NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 24, 2025

11:42 a.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

I ask everyone to please rise and recite the Pledge of Allegiance.

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

ACTING PRESIDENT MAYER: 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 MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, April 23, 2025, the Senate met pursuant to adjournment. The Journal of Tuesday, April 22, 2025, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT MAYER: 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: Madam President, there will be an immediate meeting of the Rules Committee in Room 332.

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

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:43 a.m.)

(Whereupon, the Senate reconvened at 11:47 a.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there's a report of the Rules Committee at the desk. Please take that up.

ACTING PRESIDENT MAYER: The Secretary will read.

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

Senate Print 7230, by Senator Comrie, an act to amend the Abandoned Property Law;

Senate Print 7320, by Senator Kavanagh, an act to amend the Executive Law and the State Finance Law;

Senate Print 7526, by Senator Martinez, an act in relation to enacting the private activity bond allocation act of 2025;

Senate Print 7631, by Senator Krueger, an act making appropriations for the support of government.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report of the Rules Committee is accepted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

There's a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 8068 and substitute it for the identical Senate Bill 7631, Third Reading Calendar 693.

ACTING PRESIDENT MAYER: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 693, Assembly Bill Number 8068, by Assemblymember Pretlow, an act making appropriations for the support of government.

SENATOR GIANARIS: Is there a

message of necessity and appropriation at the desk?

ACTING PRESIDENT MAYER: There is a message of necessity and appropriation at the desk.

SENATOR GIANARIS: Move to accept the message.

ACTING PRESIDENT MAYER: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

Senator Gianaris, that completes the reading of the supplemental calendar.

SENATOR GIANARIS: Please take up controversial calendar number one.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Calendar Number 693, Assembly Bill Number 8068, by Assemblymember Pretlow, an act making appropriations for the support of government.

ACTING PRESIDENT MAYER: Senator O'Mara, why do you rise?

SENATOR O'MARA: Yes, thank you, Mr. President {sic}.

Would Senator Krueger yield for some questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I shall.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Welcome back, Senator. It's good to have you back here.

Where can you tell us we stand today as far as getting a final budget here?

SENATOR KRUEGER: So today we have another extender, and it goes through next Tuesday.

And I was just reading about the federal government's record of operating under

continuing resolutions or extenders. And since fiscal year '77 they've actually operated under continuing resolutions for as long as three years. So we're nothing near where the federal government has been or may be again.

But I can't tell you that we're necessarily that close to closing this one down.

SENATOR O'MARA: Through you, Madam President, will the Senator continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: This extender today is adding how much in appropriations in addition to what we've already done?

SENATOR KRUEGER: This bill provides 11.3 billion in appropriation authority to meet payroll costs and to allow certain payments of general state charges -- Department of Health, Department of Labor, Office for People with Developmental Disabilities, Department of Veterans' Affairs.

And compared to the prior extender, this bill provides 1.6 billion in additional appropriation authority.

SENATOR O'MARA: Thank you.

Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: And that's for like five days. So our rate of daily expenditures in this extender is a lot lower than the other ones that we've done previously. So that's neither here nor there.

But, you know, still we're reading that this budget is being held up by the various policy issues. Can you tell us where we stand in relation to the big four of discovery, involuntary commitment, masks and cellphones?

SENATOR KRUEGER: Through you, Madam President. I think like everyone else in this room, I work off press reports. But I do think people have made an agreement on the

cellphone issue.

Based on statements made by leadership at the end of last week, it seems like discovery was agreed upon. But maybe not now, because you hear different things different days.

There seems to be news of a newer version of a mask legislation as some kind of supplemental penalty to other crimes.

And I don't even remember what the fourth one is. Sorry. Say that again, please?

SENATOR O'MARA: You mentioned discovery?

SENATOR KRUEGER: I did mention discovery.

SENATOR O'MARA: Involuntary commitment, masks and cellphones.

SENATOR KRUEGER: Ah, involuntary commitment, thank you.

I believe that we continue discussions about involuntary commitment with, I know speaking for my colleagues, heavy focus on assuring that we have the adequate services available to people who are mentally ill and need the services.

And we even learned recently of one

hospital that's being penalized for refusing to provide services and reopen their psychiatric beds, while doing some fairly disturbing things to people.

And there's more and more data about people seeking help and being told that depending on what county they live on -- live in, excuse me, that there can be waitlists for as long as two years to get the services they're seeking.

So we absolutely agree, mental health services for people in desperate need who may in fact be at risk of harming themselves or others needs to be a critical priority. I think we are taking it as a critical priority.

But we are very focused on making sure that when we come to an agreement within this budget we're actually going to be delivering the services that are needed in our communities.

SENATOR O'MARA: Through you, Mr. President {sic}, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR O'MARA: I think at this point, at least for our local school districts, we're kind of past the point of no return for them finalizing their budgets for a May 15th vote.

As we discussed a week or so ago about giving them some assurance about what at least the baseline would be, that -- that was never done. So our school districts are proceeding with budgets that I believe were finalized at their board meetings this week, by and large, and will go to the public on May 15th without really knowing what their state aid is going to be.

So, you know, while the -- while the federal government may run years on end with continuing resolutions, that's not how we do things in the State of New York. We actually have to balance our budget and not just keep adding debt.

So, you know, what -- what should we tell our school districts at this point on these budgets that they now have in place for a vote?

SENATOR KRUEGER: Through you,

Madam President. Usually I would refer that question to you, as our Education chair, but of course you're up there today.

But based on our other conversations, I think that you would say or that I will say we agree on this issue. We think the Governor should have sent some kind of messaging or even something within one of her extenders clarifying the expectation of school funding in a final budget.

I think if I was asked that question by a local school district I would say: You should work off the numbers that were in the Executive Budget. Which were increases for everyone, but not enough. We put in more money.

But I would suggest that they start at the base of what the Governor's Executive Budget is for their coming year. And let's hope we can push that up somewhat and give them opportunities to enrich their budget program after we know something for sure.

You may not -- I'm sorry, through you, I cannot ask the President Pro Tem to comment on it at this point.

SENATOR O'MARA: Fair enough.

Thank you, Madam President. Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: I think we're approaching about nine days now till the Kentucky Derby.

(Laughter.)

SENATOR O'MARA: What are your odds on getting a final budget next week or even before the white smoke appears for our next pope?

(Laughter.)

SENATOR KRUEGER: So through you, Madam President, I think most people in this room know I don't actually support gambling --

(Laughter.)

SENATOR KRUEGER: -- and I won't be betting on the Kentucky Derby.

But we were just talking right before session about what I thought was a bit of a disturbing announcement that there are people taking bets on who the next pope will be, and

even giving odds to individuals. Which I also thought, although I'm not Catholic, that was a tad sacrilegious, and maybe this gambling thing's gone too far.

So I will not take a bet on whether we get this budget done next week or not, as much as I would like to be able to say that would be very nice to get it done next week.

SENATOR O'MARA: Thank you, Mr. President {sic}. Thank you, Senator Krueger.

Just on the bill briefly, Madam President.

ACTING PRESIDENT MAYER: Senator O'Mara on the bill.

SENATOR O'MARA: You know, we're approaching -- next week we'll be one month late on this budget. You know, we think it's important to get a budget as timely as possible.

It seems that this budget is being held up pretty much entirely on these policy issues that we keep talking about and seem to be making no progress on.

You know, I would just encourage everybody to buckle down and let's come to a resolution on these or throw them off the table

altogether to get this budget done. Because it is very important for so many areas of government spending, primarily our school districts at this point, this juncture, anyways.

So, you know, it's time we get this done. And, you know, I will be supporting this extender today, but I don't know that I will be in the future. Given no signs of progress, perhaps we need the pressure of a government shutdown to get people off the dime and to actually come to a resolution on this budget.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Helming, why do you rise?

SENATOR HELMING: Thank you, Madam President.

If Senator Krueger would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I certainly will, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Thank you,

Senator Krueger.

Senator Krueger, on the question regarding school funding -- and we know, as Senator O'Mara said, we're past that point. The schools have to get their budget materials printed, get it mailed out, and hold their votes soon.

Your recommendation was that our school districts use the funding that was identified in the Governor's budget. So my question is, are you recommending that because you feel that's where we're going to land with school funding?

SENATOR KRUEGER: No, Madam President. I was suggesting that in the absence of knowing where we are going to land in a final budget -- and the Senate and the Assembly proposed additional money for public education, but since we don't know what that reality is, if I was working for a school board, I would personally say, Let's take the most conservative estimate we know we have, which is what the Governor's Executive Budget proposal was -- which I believe did increase all school districts some amount of money -- and I would work off of that.

And if in fact when we finalize the budget we are able to provide additional education money, that those local school boards could then make their decisions on how they wanted to enrich their budgets beyond what they knew the facts on at this time.

Because I also agreed with Senator O'Mara that it would have been far better to get some more clarification from the Executive prior to this date. But we don't control that, and we did not.

So again, I suppose a school board could decide to take a leap that they believe there will be more and they're going to budget for that. I think it would be a bigger problem for them to have to reverse themselves, as opposed to my suggestion that they work off the Governor's Executive Budget as their baseline assumption and then can be happy with some kind of enrichment money if in fact we are successful in getting that.

SENATOR HELMING: On the bill, please.

ACTING PRESIDENT MAYER: Senator Helming on the bill.

SENATOR HELMING: Thank you.

Senator Krueger, thank you so much. That is what I thought, that that was just your conservative recommendation.

I never thought I'd be saying "Senator Krueger" and "conservative" in the same sentence --

(Laughter.)

SENATOR HELMING: -- but whatever.

But I appreciate that, Senator Krueger, because -- and Senator Mayer, you've heard this from me many times -- my school districts, the majority of them, more than 66 percent -- and I represent something like 37 school districts -- got the very minimum amount of increase. The lowest amount possible, 2 percent.

And when you look at that increase and you compare it to the cost of utility increases, healthcare costs have gone up, building costs, the materials, labor, everything has increased -- that 2 percent is not sufficient.

So I am hoping that the Majority and -- the three people in the room, I should

say, negotiating this budget take that into consideration, that our school districts, including all of our rural, smaller school districts, they deserve their fair share of funding as well.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Helming.

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 2. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Madam President.

Today is April 24th, as we have established. It is the eighth extender that we're doing. We are not the federal government,

and we represent the people of New York State, so I'm not sure why we keep referring or deflecting to national issues once again.

And again, there are no real reports on any significant movement on the budget discussions. So what on earth has been going on for the last 24 days, let alone why weren't we prepared to have an on-time budget? And of course we haven't had an on-time budget for several years now.

It's our job not only to vote on legislation but to produce an on-time budget for the people of the State of New York. That hasn't been done. It's late once again. It's time to do our job.

And because of that, I vote no.

ACTING PRESIDENT MAYER: Senator Weik to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 693, voting in the negative are Senators Lanza and Weik.

Ayes, 49. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris, that completes the reading of the supplemental calendar.

SENATOR GIANARIS: Thank you, Madam President.

Let's move on to the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 133, Senate Print 1328, by Senator Parker, an act to amend the Public Service Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT MAYER: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 366, Senate Print 1116, by Senator Gounardes, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 457, Senate Print 4685A, by Senator Stavisky, an act to amend the Education Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 503, Senate Print 3831, by Senator Hoylman-Sigal, an act to amend the Penal Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 631, Senate Print 491, by Senator Fernandez, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 649, Senate Print 1099, by Senator May, an act to amend the Education Law.

SENATOR SERRANO: Lay it aside for the day.

ACTING PRESIDENT MAYER: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 661, Senate Print 1062, by Senator Serrano, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Serrano to explain his vote.

SENATOR SERRANO: Thank you very much, Madam President.

This bill, as we know, is important to support the arts and culture throughout the State of New York. We all understand how important the arts and culture are to the economy of New York, to our way of life. In many ways it's foundational to our society.

This bill will help the State of New York to create criteria to have arts and cultural districts all across the state. This will help organically growing cultural districts -- where you have artists, cultural institutions and organizations -- to organize, to have guidelines developed by the State of

New York to help them get the technical assistance they need to grow and to do all the wonderful things that we know that the arts and culture do in our communities.

So I'm very grateful for the support. I've been hearing a lot of support out in the community for this legislation. I'm hopeful that we could get it done this year, but very grateful to all of my colleagues for supporting this bill.

Thank you.

ACTING PRESIDENT MAYER: Senator Serrano to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 667, Senate Print 1424, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 675, Senate Print 205, by Senator Martinez, an act to amend the Penal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 676, Senate Print 1694, by Senator Skoufis, an act to amend the Penal Law.

SENATOR SERRANO: Lay it aside for the day.

ACTING PRESIDENT MAYER: The bill is laid aside for the day.

Senator Gianaris, that completes the reading of the calendar.

SENATOR SERRANO: Thank you. Can we --

ACTING PRESIDENT MAYER: Oh, sorry, Senator Serrano.

SENATOR SERRANO: That's quite all right.

ACTING PRESIDENT MAYER: I didn't look up. My fault.

SENATOR SERRANO: Thank you. Can we go to the controversial calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 457, Senate Print 4685A, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Senator Borrello, why do you rise?

SENATOR BORRELLO: Good

afternoon -- yeah, afternoon now, Madam President. Would the sponsor yield for a question, please.

ACTING PRESIDENT MAYER: Senator Stavisky, do you yield?

SENATOR STAVISKY: I yield.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Through you, Madam President.

Good afternoon, Senator Stavisky.

So this bill would add a faculty member at a community college to the board of trustees. Now, we know that the board of trustees discusses things like salary, compensation, discipline. How is this not inherently a conflict of interest to have a faculty member -- the only actually paid member now -- on the board of trustees at community colleges?

SENATOR STAVISKY: Through you, Madam President. First of all, we already have a student nonvoting member of the community college. And this applies only to the SUNY -- 30 or so SUNY community colleges.

Secondly, we recently added the position of president of the University Faculty Senate to the SUNY Trustees -- again, as a nonvoting member.

This is part of the policy of inclusiveness. And the faculty member, chosen by the faculty and the staff, would be a nonvoting member.

If matters are discussed -- and you outlined them, salary, et cetera -- presumably that would be in closed session. There are statutes already in existence concerning the General Municipal Law and the Public Officers Law which provide very serious sanctions against disclosure. For example, the faculty member could lose his or her position. The person could be charged with a misdemeanor. And there's a heavy fine in addition.

So we're just trying to level that playing field and include as many people as possible. We've never had a problem with conflicts of interest. And I don't anticipate any problems now because, quite frankly, the penalty is rather stringent.

SENATOR BORRELLO: Madam President,

will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield? Senator Stavisky, do you continue to yield?

SENATOR STAVISKY: Yes, I'm sorry. Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Yes. Through you, Madam President.

Well, thank you for that explanation. Can you point to the language with regard to recusal and also penalties that are in this particular bill? Not the -- you know, not the one that has to do with the four-year schools of SUNY.

Is there actually language in this bill that talks to the severe penalties you just mentioned and the requirement of recusal?

SENATOR STAVISKY: (Conferring.) I already indicated that violations of the Public Officers Law and the General Municipal Law do provide penalties for the violation.

SENATOR BORRELLO: Madam President, does the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR BORRELLO: So there's no language in this bill. You're talking about referring to the Public Officers Law and the General Municipal Law.

However, you know, these folks are obviously protected by union representation. I'm not sure that those laws would necessarily provide to them being a member of this board.

So what you're saying is there's no specific language in this bill that deals with penalties for violations of confidentiality and, you know, having to do specifically with recusing themselves with things that have to do with things that directly impact them.

SENATOR STAVISKY: Quite the contrary. I'm saying that there are penalties.

And the amendment to the A print of the bill specifies the relationship back to the General Municipal Law and the Public Authorities Law.

And this would obviously apply to the students as well. So we certainly don't want to lose a student as part of the community college trustee consortium.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: So for the faculty representative at, you know, the SUNY four-year colleges, it's very specific. It's the president, I believe you said, of the organization that represents the faculty.

But in this case I don't see a mechanism or a specific person. Who decides who that representative will be from the faculty, the staff, on the board of trustees?

SENATOR STAVISKY: There would be a vote -- through you, Madam President, there would be a vote of the faculty and staff working at that particular institution. Same manner that the student is selected.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, I don't see an actual mechanism where it says a vote. It just said that it will be chosen by those folks.

It doesn't necessarily mean it has to be a vote, right?

SENATOR STAVISKY: No, there would be a vote. I'm sorry. Madam President, through you, there would have to be a vote.

And the bill was pretty clear before we amended it, but because of questions that have arisen by one particular group, we said, Let's try to make it a little bit clearer. And that's the reason for the A print.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: So obviously the trustees will be discussing sensitive topics like I mentioned previously. Will they -- will the -- will this staff representative, who obviously is -- you know, salaries and so forth will be discussed, will they be allowed into executive session when the board of trustees goes into executive session?

SENATOR STAVISKY: Yes.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR BORRELLO: You don't think that's an inherent conflict of interest to allow them to go into executive session?

SENATOR STAVISKY: Well, it would be the same conflict for a student also. Or for anybody who has any relationship.

The penalties are there. They were

already there before this bill was even introduced. So we've never had a problem, as far as we know, with people breaking the rule of confidentiality.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, I think, you know, a student obviously is a little different than a paid faculty member who's protected by a union organization that's going into a executive session to be discussing very sensitive topics. It will be the only person in that room that uniquely is actually potentially impacted by the discussions in executive session.

So I -- again, I ask, what defines the penalty should they breach that confidentiality of that executive session?

SENATOR STAVISKY: First of all -- through you, Madam President -- the student faces something just as bad, and that's it can affect

their college career, their grades, et cetera -- recommendations for future employment.

The penalty is there. It's always been there. It was there for any ex officio member -- any member, in fact, who breaks the rules of confidentiality. It's true of the SUNY trustees as well as other college trustees.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, thank you, Senator Stavisky, for engaging on these questions today.

You know, I think the issue I have with this is that our SUNY college campuses, whether they're four-year or two-year, they have a lot of strains right now -- financial strains and so forth. They're losing student population. And one of the biggest challenges they have is being able to pay their staff.

We here in -- somehow here in Albany, we negotiate the contracts, then we go back to our SUNY campuses and say, Okay, now you've got to pay for it, figure out a way to pay

for it.

Now we're going to add to the board of trustees someone who is part of that compensation package and where they are negotiating and trying to decide how they're going to impact and keep these campuses solvent and continue to do the mission of educating our children -- they're going to have to wrangle with the fact that they have someone who has a direct conflict of interest sitting in the room, even in executive session, to discuss the most sensitive topics to ensure that this college campus can make the tough decisions when necessary. And that board of trustees, who are unpaid, can make that tough decision to make sure that those campuses can continue, can continue to provide the services to the most important person on that campus, and that's the students.

So I understand why there's a student on there. I'm not sure why we want to add a member of the faculty, a paid member of the faculty, who will be there for all the discussions, even confidential discussions, on things that impact themselves and their fellow colleagues, the paid members of the staff.

So for that reason, I'm a no on this. I understand the intent and I appreciate that you want to broaden the spectrum of who's on that board of trustees. But at the end of the day I just think this bill is too vague and too broad and too many conflicts of interest. So I'll be voting no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate -- Senator Stavisky?

SENATOR STAVISKY: All right, I'll explain my vote.

ACTING PRESIDENT MAYER: Very good.

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MAYER: Senator Serrano.

SENATOR SERRANO: I'm sorry, Madam President. Upon consent, we've agreed to restore this bill to the noncontroversial

calendar.

ACTING PRESIDENT MAYER: The bill is restored to the noncontroversial calendar.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Madam President.

And Senator Borrello, thank you for your questions.

We believe that SUNY -- and CUNY, for that matter, but it obviously applies to -- this bill applies to SUNY -- is a marvelous opportunity for students of various economic means, ethnicity, geography, every area possible to receive a terrific education at a fair price.

Students from some colleges graduate heavily in debt. Students at SUNY and CUNY do not. The tuition is reasonable, and they get a perfect education as a result.

Now, if the objections stated were enacted, you would have to remove the SUNY Faculty Senate representative, same situation. And I believe that we've got to be more inclusive

to open the opportunities not just economically and educationally, but also in terms of the governance of the colleges and universities. And this is the opportunity to do so.

And so, Madam President, I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 457, those Senators voting in the negative are Senators Borrello, Chan, Fahy, Griffo, Lanza, Oberacker, O'Mara, Ortt, Rhoads and Weik.

Ayes, 41. Nays, 10.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Serrano, that completes the reading of the controversial calendar.

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

ACTING PRESIDENT MAYER: There is no further business at the desk.

SENATOR SERRANO: I move to adjourn until Monday, April 28th, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Monday, April 28th, at 3:00 p.m., with the intervening days being legislative days.

(Whereupon, at 12:19 p.m., the Senate adjourned.)