

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 April 1, 2020

11 12:09 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

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

15 THE SECRETARY: In Senate, Tuesday,
16 March 31, 2020, the Senate met pursuant to
17 adjournment. The Journal of Monday, March 30,
18 2020, was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 there will be an immediate meeting of the
8 Finance Committee in Room 322.

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

12 SENATOR GIANARIS: The Senate will
13 stand at ease.

14 ACTING PRESIDENT BENJAMIN: The
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at ease
17 at 12:10 p.m.)

18 (Whereupon, the Senate reconvened at
19 12:40 p.m.)

20 ACTING PRESIDENT BENJAMIN: The
21 Senate will return to order.

22 Senator Gianaris.

23 SENATOR GIANARIS: Is there a
24 report of the Finance Committee at the desk?

25 ACTING PRESIDENT BENJAMIN: There

1 is a report of the Finance Committee at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Krueger,
4 from the Committee on Finance, reports the
5 following bill:

6 Senate Print 7503C, Senate Budget
7 Bill, an act making appropriations for the
8 support of government: AID TO LOCALITIES BUDGET.

9 SENATOR GIANARIS: Move to accept
10 the Finance Committee report.

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

14 (Response of "Aye.")

15 ACTING PRESIDENT BENJAMIN:
16 Opposed?

17 (No response.)

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

21 SENATOR GIANARIS: Can we now take
22 up the supplemental calendar, please.

23 ACTING PRESIDENT BENJAMIN: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 634, Senate Print 7503C, Senate Budget Bill, an
2 act making appropriations for the support of
3 government: AID TO LOCALITIES BUDGET.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris.

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

8 ACTING PRESIDENT BENJAMIN: There
9 is a message of necessity at the desk.

10 SENATOR GIANARIS: Move to accept
11 the message of necessity.

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

15 (Response of "Aye.")

16 ACTING PRESIDENT BENJAMIN:
17 Opposed?

18 (No response.)

19 ACTING PRESIDENT BENJAMIN: The
20 message is accepted, and the bill is before the
21 house.

22 SENATOR GRIFFO: Lay it aside.

23 ACTING PRESIDENT BENJAMIN: Lay it
24 aside.

25 Senator Gianaris, that completes the

1 reading of today's supplemental calendar.

2 SENATOR GIANARIS: Please take up
3 the controversial calendar.

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will ring the bell.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 634, Senate Budget Bill, Senate Print 7503C, an
9 act making appropriations for the support of
10 government: AID TO LOCALITIES BUDGET.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Griffo.

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

15 Would Senator Krueger yield?

16 SENATOR KRUEGER: Yes, I will.

17 SENATOR GRIFFO: Thank you,
18 Senator Krueger.

19 Mr. President, through you, we know
20 these are extremely challenging times and many
21 people are facing many difficult decisions and
22 situations, and we appreciate the work that
23 everyone is trying to do here.

24 So the question that I have, though,
25 Senator Krueger, is I know you were negotiating

1 this, and there will be significant economic
2 concerns and considerations as we move forward.
3 But there was -- particularly what -- the
4 interest that we would like to have just a little
5 more elaboration on is relative to the roles and
6 powers of the Division of Budget that were
7 negotiated and how that will now play as a result
8 of what we incorporate during the budget process
9 here and then moving forward for any other
10 decisions that would be made in fiscal year 2021
11 relative to executive prerogative and power that
12 is different from what already exists.

13 SENATOR KRUEGER: Thank you, Mr. --
14 Mr. Griffo? Senator Griffo, excuse me. Well,
15 you're Mr. also.

16 It's an excellent question. And
17 it's not one answer; there are a number of
18 different sections in budget bills that will be
19 moving before the house today -- hopefully just
20 today it will be done -- that do change
21 temporarily a number of different powers of the
22 Governor in relationship to the budget. I will
23 just start out, and then you're welcome to dig
24 down further if you like.

25 Because the uncertainties caused by

1 the COVID-19 pandemic are expected to result in
2 significant adjustments in state revenues and
3 expenditures, there are a number of places in the
4 budget where we provide for the possibility of
5 resultant gaps which will need to be addressed
6 during the course of the year, both increased
7 costs to the State of New York and also the
8 possibility of increased federal revenue
9 assistance allowing us to potentially not have to
10 draw down as much on reserve funds or the
11 deferrals of nonessential state operations and
12 local assistance payments that we're actually
13 cutting in budget bills like today's bill.

14 And so to the extent necessary, we
15 have tried to assure that the Governor has the
16 ability to rapidly make adjustments to this
17 year's budget for management authority to allow
18 him to either accept federal money that we don't
19 know whether exists or doesn't exist now and
20 also, unfortunately, to move around or reduce
21 money as we see revenues continue to plummet.

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

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR KRUEGER: Yes, certainly.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR GRIFFO: Through you,
5 Mr. President.

6 Senator Krueger, understandable as
7 you outlined. One of the questions would be
8 relative to any adjustments. Because in
9 recognition that we are coequal branches of
10 government and have a role and responsibility,
11 will there be additional oversight for the
12 Legislature if we feel that any action being
13 taken by the Executive is contrary to the goal
14 and mission as directed through the budget
15 process in the Legislature?

16 SENATOR KRUEGER: Through you,
17 Mr. President, while there are within different
18 budget bills, and even within different programs
19 within different budget bills, different answers
20 to that question -- in some cases it requires
21 going back to the Legislature, getting consent or
22 agreement from the two leaders of the Assembly
23 and the Senate in some cases; simply reporting to
24 the Senate and the Assembly, in other cases, on a
25 I think quarterly basis -- yes, I believe

1 quarterly basis.

2 Even under these conditions, I have
3 to communicate with staff across the room, as
4 opposed to sitting in the chair.

5 And they're in a number of examples
6 wherein, again, the ability of the Governor to
7 make the decision absent the Legislature's
8 participation is only within this calendar --
9 this state fiscal year.

10 SENATOR GRIFFO: Mr. President,
11 through you, will the Senator continue to yield?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR KRUEGER: Yes, I will.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR GRIFFO: Mr. President,
18 through you.

19 So, Senator Krueger, then it is --
20 we know definitively, then, this would only apply
21 for this particular fiscal year, 2021, and in no
22 way would those powers in any way -- as we know
23 we've seen several court cases and other actions,
24 and the Executive is in a very strong position in
25 the budget process -- we don't believe any

1 precedent will be established here that could be
2 detrimental to the deliberations and the
3 responsibilities of the Legislature?

4 SENATOR KRUEGER: Thinking.

5 (Discussion off the record.)

6 SENATOR KRUEGER: Would Senator
7 Griffio mind if I actually allowed the answer to
8 come -- because I don't want him to have to get
9 so close to me to whisper.

10 SENATOR GRIFFIO: That's fine.

11 SENATOR KRUEGER: Thank you.

12 (Discussion off the record.)

13 ACTING PRESIDENT BENJAMIN: Senator
14 Gianaris.

15 SENATOR GIANARIS: Yeah, just by
16 way of protocol, the rules of the Senate don't
17 allow non-Senators to engage in debate.

18 So what I would ask is feel free to
19 speak loudly enough to the staff so that
20 Senator Krueger can hear the commentary of the
21 staff and then she can answer the question.

22 SENATOR KRUEGER: I apologize. I
23 broke the rules.

24 (Discussion off the record.)

25 SENATOR KRUEGER: So everything is

1 on a one-year basis for changing appropriations,
2 which is consistent with actions that have taken
3 place in the past, I believe also when we're in
4 emergency situations.

5 SENATOR GRIFFO: Mr. President, if
6 the Senator would continue to yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR KRUEGER: Absolutely.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR GRIFFO: Mr. President,
13 through you.

14 Thank you, Senator Krueger. And
15 these are truly unimaginable times, and
16 unorthodox. So I think everybody would
17 understand, and we appreciate the work of all of
18 our staffs and the important role that they all
19 play, and we do respect Senator Krueger's
20 knowledge in the finance field. She's done this
21 for a long time.

22 So the last thing I would just ask,
23 then, is we talked about these are -- there could
24 be potentially draconian cuts as a result -- that
25 no one can forecast what will happen and how it

1 will happen, unfortunately. But there is the
2 possibility -- we've seen one federal stimulus
3 recovery package. And it's my hope and I believe
4 that we will see others that will hopefully
5 continue to deal with the needs of the
6 individuals as well as the businesses, and also
7 the governments that are -- have been affected.
8 Because the taxpayers are part of the government
9 and they support the government. So that has to
10 be hopefully something that will be considered.

11 So if there was additional revenue
12 and that came in, how would we then have a role
13 to ensure that it's being directed to where it
14 may be most needed -- particularly, say, in
15 education and fields like that, so it's not
16 within the purview of the Executive to just
17 determine, This is where I would rather put it,
18 as opposed to that?

19 SENATOR KRUEGER: So I'd like to --
20 Mr. President, through you.

21 I'd like to point out, I, like
22 Senator Griffo and perhaps like the other
23 62 Senators, if we look at this budget, if we
24 look at the cuts that are being made, I think it
25 breaks our hearts. There are programs that we

1 know we are cutting that are desperately needed
2 in our communities. There's not one of us who
3 will go unscathed. There's not one New Yorker
4 who will go unscathed. And so these decisions to
5 cut are extremely personal and difficult for us.

6 We believe that under the
7 circumstances we have set up a model that will
8 allow, if and when additional federal money comes
9 in -- and we technically have had three bills
10 pass Congress already to offer us support and
11 funding, but it is way inadequate, and we need to
12 all lobby everyone in Washington to hear us. We
13 need more money in New York now.

14 But we have set up the budget such
15 that if and when supplemental monies came from
16 the federal government, it would be directed to
17 refill the priorities that were in the budget
18 before we had to make these draconian cuts.

19 So yes, I believe that it is the
20 intention of the way we've written the bills, and
21 in understanding with the Governor's office, that
22 if and when there is federal money that can help
23 us refill the holes we are being forced to
24 create, that those will be priorities, of course
25 after the priorities of public health and

1 responding to the COVID situation. Because I
2 don't think any of us yet -- and I come from
3 Manhattan, ground zero -- I don't think any of us
4 yet understand what the ramifications will be in
5 total to the State of New York before this
6 disease comes and goes.

7 SENATOR GRIFFO: Thank you,
8 Senator Krueger. And thank you, Mr. President.

9 Would you recognize Senator Ortt,
10 please.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Ortt.

13 SENATOR ORTT: Yes, thank you,
14 Mr. President. On the bill.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Ortt on the bill.

17 SENATOR ORTT: I just want to --
18 you know, this has got to be the strangest
19 circumstance for us to be here today. I think
20 everyone would agree. And I even went through in
21 my own mind about whether I was going to speak on
22 this bill, because obviously here we are in an
23 empty chamber, by and large.

24 But I do think we are still here
25 doing arguably the most important thing that we

1 do in any given session, which is to pass a
2 budget -- over \$170 billion even with cuts and
3 even with holding spending in line -- that
4 affects every New Yorker in some way.

5 And so it is still incumbent upon
6 all of us, and I think certainly those of us in
7 the Minority, to speak on what is going on and
8 what's happening. Because the truth is a lot of
9 folks right now are glued to their television
10 watching coverage about coronavirus.

11 And maybe they're worried -- they're
12 watching news because maybe their wife is a
13 healthcare worker, maybe their husband is a
14 healthcare worker, maybe their wife or husband is
15 a first responder. Maybe their wife or husband
16 is in the Army National Guard, like I once was,
17 and they're on the front lines of this pandemic
18 and they're not sure what's going to happen.
19 Maybe they're watching because their business has
20 been shuttered.

21 And doing this under these
22 circumstances is not easy, but that's all the
23 more important that we get it right. This might
24 be the most important budget that we pass,
25 because we're doing it at this exact moment in

1 time.

2 And whether you have a ton of money,
3 whether you have no money -- I certainly have
4 advocated for reducing the amount we spend here
5 in New York for my entire time I've been in the
6 State Legislature, so far be it from me today to
7 criticize the fact that we need to reduce our
8 spending. And under this circumstance, we
9 certainly do.

10 But it's -- it's still an old adage
11 that show me your budget and I'll show you your
12 priorities. It's where you're making the cuts.
13 So we're not asking Hollywood film studios to go
14 without. We're not asking the Governor to go
15 without a lot of the money he still puts in his
16 economic development programs. But we are
17 asking whether it's schools or, in the case that
18 I want to point out today, mental health.

19 So at a time when people are alone,
20 when they're isolated, we're reducing -- we
21 eliminated FarmNet. FarmNet is out. For those
22 that don't know, this was a mental health program
23 geared specifically towards farmers. So less
24 than a year after we passed a significant piece
25 of legislation that will have a negative impact

1 on the bottom line of farmers across New York,
2 and at a time when we are losing one-third of our
3 farms over the past several years, we are
4 reducing a program that went to help with their
5 mental health.

6 And of course many of these farmers
7 live in rural communities where there's already a
8 lack or dearth of mental health services.

9 We've also reduced a mental health
10 program called Dwyer, which is mental health
11 service to our veterans, by 50 percent. So
12 veterans and farmers, they're going to go
13 without. They're going to see less when it comes
14 to their mental health. And these were two
15 programs that worked.

16 And by the way, it was a de minimis
17 amount of money in the context of a \$170 billion
18 budget. We're talking about, I think, between
19 the two of them, maybe \$2.5 million total. We
20 lose \$2.5 million in this chamber and wouldn't
21 even know it some years. And so I find it quite
22 objectionable that we're asking these folks, some
23 of our most vulnerable, to in some cases go
24 without.

25 And I also want to comment on the

1 authority that we're passing to the Governor
2 as -- specifically as it relates -- maybe
3 generally as it relates to, in this bill, our
4 CHIPS and winter recovery and infrastructure
5 money to our localities. So we're going to --
6 we're not making a cut in this budget. We're
7 restoring the funding, it's all there on paper.
8 But -- this is a big but -- we're passing off
9 what is really our responsibility to the
10 Governor. We're passing it off to the Governor,
11 and we're saying: You can cut at a later date,
12 you can make reductions at a later date and time.

13 And the reason we're doing it is
14 because, in my opinion, we just simply don't have
15 the political will to make these hard decisions
16 today.

17 We know that we're looking at
18 anywhere from a \$10 billion to \$15 billion
19 deficit. It could be worse. We know we're going
20 to have to make tough decisions. I think it is
21 disingenuous, first of all, for us to pretend
22 that the money is there, and then punt the hard
23 decision to the Executive or to the Division of
24 Budget.

25 But I also think, and I've said this

1 for years, whether my party was in the majority
2 or today, I think it is very dangerous for this
3 body to cede more authority to the Executive,
4 particularly as it relates to appropriations.

5 The biggest thing that we have, the
6 biggest check we have on the Executive, any
7 Legislature has on the Executive, is the control
8 of taxpayer dollars. And if we cede that
9 authority to the Executive -- even a little bit,
10 or even a little bit more -- I think it is to our
11 detriment, I think it is to the state's
12 detriment, and I think it's an abdication of our
13 responsibility that we were elected to come do.

14 Yes, these are tough decisions.
15 Yes, Senator Krueger is right, nobody wants to
16 make these cuts. That's why they're never made.
17 That's why we never make them. Because everyone
18 has -- well, don't make the cut there, don't make
19 the cut over here.

20 But at the end of the day, we do
21 have to make them. And then we have to go out
22 and explain to voters why they were made. But
23 we're not really doing that. We're saying:
24 Governor, you make the hard decisions throughout
25 the year.

1 And so for those reasons,
2 Mr. President, I will be reported in the
3 negative.

4 ACTING PRESIDENT BENJAMIN:
5 Senator Krueger.

6 SENATOR KRUEGER: Thank you.

7 ACTING PRESIDENT BENJAMIN: On the
8 bill?

9 SENATOR KRUEGER: Yes, on the bill.

10 ACTING PRESIDENT BENJAMIN:
11 Senator Krueger on the bill.

12 SENATOR KRUEGER: I so appreciate
13 my colleague's statements.

14 I just wanted to clarify for the
15 record that we agree with you, and so we took
16 those sections out of this bill and put them in a
17 bill coming up. And I just want to assure you
18 that we've actually increased funding for the
19 Dwyer program, and expanded it to several
20 additional counties, and we have also restored
21 the FarmNet mental health program.

22 Because as I said before, I think
23 many of us on both sides of the aisle have
24 exactly the same feelings about the problems
25 we're facing, and the priorities. And I just

1 wanted to assure you personally that that's not a
2 bill that has yet come before the floor. But
3 those two programs are not taking cuts, and Dwyer
4 is actually increasing.

5 SENATOR ORTT: Thank you. I was
6 briefed incorrectly, I apologize.

7 SENATOR KRUEGER: That's okay. I
8 just wanted to make sure it was said for you and
9 on the record.

10 Thank you, Mr. President.

11 SENATOR GRIFFO: Mr. President,
12 I rise to a point of information.

13 Senator Ortt was not briefed
14 improperly. Unfortunately, we didn't get a full
15 briefing because the bills -- we're working
16 together in order to receive bills, then review
17 the bills and then brief the members, and
18 obviously we didn't have that information yet.
19 So that's what it was based upon.

20 So we respect that. I just wanted
21 to make that for -- and I think my colleague --
22 all right, thank you.

23 ACTING PRESIDENT BENJAMIN: Are
24 there any other Senators who wish to be heard?

25 Seeing and hearing none, the debate

1 is closed.

2 The Secretary will ring the bell.

3 Read the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 634, those Senators voting in the
13 negative are Senator Akshar, Amedore, Borrello,
14 Boyle, Flanagan, Funke, Gallivan, Griffio,
15 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
16 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
17 Serino and Tedisco.

18 Ayes, 40. Nays, 21.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 Senator Gianaris, that completes the
22 reading of the controversial calendar.

23 SENATOR GIANARIS: Mr. President,
24 by way of procedure, if I could just tell folks
25 what to expect today, let me reiterate what

1 Senator Griffo said.

2 We are working with our colleagues
3 to give them information and bill language as
4 soon as we have it, and sometimes when issues are
5 disconnected from bills they might normally be
6 in, there might some information that comes
7 later. So that will be briefed at an appropriate
8 time, and certainly wasn't any fault of the
9 Minority, who was getting the information we give
10 them.

11 We do anticipate passing the handful
12 of budget bills remaining over the course of
13 today. As we get the language, we want to give
14 our colleagues time to digest it, review it and
15 ask questions and be briefed on it. So we will
16 currently stand at ease while we wait for the
17 next bill to arrive, but we will be taking them
18 up as soon as they become available.

19 ACTING PRESIDENT BENJAMIN: The
20 Senate will stand at ease.

21 (Whereupon, the Senate stood at ease
22 at 1:02 p.m.)

23 (Whereupon, the Senate reconvened at
24 3:47 p.m.)

25 ACTING PRESIDENT BENJAMIN: The

1 Senate will return to order.

2 Senator Gianaris.

3 SENATOR GIANARIS: There will be an
4 immediate meeting of the Finance Committee in
5 Room 332.

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

9 SENATOR GIANARIS: The Senate will
10 stand at ease.

11 ACTING PRESIDENT BENJAMIN: The
12 Senate will stand at ease.

13 (Whereupon, the Senate stood at ease
14 at 3:47 p.m.)

15 (Whereupon, the Senate reconvened at
16 4:06 p.m.)

17 ACTING PRESIDENT BENJAMIN: The
18 Senate will return to order.

19 Senator Gianaris.

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

23 ACTING PRESIDENT BENJAMIN: There
24 is a report of the Finance Committee at the desk.

25 The Secretary will read.

1 THE SECRETARY: Senator Krueger,
2 from the Committee on Finance, reports the
3 following bill:

4 Senate Print 7508B, Senate Budget
5 Bill, an act to amend the Highway Law and the
6 Transportation Law.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Gianaris.

9 SENATOR GIANARIS: Move to accept
10 the Finance Committee report.

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

14 (Response of "Aye.")

15 ACTING PRESIDENT BENJAMIN:
16 Opposed?

17 (No response.)

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

21 SENATOR GIANARIS: Mr. President,
22 may we take up the supplemental calendar, please.

23 ACTING PRESIDENT BENJAMIN: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 635, Senate Print 7508B, Senate Budget Bill, an
2 act to amend the Highway Law and the
3 Transportation Law.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris.

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

8 ACTING PRESIDENT BENJAMIN: There
9 is a message of necessity at the desk.

10 SENATOR GIANARIS: Move to accept
11 the message of necessity.

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

15 (Response of "Aye.")

16 ACTING PRESIDENT BENJAMIN:
17 Opposed?

18 (No response.)

19 ACTING PRESIDENT BENJAMIN: The
20 message is accepted, and the bill is before the
21 house.

22 SENATOR GRIFFO: Lay it aside.

23 ACTING PRESIDENT BENJAMIN: Lay it
24 aside.

25 Senator Gianaris, that completes the

1 reading of today's supplemental calendar.

2 SENATOR GIANARIS: Can we now move
3 on to the reading of the controversial calendar,
4 please.

5 ACTING PRESIDENT BENJAMIN: The
6 Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 635, Senate Print 7508B, Senate Budget Bill, an
10 act to amend the Highway Law and the
11 Transportation Law.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Griffo.

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

16 ACTING PRESIDENT BENJAMIN: Senator
17 Amedore.

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

20 Will the sponsor yield for few
21 questions on this bill?

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR SAVINO: Yes,
25 Mr. President.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR AMEDORE: Thank you,
4 Senator Savino, for answering a couple of
5 questions.

6 I want to talk about particularly
7 the section of the TED, Part FFF, requiring
8 prevailing wage to be paid on certain private
9 construction projects. Could you explain what
10 this really does and is all about?

11 SENATOR SAVINO: Gladly, Senator
12 Amedore.

13 So as you know, almost a hundred
14 years ago -- in fact, at probably the last
15 constitutional convention that this state held --
16 the public spoke very loudly and clearly about
17 the definition of prevailing wage and public
18 works and how public dollars should not chase
19 poverty wages. That if we were going to use
20 public dollars for private construction projects,
21 that those private construction projects
22 receiving those public dollars would pay the
23 prevailing wage in that region, to create
24 good-paying jobs.

25 In fact, it was -- one of the

1 reasons why we were able to get out of the
2 Depression in 1934 was thinking that like that,
3 that allowed us to create good, solid wages for
4 working men and women across this state. It's
5 somewhat ironic that we're doing it right now as
6 we're on the cusp of what most people think is
7 the next Great Recession.

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

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR SAVINO: Yes,
14 Mr. President.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR AMEDORE: Senator Savino,
18 you mentioned about a public dollar -- an
19 investment made by public taxpayers into a
20 construction project. Would a -- would a
21 project, a private construction project that
22 receives no public dollars but may receive a tax
23 abatement that the developer or builder over time
24 will pay its full assessment share of what the
25 new tax bill would be and liability would be,

1 would that qualify for this -- under this
2 provision?

3 SENATOR SAVINO: Through you,
4 Mr. President, yes, it could qualify. And it
5 might be dependent upon the total tax savings
6 achieved during the course of the project.

7 SENATOR AMEDORE: And what are the
8 thresholds in this bill? Through you,
9 Mr. President, I'm sorry.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR SAVINO: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR SAVINO: Through you -- I
16 believe the question was what are the thresholds.

17 So through you, Mr. President, the
18 thresholds for the definition of this prevailing
19 wage bill says that if public money goes to a
20 private project, the minimum cost must be
21 \$5 million and 30 percent of the money that's
22 received from public dollars is in that project.
23 So \$5 million threshold, 30 percent of the total
24 dollars are public dollars.

25 SENATOR AMEDORE: Through you,

1 Mr. President, will the sponsor continue to
2 yield?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR SAVINO: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: So if a developer
10 or a contractor never receives public dollars
11 but, again, receives some type of pilot program
12 that's approved by the local county government or
13 agency -- an IDA, for instance -- no change, no
14 public dollars being exchanged to build the
15 project, but just a tax abatement or a sales tax
16 abatement, would that still require prevailing
17 wage on a private construction job that is
18 \$5 million of value or over?

19 SENATOR SAVINO: It could. Because
20 tax incentives, tax abatements, and tax
21 credits are all public dollars.

22 SENATOR AMEDORE: Through you,
23 Mr. President, will the sponsor continue to
24 yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR SAVINO: Yes,
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AMEDORE: We may
7 fundamentally disagree on that because there's no
8 dollar being -- changing hands. No check is
9 written by the state to the developer to build
10 the project.

11 But the question that I have for you
12 is, can you explain this creation of the Public
13 Subsidy Review Board?

14 SENATOR SAVINO: I'm sorry,
15 Mr. President, could you please repeat that? I
16 didn't hear the question.

17 SENATOR AMEDORE: Can you explain
18 the creation of this Public Subsidy Review Board
19 that is mentioned in this part of the bill?

20 SENATOR SAVINO: So the Public
21 Subsidy Review Board was a proposal from the
22 Governor's bill to answer some of the very
23 questions that you are raising here today.

24 So the Public Subsidy Review Board
25 is going to consist of 13 individuals -- eleven

1 of them are gubernatorial appointments, two of
2 them belong to the Legislature, four of them will
3 represent upstate/downstate business and labor
4 entities -- so that everybody has a seat at the
5 table to answer some of these very questions.

6 You could go to the Public Subsidy
7 Board for approval on particular projects, for
8 clarification. If you are turned down, it's
9 subject to -- let me put my glasses on to make
10 sure I'm reading it correctly. Actions taken by
11 the board will require public hearings or written
12 testimony, notice of activity, and Article 78
13 legal reviews.

14 SENATOR AMEDORE: Through you,
15 Mr. President, if the sponsor will continue to
16 yield.

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR SAVINO: Yes,
20 Mr. President.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR AMEDORE: Senator Savino,
24 if this bill was to pass and this policy becomes
25 law in the State of New York, is this for a

1 specific region of the State of New York? Or is
2 it for the entire State of New York as a whole?

3 SENATOR SAVINO: Through you,
4 Mr. President, it is for the entire State of
5 New York.

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

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR SAVINO: Yes,
12 Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AMEDORE: Under this
16 provision will the prevailing wage policy
17 increase costs of construction that normally
18 would not be if this doesn't happen?

19 SENATOR SAVINO: Through you,
20 Mr. President. Yes, probably, in some instances
21 it will.

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

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR SAVINO: Yes,
2 Mr. President.

3 ACTING PRESIDENT BENJAMIN: The
4 Senator yields.

5 SENATOR AMEDORE: Do you have any
6 idea what the percentage of cost increase would
7 be?

8 SENATOR SAVINO: Through you,
9 Mr. President, there are certain studies that
10 could potentially point out the increased costs
11 of construction. But at the end of the day you
12 actually achieve a savings, because you get
13 better-quality work, higher safety standards on
14 these jobs.

15 And, most importantly, those public
16 dollars that are going to private developers are
17 then being funneled through to citizens of the
18 State of New York, and they are going to spend
19 that money in their own communities, they are
20 going to be able to raise their families, they're
21 going to be able to put food on the table, they
22 will have decency and dignity in their work. And
23 after all, isn't that what public dollars should
24 support?

25 SENATOR AMEDORE: Mr. President, on

1 the bill.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Amedore on the bill.

4 SENATOR AMEDORE: I first want to
5 thank Senator Savino for answering some of the
6 questions that I had.

7 And I know the hours continue to --
8 it's starting to get late in the day and there's
9 much more work to be done on this -- on the
10 budget.

11 Well, we all know that this is very
12 peculiar times. We've never been in this
13 situation before in our lifetime, in this state
14 or in this country. So we're really all rookies
15 at this, because the last real big pandemic that
16 we really faced, like we see today, was probably
17 back in 1918.

18 And in times of uncertainty,
19 economic uncertainty, we know -- the Governor has
20 said himself, the president of the United States
21 has said himself, the economy is not working
22 right now. The economy is basically shut off.

23 New Yorkers are fearful, fearful.
24 New Yorkers are hurting. New Yorkers are out of
25 jobs. New Yorkers are not spending money.

1 They're staying -- they're forced to stay home.
2 There's nonessential businesses that are not
3 working, that are closed -- they're closed shops.
4 New Yorkers right now need all the help they can
5 get.

6 And I understand the -- the
7 importance of good-quality labor on construction,
8 the ability to perform and to have safety -- job
9 safety conditions, site safety conditions -- that
10 have nothing to do with the wage of the
11 construction job, it has everything to do with
12 the management of the construction job, as well
13 as all of the authoritative boards and agencies
14 on the federal and state that promulgate the
15 rules of safety.

16 I also understand that we all in
17 this chamber represent our constituents who have
18 been calling since the beginning of March of this
19 year, when they had heard the news that they'd
20 been laid off and they can't get through the
21 unemployment agencies or office to get their
22 benefit, to get their paycheck or how they're
23 going to pay their mortgage or how they're going
24 pay their rent, how they're going to pay their
25 utility. We have constituents who say: We need

1 affordability. How can I afford to live in the
2 State of New York?

3 This particular section of this
4 budget bill adds to the cost once again, adds to
5 the burden of all New Yorkers once again, by its
6 state government and by the Governor of the State
7 of New York, by increasing the costs of
8 construction, whether it's a public job or
9 whether it is a private job.

10 As my friend Senator Savino
11 mentioned, possibly, could be, maybe a range of a
12 percentage of increase of construction -- 15, 20,
13 30 percent to the cost of construction, to the
14 project.

15 I think about even the MTA -- and I
16 don't represent New York City, but I have a
17 daughter who lives there who uses the system.
18 The cost is going to increase because of the
19 prevailing-wage measures.

20 Schools, fire departments, I know
21 they pay prevailing wage now. But now we're
22 talking about private jobs and those small
23 contractors who either have not been on a
24 prevailing-wage job or don't have the means to be
25 on a prevailing-wage job or a developer who can't

1 afford to pay prevailing-wage job.

2 I think about the pass-through cost
3 to the consumer, whether it is renting an
4 apartment, whether it is maybe even buying a home
5 or a condominium or however it may be, or whether
6 it is now going to a -- going to a department
7 store or any type of development that would be
8 through an IDA program. The consumer will pay
9 more. Not just the developer. Not just the
10 contractor, general contractor. The consumer,
11 the residents of the State of New York, will pay
12 more.

13 And it's just not about a 15 or
14 25 percent. I asked if this is a regional
15 approach or if this was going to affect
16 regionally, maybe just be in New York City. New
17 York City numbers and wage rates are far higher
18 than they are right here in the Capital Region,
19 the Hudson Valley, the Mohawk Valley region that
20 I represent. Or even parts of Western New York
21 or the North Country of New York.

22 I can't imagine, in a time when we
23 have the economic uncertainty, the significance
24 of this pandemic that is wreaking havoc in the
25 State of New York right now, that this particular

1 part of this bill -- with a whole host of other,
2 I think, bad policies and increases to the
3 New York State residents -- is the focal point
4 and is a necessity.

5 This has nothing to do with even
6 helping out those families struggling for life
7 right now with the COVID-19 epidemic. Nothing.
8 This is not going to create more jobs, nor will
9 it even help construction workers, because
10 developers and the private sector will not
11 continue to invest.

12 Why do they go and ask for maybe a
13 pilot program through their local IDAs? It is
14 because the burden of doing business -- the cost
15 of doing business, the taxes -- are too high in
16 the State of New York. And they need to amortize
17 the project cost over time in order to make it
18 successful.

19 So I think, Mr. President, this
20 particular part of this bill, along with others,
21 comes at the wrong time and gets shoved into a
22 budget bill that's got many parts and facets to
23 it, that should be a bill on its own that we can
24 have proper debate, proper insight.

25 And I know this is something that

1 many of the advocates have been working on for
2 many years in the State of New York. But now
3 also to develop or to establish a Public Subsidy
4 Review Board that is appointed by the Governor,
5 the leader of the Senate, the leader of the
6 Assembly -- who are these people? How is it
7 going to be -- how is it going to run? It brings
8 more uncertainty to the private sector, who is
9 the backbone to get our economy up and running
10 again.

11 All these small businesses that had
12 the opportunity to invest in construction
13 projects may not now because of this particular
14 burden and another layer of bureaucracy that is
15 going to be added through the approval process
16 just to try to get their project to market.

17 So for those reasons and many
18 others, I'll be voting in the negative.

19 Thank you.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Jacobs.

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

24 Mr. President, from the first day --

25 ACTING PRESIDENT BENJAMIN:

1 Senator, are you on the bill or are you asking --

2 SENATOR JACOBS: On the bill.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Jacobs on the bill.

5 SENATOR JACOBS: Mr. President,
6 since the first day I've had the privilege, that
7 I had the privilege to serve in this chamber and
8 serve my constituents, I said that I believed it
9 was wrong to muddle our budget process with major
10 policy issues.

11 Legislation doesn't have anything to
12 do with -- legislation that does not have
13 anything to do with the revenues or expenditures
14 or state finances gets buried all too often in
15 budget bills and passed into law with no
16 transparency, no vetting, and no real public
17 input. It is bad public policy, and I have
18 introduced legislation in the past to resolve
19 this.

20 Unfortunately, the bills we have
21 before us today are using that ill-advised
22 approach once again.

23 The language in the bill I'm
24 referencing right now is regarding the siting of
25 massive renewable projects, wind and solar

1 projects largely seen in areas outside New York
2 City but benefiting the region within New York
3 City.

4 And this bill -- the provision in
5 this bill and what it does is it really strips
6 local communities of the ability to have a say on
7 whether there will be a massive wind or solar
8 farm located in their town, in their village, in
9 their county.

10 Already the previous law, the
11 existing law that we had was woefully lacking in
12 the ability of local community to have a say.
13 The revisions that are put here in this bill --
14 again purely policy, really should not be in this
15 piece of legislation, this budget piece of
16 legislation -- will strip largely any say of a
17 local community to have input in whether a
18 massive windmill farm or solar farm, a windmill
19 farm, windmills the size or height of almost
20 700 feet, of blades that are nearly the size of a
21 football field, located in -- close to someone's
22 back yard.

23 The thought that a local community
24 would not have a say in that is very, in my mind,
25 un-American and certainly not consistent with the

1 legacy of New York State.

2 I really protest this bill. I
3 protest the way that it is going to be passed in
4 this budget. It was my hope that we would, if
5 anything, not have this provision in the budget,
6 that it would be discussed at a later date.

7 We often hear the refrain here we
8 are one New York, but it is very hard for
9 constituents in my district to believe that when
10 pieces of legislation are passed like this which
11 show a level of arrogance and disregard for local
12 community say, local community input, and the
13 democratic process. This is a major reason why
14 I'll be voting against this piece of legislation
15 today.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Savino on the bill.

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

21 There's always things in budget
22 bills that we like and we don't like.
23 Unfortunately, it's the nature of the way we do
24 the budget. With respect to putting policy
25 issues in the budget, that's a fight we lost

1 20 years ago. Unless we're prepared to amend the
2 constitution, it is the way things get done here.

3 And as frustrating as it can be,
4 there's still a lot of good things in this
5 budget. And I'm going to speak specifically to
6 the definition of public works.

7 Senator Amedore and I obviously
8 disagree on this issue, and we have a different
9 view of history. He referenced 1918. I
10 referenced 1934, when the public said very loudly
11 and clearly that they believed that public
12 dollars should not chase poverty wages. That the
13 prevailing wage was set then.

14 It's an issue that has been watered
15 down over the decades through judicial decisions
16 and compromises, which is why we are here today.

17 It is not new to this chamber. I've
18 been in the Senate 15 years now. The definition
19 of public works was introduced more than a decade
20 ago. In fact, I carried it for two years while I
21 was the chair of the Labor Committee. Former
22 Senator Terry Murphy carried it the whole time he
23 was here, and in fact he had more cosponsors on
24 that bill than just about anything else. So
25 clearly the Senate has considered strengthening

1 the definition of public works.

2 But I want to again reference
3 history. Senator Amedore talked about history, I
4 will talk about history. Not just the fact that
5 the public decided almost a hundred years ago
6 that this made sense and it was the right thing
7 to do for New York.

8 We are in the midst of a pandemic.
9 It is not the first crisis this state has faced,
10 certainly not the first crisis in my recent
11 lifetime -- post-9/11, post-Hurricane Sandy, and
12 now. But even more importantly, if you go back
13 to the 1930s, it was bold thinking by many
14 people, one of whom sat in this chamber, former
15 Senator Franklin Delano Roosevelt, who then
16 became the president of the United States and
17 recognized if America was going to get out of the
18 depression, it was going to take bold thinking
19 and public money. Creating real jobs, investing
20 public money.

21 We saw the Congress do it two days
22 ago, passed a \$2 trillion relief package, the
23 first of what will probably be many, to put money
24 back into the hands of Americans so that we can
25 get our economy going. That's what the

1 definition of public works was the first time,
2 that's what it will be now. It is -- it is so
3 important that we're doing it now, making sure
4 that we provide decent wages, good wages.

5 And they're not the same, upstate
6 and down are not the same. The prevailing rate
7 in New York City is not the prevailing rate in
8 Buffalo, it's not the prevailing rate in Onondaga
9 County. But people who work in those places
10 should not be paid less with public money than
11 the prevailing rate.

12 That's what we're doing here today,
13 restating what America said in the 1930s: Public
14 dollars should go to good-paying jobs to get
15 Americans back on their feet. I am proud to vote
16 for this.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Boyle.

20 SENATOR BOYLE: Mr. President, will
21 the sponsor yield? Will the leader yield?

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR GIANARIS: I'll handle the
25 questions, Mr. President.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR BOYLE: Thank you. Through
4 you, Mr. President.

5 I'm just referring to the section
6 regarding the definition of a political party.

7 SENATOR GIANARIS: I'm sorry, I
8 couldn't hear.

9 SENATOR BOYLE: I'm referring to
10 the section that regards the definition of a
11 political party.

12 SENATOR GIANARIS: Mr. President,
13 the microphone is not on for Senator Boyle, so
14 I'm having trouble hearing. Okay, thank you.

15 SENATOR BOYLE: Is it on?

16 SENATOR GIANARIS: Yeah. Thank
17 you.

18 SENATOR BOYLE: Under this
19 provision, I assume that we're trying to
20 legislate what the commission recently reported
21 on and was subsequently thrown out by the court;
22 is that correct?

23 SENATOR GIANARIS: I believe that's
24 correct.

25 SENATOR BOYLE: Okay. So my

1 question is this. The provision says that a
2 political party is defined by an organization
3 that gets 2 percent, excluding blank and void
4 ballots, at least -- in the preceding election
5 for Governor, received at least 2 percent of the
6 total votes cast for its candidate for governor,
7 or 130,000 votes, whichever is greater, in the
8 year in which a governor is elected, and at least
9 2 percent of the total votes cast for its
10 candidate for president, or 130,000 votes,
11 whichever is greater, in the year of a
12 presidential election.

13 My question is, what about the
14 parties that -- we have a certain number of -- we
15 call them minor parties, third parties, who do
16 not nominate candidates, by their bylaws, for
17 president. Someone like the Serve America
18 movement, the SAM party, what happens to that, to
19 those parties? Are they automatically excluded
20 because they did not get 130,000 votes?

21 SENATOR GIANARIS: Yes, that's
22 correct.

23 SENATOR BOYLE: Wow.

24 On the bill, Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Boyle on the bill.

2 SENATOR BOYLE: I've seen a lot of
3 pieces of legislation I thought were
4 unconstitutional come to this chamber, but this
5 is a doozy.

6 We're actually excluding from
7 New York State a political party who received the
8 requisite number of votes in the last election
9 from being a party with access to the ballot
10 automatically every two years because they do
11 not, by their bylaws, nominate a candidate for
12 president.

13 I hope and expect that the courts of
14 New York State will call this unconstitutional
15 and throw this provision out.

16 I vote in the negative.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Lanza.

19 SENATOR LANZA: Mr. President, on
20 the bill.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Lanza on the bill.

23 SENATOR LANZA: Mr. President,
24 first let me say, as we go through these
25 difficult times with this pandemic, as our

1 constituents, as families across New York have
2 their lives and see their lives turned upside
3 down, I want to say it's always good to see you,
4 Senator Benjamin -- or as we like to say,
5 Mr. President -- and all my colleagues here as we
6 work together on behalf of the people -- yes, you
7 too, Senator Savino -- on behalf of the people of
8 the State of New York. And we will get through
9 this, and we've got to make sure that we do. And
10 we will.

11 Mr. President, knowing what's
12 happening, seeing how people from one end of this
13 state are going through living hell, who are
14 worried about the safety and the well-being of
15 their families -- and it's that time of year when
16 we meet every year to discuss the budget, how
17 we're going to spend the billions of dollars we
18 collect from taxpayers in New York. And this
19 year, of course, is unique, it's different --
20 sadly so.

21 But one would think, with everything
22 going on out there, that the focus would be only
23 on necessary spending to keep the wheels of this
24 state moving forward. One would hope that the
25 only focus we have here is the pandemic, what

1 we're going to do in this budget that ensures
2 that when we come out of this, we're going to be
3 able to reboot, we're going to be able to restore
4 sanity and safety and prosperity to this state.

5 After looking at this budget, one
6 would be wrong.

7 You know, it seems as though some
8 people think that this pandemic ought to be used
9 as some kind of cloak of invisibility to shove
10 through all kinds of policies that have nothing
11 to do with the true business of the day -- which
12 is to really save our state, save our people.
13 And there are a number of policies that I can
14 talk about that prove that.

15 You know, only in Albany would we be
16 asked to consider a bill that we received only an
17 hour ago that is entitled "Transportation and
18 Economic Development" and, as you read through
19 the pages of this bill, what you learn is that,
20 catastrophically, it is devoid of any policies
21 and any spending that will give any assistance to
22 transportation in the State of New York, that
23 will do anything to aid economic development.

24 In fact, quite the opposite. There
25 are policies shoved in this budget that I think

1 spell doom for small businesses across this
2 state. That when this epidemic finally passes,
3 businesses in this state are going to find that
4 it's even a more difficult place to do business.
5 Families are going to find out that it's even
6 more expensive to live in New York. And that's
7 the last thing we ought to be doing any year, but
8 certainly this year.

9 So there's one policy that I want to
10 talk about that I think really accentuates the
11 hubris, the arrogance and the wrongness of this
12 bill before us today, and that's so-called
13 campaign finance reform or public financing of
14 campaigns.

15 Imagine, people are getting sick,
16 people are dying, people are losing their jobs,
17 businesses are folding. That's what's happening
18 right now, right this very moment in the State of
19 New York. But that ought not be a reason for
20 politicians to figure out a way to give
21 themselves a little welfare, a little extra money
22 in their campaign coffers. Pandemic be damned.
23 Maybe people aren't looking, so we're going to
24 make this grab, this money grab.

25 Well, maybe some people think that

1 the pandemic offers a little cloudiness, some
2 fog, some smoke, a cloak of invisibility. But
3 when we come out of this, as we will, the people
4 are going to see what happened here today.

5 And what did happen here today?

6 People are going to be forced to have their tax
7 dollars be given to campaign candidates, to
8 candidates to support their campaigns. Listen to
9 this. There's someone running for office in your
10 district, you don't want to support them.

11 Believe it or not, Mr. President, there are a few
12 people that don't support me. Hard to believe,
13 but true. They're going to be forced to buy my
14 lawn signs, to buy my mail, to buy my campaign
15 buttons, to give my candidacy support.

16 Now, I know the other side is going
17 to say: "Well, it's voluntary. It's voluntary.
18 It's a check-off box on your tax return." That
19 is the biggest fraud I've ever heard. We all
20 know the people of New York are smarter than
21 that. I know they're smarter than that. The
22 New Yorkers I know, when it's time to pay their
23 taxes, are not going to say, I've got an idea --

24 SENATOR GIANARIS: Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Gianaris.

2 SENATOR GIANARIS: Will the Senator
3 yield for a question?

4 SENATOR LANZA: Yes, sure.

5 ACTING PRESIDENT BENJAMIN: The
6 Senator yields.

7 SENATOR GIANARIS: Thank you,
8 Senator Lanza.

9 Mr. President, is it true --

10 SENATOR GRIFFO: Mr. President,
11 point of order.

12 SENATOR LANZA: I yielded.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Griffo?

15 SENATOR GRIFFO: He's on the bill,
16 though.

17 SENATOR LANZA: I yielded.

18 SENATOR GRIFFO: Okay.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Gianaris.

21 SENATOR LANZA: I've got to have a
22 little fun. I know it's out of order, but it's
23 fun.

24 SENATOR GIANARIS: Thank you,
25 Senator Lanza.

1 Mr. President, I would like to ask
2 Senator Lanza if there was a time when he served
3 in the New York City Council.

4 SENATOR LANZA: Yes, Mr. President,
5 yeah.

6 SENATOR GIANARIS: Would the
7 Senator continue to yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the Senator continue to yield?

10 SENATOR LANZA: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 Senator yields, yes.

13 SENATOR GIANARIS: During that time
14 how much in public funding, under the New York
15 City matching fund program, did then-City
16 Councilman Lanza receive?

17 SENATOR LANZA: Mr. President, I
18 don't want to -- I don't recollect the exact
19 dollar amounts, but I'll answer it this way.
20 Yes, I participated in that program. It is that
21 experience which has taught me that this is the
22 worst program that we could shove down the
23 throats of the people of New York.

24 In fact, it is that program and this
25 program that I promise you will facilitate

1 corruption beyond your wildest beliefs. And
2 that's what we've seen in New York City, where
3 people run not to win, not to serve, but so that
4 they can set up a cottage industry of paying
5 taxpayer dollars to their friends.

6 But I will say this. The reason why
7 you in New York City, if you ran for the City
8 Council, you participated is because unless you
9 were a billionaire, you were forced to do so.
10 And how is it that you were forced to do so? I
11 didn't like it then. But if you didn't do it,
12 you know what happened? You were punished. Your
13 opponent, whoever that person might be, would get
14 four times and five times and six times what you
15 got.

16 So the way that program is written,
17 if you do not participate, you are punished.

18 SENATOR GIANARIS: I thank Senator
19 Lanza for his indulgence.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Lanza on the bill.

22 SENATOR LANZA: Yeah. Yeah. Thank
23 you, Senator Gianaris, for reminding me how
24 horrific and how ridiculous and how onerous this
25 program is.

1 I will not yield until I -- I
2 finish.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Lanza on the bill. You're on the bill.

5 SENATOR LANZA: I'm sorry, yeah.

6 So let me rephrase. People are
7 worried about whether or not their families are
8 going to survive this pandemic. People are sick.
9 We have a hospital emergency. We have a public
10 safety emergency, a public health emergency, we
11 have an economic emergency. People are losing
12 jobs, businesses are folding.

13 Somebody has the good idea, while
14 all this is happening, to shove this piece of
15 nonsense legislation policy into this budget.
16 It's wrong.

17 Yeah, voluntary, so-called. Check a
18 box. If you don't check a box -- because I know
19 New Yorkers are smart. New Yorkers are not going
20 to say, in the middle of everything else that's
21 going on in my life, I've got a good idea. Come
22 tax-paying time, I'm going to take a little money
23 out of my pocket and I'm going to give it to the
24 local politician.

25 It's ridiculous. It's absurd. It's

1 insulting. And it's not going to happen.

2 So what's going to happen? If you
3 look at this legislation, it says we will then
4 take it from the General Fund, we will then take
5 it from this other fund -- which means we will
6 take it from the taxpayer. We will take it at
7 the expense of education and healthcare and all
8 the other good things that we do here in New York
9 State -- and transportation and economic
10 development, which we do not do in this bill.

11 That's hubris. That's arrogance.
12 And that's wrong. The taxpayers should not be
13 forced to pay for political campaigns.

14 Mr. President, I'll be voting no.

15 ACTING PRESIDENT BENJAMIN:

16 Senator Krueger on the bill.

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

19 I want to thank my colleagues for
20 answering the questions on the sections of the
21 bill that they are far more expert on than
22 myself. But I do feel a need to highlight what
23 is perhaps a little confusion for people who
24 might not be here or might not have downloaded
25 the bill.

1 Yes, the bill has many sections that
2 deal with transportation, the environment,
3 economic development. Yes, the State of New York
4 is continuing many programs that we've had in
5 place that if we didn't continue through this
6 budget bill would cease to exist, which would
7 require a great deal of explaining by all of us
8 at home.

9 And yes, this bill goes further in a
10 number of areas than we have had to go before --
11 for example, in transportation and investment in
12 mass transit. We all know that we are in a
13 crisis now and we need a bigger, stronger state
14 to come out of it when we're done. Which means
15 we can't forget that our core responsibilities
16 are making sure we have a 21st-century mass
17 transit system when people can come out of their
18 homes and do have jobs to go back to.

19 We can't forget that, and there are
20 significant investments in transportation funding
21 in this bill, including the ability to draw down
22 federal funds that they are making available to
23 us.

24 And while I may or may not agree
25 with one of my colleagues about the new changes

1 in the rules for siting energy plants -- and I
2 believe that we have tried to build in
3 protections for local communities -- please, no
4 one forget that because the pandemic is taking up
5 all of our time and energy now, along with an
6 economic collapse far beyond our comprehension
7 throughout the world, come the day we all get to
8 take off our masks and leave our homes and
9 breathe freely and move forward with the agenda
10 we hoped we would have three months ago, we will
11 still be facing an earth that must respond to
12 climate-change crises. And that means making
13 sure we have the renewable energy so that we do
14 not have to fall back on dependence on the
15 dangerous harmful fossil fuels.

16 So that means we have to make sure
17 we move forward with the right laws for the
18 21st century for siting utilities. We just have
19 to. We can't lay it aside because we're dealing
20 with another crisis. Because unfortunately, some
21 crises just keep rolling along even though we
22 have to take care of other things right now.

23 And I will say for the record I
24 don't like this campaign finance bill either. I
25 wish it wasn't in there. I believe in public

1 financing of campaigns, but I certainly don't
2 like the idea that we yet again are trying to
3 take away third parties' rights to be able to run
4 people and participate in our democracy.

5 So like lots of other people, you
6 don't like everything that's in a bill, and you
7 hold your nose on the stuff you don't like
8 because you know you need the stuff that you need
9 that's in there.

10 And again, I thought Senator Savino
11 handled it so well on prevailing wage. This is
12 if you are taking government money. This is not
13 if you're a private entity who decides to build
14 things without drawing down some model of
15 subsidy, tax exemption credits or actual
16 contracts with the government. You don't have to
17 participate in this. But if you're choosing to
18 use government money, you do.

19 And so I just feel like some people
20 listening might have walked away not
21 understanding. This is not a new mandate on
22 anyone, whoever decides to build anything or hire
23 a worker. This is about people who choose, from
24 an economic decision, to use government subsidy
25 in some way.

1 So I thank her for her explanation.
2 I just feel that it was important to highlight,
3 after the back and forth, that that was the
4 underlying discussion that might have gotten
5 lost.

6 So there are plenty of things in
7 this bill people can be unhappy with. I have
8 plenty of things I wish got into this bill and
9 stayed in this bill, and they fell out because of
10 financial crisis and pandemic. But again, our
11 job is to make sure not only is the state
12 continuing to run now on the deadline, but make
13 sure that the state is in a position to be able
14 to come out of this pandemic and this economic
15 collapse and be more ready than ever to compete
16 in a different world. And this pandemic will
17 have caused us to be in a different world also,
18 so we need to be ready to move forward in ways
19 that we didn't even understand a few months ago,
20 Mr. President.

21 So I can be unhappy and I can still
22 vote yes. And I will be voting yes. And I urge
23 my colleagues to vote yes, Mr. President.

24 Thank you.

25 ACTING PRESIDENT BENJAMIN: Are

1 there any other Senators wishing to be heard?

2 Seeing and hearing none, debate is
3 closed.

4 The Secretary will ring the bell.

5 Read the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 635, those Senators voting in the
15 negative are Senators Akshar, Amedore, Borrello,
16 Boyle, Flanagan, Funke, Gallivan, Griffio,
17 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
18 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
19 Salazar, Serino and Tedisco.

20 Ayes, 39. Nays, 22.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 Senator Gianaris, that completes the
24 reading of the controversial calendar.

25 SENATOR GIANARIS: Mr. President,

1 the work continues. We are awaiting the
2 remaining budget bills, after which point we will
3 allow the Minority ample time to review and
4 discuss, and we'll come back to try and finish
5 our work at some point later today.

6 With that, the Senate stands at
7 ease.

8 ACTING PRESIDENT BENJAMIN: The
9 Senate stands at ease.

10 (Whereupon, the Senate stood at ease
11 at 4:48 p.m.)

12 (Whereupon, the Senate reconvened at
13 11:57 p.m.)

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

16 Senator Gianaris.

17 SENATOR GIANARIS: Mr. President,
18 pursuant to Rule 5, Section 2, I move that we
19 stay in session beyond midnight.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, so ordered.

22 SENATOR GIANARIS: The Senate will
23 stand at ease.

24 ACTING PRESIDENT BENJAMIN: The
25 Senate will stand at ease.

1 (Whereupon, the Senate stood at ease
2 at 11:57 p.m.)

3 (Whereupon, the Senate reconvened at
4 2:35 a.m.)

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

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,
9 is there any further business at the desk?

10 ACTING PRESIDENT BENJAMIN: There
11 is no further business at the desk.

12 SENATOR GIANARIS: Move to adjourn
13 until about six hours and 25 minutes from now, at
14 9:00 a.m., please.

15 ACTING PRESIDENT BENJAMIN: Move to
16 adjourn until 9:00 a.m. The Senate stands
17 adjourned until 9:00 a.m.

18 (Whereupon, at 2:35 a.m., the Senate
19 adjourned.)

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