I know that -- was it you, Senator Lanza, that talked about the inequities -- oh, no, it was the other -- it was you, Senator Tedisco. I get them confused.

(Laughter.)

SENATOR BRESLIN: I think about -- there was a $618 million increase in Foundation Aid this year. So we didn't do that badly. But we didn't do as well as Senator -- was it Jackson -- indicated that we should do. And hopefully we'll move in the direction of finally settling that AQE debt which is now 13 or 14 years old. And I might add it was a directive from the Court of Appeals telling us to pay that amount of money so that there was a sound, basic education for our children, particularly in New York.

So with those two areas -- there's so many other areas that I could discuss from this new Senate Majority that to me is doing things for the right reasons and making New York a fairer and a better place. I look forward to

not being like Mississippi and Arkansas, and having people come out to vote and being encouraged to vote and participating in the process. And there are so many other measures that we've taken over the last three months that make me proud to be a member of this body.

So I know that -- I think there's a chance to have increased camaraderie in this body. I hope it works out. But I know that the Democratic Majority, being pushed by our 15 new freshmen, still has a lot of work to do, and I believe that work will get done.

I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President. I'll be brief.

Senator Kavanagh said tonight his mother, who religiously watches the Senate channel, she herself has gone to bed. So I know that I'm up against steep odds here.

(Laughter.)

SENATOR HOYLMAN: I wanted to join my colleagues in commemorating this historic moment when we are passing criminal justice

reform. Whether it's speedy trial or reforming bail and reforming our discovery system, we really have reason to be proud.

I'm disappointed that some of the spinmeisters for the other side are calling it a criminal bill of rights. Mr. President, there could be nothing further from the truth. This is about the United States Bill of Rights and equal justice under the law. So we should all be very proud of what we're doing tonight.

And I want to also mention the fact that we are liberated here as a chamber, and I think we see it in the bills we're passing tonight. For example, on mayoral control. We actually looked at the issue on the merits. Senator Liu had hearings, we discussed it in our conference, we looked at what was best for the children of the City of New York. We were not bargaining charter schools for mayoral control, and that's a first in this chamber. And I'm very happy that we decided on an approval that will include greater parental involvement.

And when it comes to the new mansion tax and the real estate transfer tax, what we're trying to call the RETT-a-terre -- I don't think

that's going to happen. But in both cases we beat back the special interests and are actually taxing wealthy New Yorkers based on the ability to pay.

And what's even more important is that those same New Yorkers will be providing for middle-class residents of our city and the whole region in helping fund our mass transit system. And that's really one of the most important things we're doing tonight, which is funding the MTA through congestion pricing. Fifteen billion dollars, that gets us some of the way. We know that Andy Byford's plan is $40 billion.

But one of the things that I often get pulled off of the sidewalk in my district is the question "When are you going to fix the subways?" Well, we're taking a bold step tonight in passing congestion pricing. And I'm the Senator who has all but 12 blocks of the congestion pricing zone in my Senate district. So we are really bearing the brunt of the expense.

I'm happy that there will be a free ribbon around the perimeter of Manhattan, that there will be a discount for low-income residents

of the zone, and that we're going to be looking at the advent of residential parking.

So I thank the congestion pricing team that our leader assembled, with Senator Kennedy and Senator Comrie, to hammer those details out.

And let me just mention a couple of other things. For the first time, this Senate, in my career, is funding LGBTQ initiatives, including Gay Men's Health Crisis, the LGBTQ Network, the Transgender Legal Defense and Education Fund. And I should remind you, if you don't know already, that yesterday was Transgender Visibility Day. So we're doing something for transgender New Yorkers, and I appreciate my colleagues for their support.

And last year, Mr. President, there was an IVF bill on this floor, in vitro fertilization, that would mandate insurance coverage. It passed this chamber, but shamefully it discriminated against gay men. Well, the bill that we're passing that's modeled after Senator Savino's bill has an anti-discrimination clause, and I'm very proud of that.

So for all these reasons,

Mr. President, we have reasons to be very proud of our efforts tonight, and I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise to, one, just thank my colleagues who have enumerated the many reasons that we should be very proud of the work that is what this bill represents.

But I want to just take this moment to thank the heroes, as I am concerned about criminal justice reform, and especially the fact that we have thousands and thousands of people who have been held in detention before they have even had a trial. So essentially it is detention, pretrial detention, for people -- many of whom spend more time, because they can't pay bail, than they would have to spend in prison even if they were guilty.

So for me, the heroes of this evening are those colleagues who spent many, many, many hours negotiating the results that we celebrate tonight.

And the number one of those members is Mike Gianaris, who carried the bill on our side for a long time, who negotiated with a lot of people, who scared everybody, because nobody believed or wanted to make the change, but Gianaris stood up to all of them. So we thank him. I thank him.

And who knew that these two new people were going to be also part of that victory, Senator Bailey and Senator Myrie, who could -- you can't top Senator Myrie, what he said tonight. It was just amazing. And so they're -- the three of them were working to try and make this happen.

And lo and behold, they found a prosecutor, a former prosecutor, who they were able to convince to say "I'm part of this movement as well," so that's Senator Kaminsky.

So we had the perfect team. And I must say I didn't believe it was going to happen, but you never know when a miracle is going to come.

So this awful pretrial detention system that was maintained by a faulty bail system where people had to either have enough

money -- and if you were a poor person and didn't have enough money, you had to spend an enormous amount of time in prison even though you did not necessarily -- you were not necessarily guilty of anything. And there was a tremendous lack of information in the discovery process, and trials took forever.

So there were people languishing in prison who never had a trial. And the most famous was the young person who committed suicide because he spent three years in prison, never had a trial. So there were collateral consequences to this prison system. There were immediate consequences. And for goodness' sake, it was a totally unjust operation.

So we're proud of our colleagues who spent all that time fixing this system. And as Senator Myrie pointed out, after 200 years we can feel proud of ourselves because we have at last come to an agreement that we in the State of New York will no longer support the kind of injustice that was represented by the bail system, the lack of discovery, and the lack of a speedy trial.

So thanks to my colleagues. And I'm

proud of all that is represented in this budget, but that particular change makes me so absolutely happy and thankful. And I vote aye on everything.

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

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

SENATOR GIANARIS: Mr. President. Are there any messages of necessity at the desk?

ACTING PRESIDENT BENJAMIN: There are messages of necessity at the desk.

SENATOR GIANARIS: Okay. In that case I move that we accept all the messages of necessity.

ACTING PRESIDENT BENJAMIN: All in favor of accepting all the messages of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(Response of "Nay.")

ACTING PRESIDENT BENJAMIN: The

messages are accepted, and the bill is before the house.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 356, those Senators recorded in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we go back to Calendar 359, which was earlier laid aside temporarily. That's the health budget bill, which we already had the vote on. We have just accepted the message, as you heard. So can we please call that vote.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

So I will be voting in the affirmative on this bill. We debated it earlier. And I just wanted to thank all of my colleagues for -- that are supporting the bill. I understand why some folks are not.

The most important thing that I want to make sure that I underline is that I believe that we have done -- that we did a great job of being able to hold off some of the worst impulses of the Executive. The fact is that not only the budget that we were presented was an austerity budget to begin with, but the 30-day amendments would have eviscerated the healthcare system in the State of New York. We were able to hold that

off and move forward a little bit.

Still, we have much work to do, and I look forward to doing it with my colleagues for the rest of the conference -- in the rest of the session.

And also I recognize, as we talked about earlier, that there's many issues that impact the entire State of New York, whether it's Lyme disease or tick-borne diseases or other issues that impact other parts of the state. We certainly care about them. We were very constrained by this year's budget. But we look forward to working along with our colleagues across the aisle. Because health is something that impacts all New Yorkers, we want to make sure that we get it right.

So with that I will vote in the affirmative. Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Rivera to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

One in six New Yorkers are over the age of 65. And I am pleased to say that this

budget reflects a commitment to older New Yorkers, particularly to the goal of keeping as many seniors in their homes as long as they want to stay there.

There are currently people in their nineties who are on waiting lists to get home services, in-home services for the elderly, and they can't wait a whole lot longer. So there is $15 million in this budget to clear the waiting list of people waiting for Expanded In-home Services for the Elderly. I think that's a real achievement.

And we've also got a new program called private-pay protocols for the elderly. This is for people -- so the area agencies for the aging provide a lot of really wonderful services to the elderly to help them stay in their homes and stay out of nursing homes, like meal deliveries and case management and a number of other services. And a lot of people would like to be able to access those services, but their incomes are too high. So the private-pay protocols are going to allow them to pay reasonable amounts to get those services and stay in their homes much longer.

So I think this budget is a good one for our elderly population and will make us -- make people more able to stay in their homes and out of nursing homes much longer.

So I vote aye. Thank you.

ACTING PRESIDENT BENJAMIN: Senator May to be recorded in the affirmative.

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting this budget bill. As it was said, it's been a difficult budget year, we've heard that. But I want to thank my colleagues for working together to getting some of the priorities done here. We've been able to raise wages for our direct service workers. This is extremely important, something we know we needed to get done. We've been able to restore and expand the Joseph P. Dwyer PTSD Peer-to-Peer veteran program. And as we know, unfortunately we hear the statistics, we know that 22 veterans take their own life every day in the United States. This is something that we need to

continue to expand and make sure that veterans have access to.

We were able to restore the funding to the crisis intervention teams, to make sure that law enforcement have the tools to deal with a mental health crisis. This is something that we need to continue to work towards to make sure that every police department has access to this important training.

And I want to thank my colleagues, particularly Senator Harckham, the chairman of Alcohol and Substance Abuse, for working so hard to deliver, in this budget, mental health-behavioral health parity. This is something that we've taken a giant leap forward in this budget. And I really believe, because of behavioral health parity that we're passing tonight, we will save lives, we will help to get people the treatment, the help that they need and deserve but unfortunately in the past have hit roadblock after roadblock. This budget is pushing those roadblocks away and is going to get people the help, the treatment they need.

So Mr. President, I'll be voting yes. Thank you.

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 359, those Senators voting in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now go back to the report of the Finance Committee that we earlier accepted and recognize Senator Krueger on a nomination.

ACTING PRESIDENT BENJAMIN: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

So it can't be earlier today, so yesterday the Finance Committee and the Transportation and the Corporations Committee all interviewed Patrick Foye, who was being nominated

by the Governor to become the board chair of the MTA. I guess board chair and president, chief executive officer. This is the chief position for the MTA.

Many of us have known Patrick Foye from his various positions in government over the years, working for the Port Authority of New York and New Jersey, for LIPA earlier in his career, for Governor Spitzer during his time as governor --

ACTING PRESIDENT BENJAMIN: Senator Krueger, can you pause for a second? We just want to have the Secretary read the report and then we'll come back to you.

SENATOR KRUEGER: Oh, I'm sorry. Thank you.

ACTING PRESIDENT BENJAMIN: No problem.

SENATOR KRUEGER: I got carried away.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nomination:

As Chairman and Chief Executive Officer of the Metropolitan Transportation Authority, Patrick J. Foye, of Sands Point.

ACTING PRESIDENT BENJAMIN: Senator Krueger to continue.

SENATOR KRUEGER: Let's try that one again. Okay. Ibid on everything I already said.

So basically Pat Foye successfully was moved by all three committees, and we're very -- he's not here, so I'm not pretending to talk to him. He went home to sleep hours ago.

But I think that for those of us who had a chance to interview him or who might know him from one of his other positions in government, we know that he is an excellent candidate for this position. And we are very hopeful that so many of the hopes and dreams we've put into a reformed, improved MTA will be able to come true, both with the funding we are hopefully moving through in this budget and with the leadership of a strong new team at the MTA.

I'm proud to nominate him to be this position tonight. Thank you.

ACTING PRESIDENT BENJAMIN: Senator

Kennedy on the nomination.

SENATOR KENNEDY: Thank you, Mr. President. At this late hour, I will be brief. But let me start by congratulating --

(Applause; laughter.)

SENATOR KENNEDY: Let me start by congratulating the Governor for putting forward this tremendous nomination to serve in such an extraordinary capacity as chairman and CEO of the MTA, Patrick J. Foye.

I have had the real honor to have gotten to know him over the last several months, but his reputation had preceded him before our work began with him in reforming the MTA and beginning the process of moving the congestion pricing plan forward with my great colleague, who I also have had the tremendous honor to work side by side with, and that is Chairman Senator Leroy Comrie.

I want to thank the leader, Senator Andrea Stewart-Cousins, for putting us together, Senator Comrie and I, in driving forward an initiative to hear from the public in an unprecedented fashion across the State of New York. From here in Albany to the City of

New York in Manhattan, to Long Island, to Westchester, to Buffalo, to Syracuse we held unprecedented public hearings about public transit.

And when we look at the MTA and where it is today, the driving force in the economy, not just in the city and the 13 counties and the millions of people that it serves downstate, but also in the State of New York -- the heartbeat also of the economy, arguably, in the United States and in the international community -- it is extraordinarily important that we get this right.

There is no doubt in my mind that Patrick Foye is the right person for the job at the right time. As we are taking a holistic view of reforming the MTA, of holding leadership accountable, of putting in place reforms that the ridership and the public honestly has only dreamt of -- things like a forensic audit and a 20-year vision and accountability measures to put back in place trust in the MTA.

And we are committed to holding them accountable. And Patrick Foye is on the record to holding them accountable as well and working

with us to move this initiative forward.

And as the clock is past 2:00 in the morning, and as we take this up, this is not just something that has been rushed through. This is something that has been quite some time in the making. Patrick Foye worked his way up. Not only is he educated and went to school back in the '70s and Fordham Law School in the '80s, but throughout his career he has led various organizations, has been a member of the board of the MTA, president of the MTA. He has served in various different capacities, including head of economic development, where we are insisting that the MTA takes a greater approach as we're investing billions of dollars to fix and resolve the issues with the capital problems at the MTA that have been generations in the making. That we're also investing in New York State across the entirety of the state in our hopes of creating thousands of jobs as well.

So I can go on and on and on, and I won't, Mr. President --

(Laughter.)

SENATOR KENNEDY: I've held back quite a bit tonight. But I will tell you this.

I know for a fact that this --

(Laughter.)

SENATOR KENNEDY: -- this is -- this is a tremendous appointment. I'm honored and privileged to stand in support of this nomination, and I congratulate Patrick Foye as chairman and CEO.

Thank you. I vote aye.

ACTING PRESIDENT BENJAMIN: The question is on the nomination of Patrick J. Foye as Chairman of the board and Chief Executive Officer of the Metropolitan Transportation Authority.

All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(Response of "Nay.")

ACTING PRESIDENT BENJAMIN: Patrick J. Foye has been confirmed as Chairman of the Board and Chief Executive Officer of the Metropolitan Transportation Authority.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can you please call on Senator Griffo. I believe

there will be a brief break in the proceedings, very brief, and we'll be back to finish our business.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President. Thank you, Senator Gianaris.

There will be a brief immediate meeting of the Republican Conference in Room 315.

ACTING PRESIDENT BENJAMIN: There will be a brief meeting of the Republican Conference in Room 315.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:08 a.m.)

(Whereupon, the Senate reconvened at 2:42 a.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we please return to motions and resolutions.

I believe there's a privileged resolution at the desk.

ACTING PRESIDENT BENJAMIN: We will return to motions and resolutions.

There is a privileged resolution at the desk. The Secretary will read.

THE SECRETARY: Senate Resolution Number 958, by Senator Stewart-Cousins, Concurrent Resolution of the Senate and Assembly fixing the salaries of the offices of Governor and Lieutenant Governor pursuant to Sections 3 and 6 of Article 4 of the Constitution of the State of New York.

ACTING PRESIDENT BENJAMIN: The question is on the resolution.

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Those Senators voting in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ramos, Ranzenhofer, Ritchie, Rivera, Robach, Serino,

Seward and Tedisco.

Absent from voting: Senators Metzger, Sepúlveda and Skoufis.

Ayes, 35. Nays, 24.

ACTING PRESIDENT BENJAMIN: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, while we are waiting for the final message to come for the last budget bill, we will have the leaders' speeches at this point.

So if you could please begin by calling on Senator Flanagan.

ACTING PRESIDENT BENJAMIN: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

I appreciate everyone taking the time. And a couple of notes here, just jotted down some things that were talked about throughout the course of the day. And I have to tell you, without any disrespect to his successor, this is about the time where I would think about either Senator Hannon or Senator DeFrancisco. Because Senator Hannon would sit

right in front of me and literally, as I was about to get up, the first thing he would do is go like {"wrap it up" gesture}.

(Laughter.)

SENATOR FLANAGAN: And DeFran, of course, would say something similar.

But we are here for an important reason. And I want to thank all of my colleagues, I want to thank all of my colleagues for doing the people's business. We come at it from different angles. We certainly don't always agree. And I've had the opportunity to say this, and I beat a dead horse in a good way, in the sense that every one of us should be proud to be a public servant. Every one of us should be proud to be working in government. Every one of us should be proud to be an elected official and to be a member of the New York State Senate.

I still find, after all the time I've been here, when I walk into this chamber and I see my colleagues, but more importantly when I have guests here, they come in there in awe. They're in awe of the surroundings that we find ourselves in on a daily basis. So I try never to lose sight of that and recognize that everything

here belongs to the taxpayers and we're really tenants. And I'm okay with that, because we have these things called elections that are the great equalizing factor.

So with regard to the budget, I obviously want to give kudos to the staff on both sides. For a number of our colleagues in the Majority who have been here working very hard, this is the first time in a different kind of fishbowl -- I'm not talking about our members, but our staff. Eric, you look a little tired, I'm just going to say. And rightfully so. But I know how hard you've worked, and everybody else.

On our side of the aisle, clearly I want to thank my colleagues and I want to give particular thanks to Shawn MacKinnon and to Joe Messina and to Morgan and to Ben and, by extension, everybody that we work with. And while I don't know every member of the Majority staff, I would extend the same type of courtesy to them. Because we try. We all know we don't do it perfectly, but we do try.

Senator Krueger, you continue to distinguish yourself as a professional. And I know you've endeavored to answer the questions,

and my favorite is when you just flat out say yes, we agreed with all the Governor's taxes. It makes it so easy for us when you do that.

Senator Gianaris, thank you for working as well as you do and so closely with Senator Griffo and our colleagues and getting our business done.

And obviously to Senator Stewart-Cousins, having gone through this cycle -- she's not new to the place. She knows how it works. And obviously got the budget done on time with -- Brad, it's okay, you can clap.

(Laughter; applause.)

SENATOR FLANAGAN: So we obviously need to do the people's business and work in a collegial capacity to the largest extent possible. And I heard one of our colleagues, I think you heard Senator Breslin, use the word "camaraderie." I hope that never gets lost even when things get difficult.

When I look at this budget and I look at my colleagues and the expertise that each of our members brings -- I think of my colleague here Ken LaValle, who, if he hasn't, should probably write a book, because he's got the

longest tenure here in the Senate, has a wealth of history and experience and knowledge. Very competent on so many different levels and always brings something extra to us. And I know he enjoys a very warm relationship with many of our colleagues in the majority.

So when I look at the budget -- when I say "I," I think I can respectfully speak on behalf of the members of our conference -- there are some good things in there. If I had to pick out one thing, making the property tax cap permanent. We have talked about that for years and years and years and years and years. And in reality, this goes back to when George Pataki was Governor. George Pataki brought -- George Pataki advanced the STAR program with a property tax cap, which never got enacted. And for the taxpayers of the State of New York, I'm glad to see that that's happening.

But as I look at this budget, I think of words that we talked about last year: Affordability, opportunity and security. So in the advent of -- or the world that we live in with social media and technology, one of the major newspapers here in New York has a cover

that's already out for tomorrow that says "Tax, Tax, Tax." Big bold letters. So affordability, it's not us, not just us saying this, New York is getting less and less affordable to live. And this budget doesn't make things any better.

Now, you all have your right and prerogative and opportunity to advance your legislative agenda, which in this case includes taxes. Last year the Governor introduced an internet tax. We killed it, you passed it. There are a number of things that are in here that we don't think are good on behalf of residents, taxpayers and constituents.

Now you have to pay a bag tax when you go to the grocery store. Environmental issues notwithstanding, it's a regressive tax that hurts poor people more than anybody. But it's a new tax.

So now we have the internet tax so every time you go online, it's going to cost you more money.

We took away an exemption that's going to raise everybody's energy rates, so that's a new energy tax.

There's a prescription drug tax

that's going to hurt a lot of people, most notably seniors. And there isn't a person who doesn't think that prescription drug costs aren't high enough already.

There's a new commuter tax. I'm calling it a commuter tax because I've been here long enough to see what it was, what it meant, where it is, where it's going. And I think that's going to be very detrimental to all of the State of New York.

So there's a whole bunch of things in here that I think undermine affordability for the average New Yorker.

Now, there are a lot of conversations about where the state was and where it's going and how even if you go after the people who are more affluent, they're not going to leave, they have the ability to pay. There's independent documentation of people who are leaving. I was reading a story today, today, about revenues in the State of New York and how the Comptroller is saying Wall Street's doing fine. Wall Street's actually doing pretty well. But the people that are getting those bonuses, they're leaving. The bonuses are being

generated, but those people are leaving. And they do pay a disproportionate share of the taxes here in the State of New York.

Opportunity. No discussion about tax cuts. No discussion about middle-class tax relief. There's an extension of the millionaire's tax, but there's no extension of the property tax rebate checks. No way of adding onto that program. We tried to accelerate the middle-class tax cut, that was rejected and rebuffed. So there's nothing for the middle class that cuts their taxes. There's nothing, as I've just described in a number of different ways, in terms of opportunity.

I didn't hear any real discussions about economic development. I don't think there's anything in here about jobs. The question was asked today, How would you score this in terms of jobs? Well, the one I know for sure is that Amazon was on the verge of coming here, so that's 25,000 jobs that I know we lost. And we need to keep talking about that as a point in terms of where we are as a state. That's a lost opportunity.

Not changing our regulatory

structure. Not changing our energy policy. Not radically overhauling our economic development programs and making it easier to grow and start a business here in the State of New York. Those are lost opportunities.

So when I look at security -- now, I know a number of my colleagues don't like some of the things that we're saying. I'm fine with that. Because I don't like a number of things I hear from the other side, but that's all part of the process. I believe that this budget makes people less secure. There are changes in here that have nothing to do with victims. And yes, we've called this a criminal bill of rights. And some people aren't comfortable with that. But there are radical changes in this budget.

We talked about Senator Sepúlveda's legislation today. We talked about Senator Bailey's legislation. And they were very articulate in terms of what they were saying. But I don't want to vote for something that's going to repeal the sentences -- part of a sentence for over 17,000 New Yorkers who have drug-related offenses.

I don't want to go back home to my

constituents and say, you know, we have a pocket of people who are here illegally in this country who have not only been arrested and charged but convicted of a crime and are now serving time in a correctional facility and we're changing the law by one day to make sure that these people don't have any risk of deportation. The people I represent are saying wait a second, these people are here illegally and they've been convicted of a crime and they're serving time. So the disposition and the orientation is different from us philosophically.

On the bail, there are a number of crimes that are out there for which now people are going to be released automatically. Senator Lanza spoke about this very eloquently today.

So all these things tie into, in my opinion, and I think our colleagues, about lost opportunities. Where's the legislation to protect victims? Why are we so concerned about the people who are charged and who have been convicted but do nothing for the people who are the law-abiding citizens? In my opinion and that of my colleagues. So that's lost opportunity.

And looking at other areas of the

budget, you know, education aid, there were a lot of things talked about today. Yes, there's more money for Foundation Aid, but it doesn't help my districts. And it doesn't help a lot of my colleagues' districts. And I'm going to be very fair, I think, in saying this is a subject-matter area that I know as well as anybody in this room. Anybody. So when I talk about education aid, I believe in supporting all of our schools. Whether it's New York City or the North Country or the Southern Tier or Western New York, we all share those interests. So that's what we need to be focusing on.

But the last thing I want to talk about is this place and what has happened in this budget. We have given more power -- no, not we -- you have given more power to the Governor. We have given away some of our authority and some of our responsibility. And I understand the ins and the outs and the ups and the downs of the budget process and its negotiations. But I look at something like the Public Authorities Control Board, who three months ago that entity most people didn't even know what it was. Now we've given the authority to the Governor to yank

somebody from that control board, that that power didn't exist before. That's abdicating our power and I believe our responsibility to the Executive.

You all have decided that the Governor and the Budget Director should have more flexibility and more authority to get into the health budget and, upwards of $200 million, be able to do whatever they want. If they don't think things are going right, we cede that authority to the Executive. I don't think that's a prudent course of action.

You all have decided that you wanted to have a commission to give away our discretion and our latitude and authority on public financing of campaigns. You all voted tonight for public financing of campaigns. And we all pay attention to the same data in polling. People do not like public financing of campaigns because when it comes down to a choice between programs like healthcare and programs for the aging and Lyme and tick disease and heroin and opioid addiction, 99 times out of 100 the taxpayer's going to go for those programs, not welfare for politicians.

And last but by no means least is sort of a dichotomy when we look at the commuter tax and how that authority is now given to an outside group of people. They may be experts, but they're an outside group of people. That's a decision that should be made by the appointed representatives from the Governor, from this legislative body, so we don't give away our fundamental role. We should never do that. It's hard enough working with the Executive on all of these issues.

So I think we have undermined affordability in the State of New York, we have lost opportunity not only to protect people but on job security and economic development and all those types of things. And as I said, with regard to security, we just look at things differently than many of our colleagues do. And as I always say, that's your prerogative.

As we move ahead, we have a lot more things that we need to do. And, you know, I left -- I'm sure I left several different things out. I'll just close with this, Mr. President. I want to thank Senator Stewart-Cousins for continuing to do the people's business and

getting things done. We will push hard. We will -- you know, we'll mix it up verbally and we'll make our points be known.

And I look forward to the second half of our session so that hopefully we will address a number of the issues that we believe have been left out, as you all have said. And I know you are very capable of always telling us and me the things that we didn't do. I think I've outlined some of the things that we believe should be priorities, and we're not going to walk away from those.

So to all of my colleagues, thank you for allowing me the opportunity to speak.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now hear from our distinguished Majority Leader, Andrea Stewart-Cousins.

ACTING PRESIDENT BENJAMIN: Senate Majority Leader Andrea Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you so much, Mr. President.

The hour is late, and we have done, yes, the people's business. And of course even

though the hour is late, I cannot neglect to thank the staff on both sides of the aisle who worked so hard to make sure that we were able to do what we've done.

It's been a long time since we've been on this side of the aisle, and the number of hours and the diligence that actually has to be sustained to make this happen is really incredible. So I certainly thank everyone, but I definitely want to thank the people who, for the first time in a decade, worked to make this evening, this historic day happen.

(Applause.)

SENATOR STEWART-COUSINS: And I certainly want to thank my Finance chair, Liz Krueger. Liz, you know, I've watched you since the very beginning, in awe of how much you knew and how you owned that knowledge and kept it and shared it.

And I know you weren't even feeling terribly well over the past few days, and I wondered if she could be up to the task. Of course you hit it out of the park, and thank you so much for this work. Thank you.

(Applause.)

SENATOR STEWART-COUSINS: And for my deputy, Senator Gianaris, who runs this floor and gets everything moving and making sure that people know what they're supposed to be doing when, I want to thank you. Thank you for always staying on point and, again, making sure that we got through this evening. Thank you so much.

(Applause.)

SENATOR STEWART-COUSINS: And you know, my counsel staff, the Finance staff -- amazing. The leaders are new in their positions, just like we're new in this position. And I want to thank Todd Scheuermann, the Finance director, for the work that he's done.

(Applause.)

SENATOR STEWART-COUSINS: Ably helped by Felix, who is -- you know, again, so much institutional knowledge.

And of course I have a chief of staff and a counsel who's amazing, MVP Shontell Smith.

(Applause.)

SENATOR STEWART-COUSINS: And of course I do appreciate the interaction and the cooperation, certainly, with Senator Griffo in

your role.

And of course Senator Flanagan, it's always good to share time talking about how we see things. And I think what's important, obviously, is that I think we all know why we're here regardless of how we see these things.

And this budget is not only a fiscal document, we know it's a policy document. And you can depict it the way you believe, but we believe that opportunity is in these pages. We believe that tax rates are in these pages. We believe that our consciousness about the environment are in these pages. We believe that our understanding that you are indeed innocent until proven guilty, and that you deserve to have rights before you're tried to know what it is you're being accused of, and you have the right to a speedy trial. We believe that you should not be criminalized if you're poor. And we believe if we invest in education, if we invest in our children, if we make sure that they have what they need from pre-K to college, that we will make sure that we stop what has become too often the school-to-prison pipeline.

So when you hear my side of the

aisle talking about these things, talking about education, we are proud that we increased education spending by over a billion dollars. We are proud that in a year -- especially a year with the tax attack that we've experienced from our national government, where we are dealing with much less, we were still able to put a billion dollars towards education. And we were still able to make the tax cap permanent. We understand that when we invest in our communities and we invest in our kids, we're securing our future. And we're not looking for a jail cell to do that. We want to help to do that work.

And we talked about economic development in a difficult time, but the first thing that was handed to us was the restoration of over $500 million of healthcare. Those are people working. And they're people working to make sure the sick and the vulnerable among us are able to recover. So we look at that as jobs too.

And yes, the internet tax exists. And it's a tax, as Senator Krueger says, that should have been collected. And the reality is that it's also able to put our local businesses

in a competitive light. Maybe the difference could be I'll go to my local store. Maybe I'll walk in and buy something in my community. Maybe that's a good idea.

We've got a lot of work to do. But this Majority and every member in it has worked for this day, and the fruits of their labor in this three-month period is extraordinary. We've got 15 new people over here, almost half of this conference. And from the time we walked in, we understood that we had an opportunity not to be great, but to make sure that what we gave every district and every person in New York was great.

And when we looked at the things that we could have done, whether it was our voting laws, whether it was early voting -- which we have, yes, now funded -- whether it is talking about child victims because we care about the security, yes, we care about victims. Whether it's talking about reproductive health, whether it's talking about sensible gun laws, we understood that, yes, Dreamers who are here are only able to contribute when they educate and have access.

We do see things differently. And

I'm so glad that the diversity of our thought and our opinion could come together in little workgroups and get us to an end. That Jamaal and Mike and Zellnor and Shelley and Todd could sit in a room with their Assembly colleagues and figure out a way. And yes, they've spoken to DAs, and yes, they've spoken to stakeholders. And yes, there are the Kalief Browders in the world that haunt every single one of us and should haunt every single one of us. Nobody should spend three years in Rikers Island because they were accused -- accused -- accused of stealing a backpack, because they didn't have the money to get out. And the mental illness that came caused him to commit suicide. We can do better. And we have.

And yes, we have an MTA. We know that this cannot be the economic hub if the transportation is not reliable. And nobody could figure out a way to sustain the MTA, but we were able to do that. Yes, there was a framework, there was an agreement, there was a mayor, there was a governor, there was an agreement and a framework. But that wasn't enough. And I put together Senator Comrie and Senator Kennedy and

they got together a workgroup and we worked this through. And now there will be millions and millions and billions of dollars to sustain a system that we need and, by the way, give resources to LIRR, to Metro-North that were never guaranteed before.

Sometimes we say a rising tide lifts all boats. But really it only does if you really want to lift all boats. You heard the passion here. These people came together to do what people need to be done to make sure that they can thrive in the greatest city, in the greatest state, in all of the great communities that make up New York. And every single one of us on both sides of the aisle are going to make sure that happens.

I want to thank my colleague in the Assembly, Speaker Heastie, who is a partner. I want to thank the Governor, because we figured it out. And I want to thank all of you, because I know this has been a long night, you've been diligent, you've been thoughtful, and you deserve a break. You deserve to enjoy the -- so after tomorrow, you get to go home. And I know that's probably the best thing I've said to you so far.

(Laughter.)

SENATOR STEWART-COUSINS: In fact, after today, because we're -- after session today, then you get home.

But no, we do realize that there is talent on both sides and there are things we will do together and we will continue to do together. But I am excited beyond measure that 39 people came together, most of us didn't know each other, and we made the impossible happen because we understood that only we could.

So thank you very much to my colleagues. And again, enjoy the rest of the week.

And thank you, Mr. President, for allowing me this time.

(Standing ovation.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, if you thought that was the end of our session, it was your first April Fools joke three hours in.

(Laughter.)

SENATOR GIANARIS: If we can return

to the bill we laid aside from Supplemental Calendar B, Calendar 362, I believe we have a message of necessity at the desk for it.

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

SENATOR GIANARIS: I move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(Response of "Nay.")

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

The Secretary will read.

THE SECRETARY: Calendar Number 362, Senate Budget Bill, Senate Print 1501A, an act making appropriations for the support of government.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 362, those Senators voting in the negative are Senators Akshar, Amedore, Antonacci, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until Monday, April 1st, at 3:00 p.m.

ACTING PRESIDENT BENJAMIN: On

motion, the Senate stands adjourned until Monday, April 1st, at 3:00 p.m.

(Applause.)

(Whereupon, at 3:19 a.m., the Senate adjourned.)