

MONDAY, APRIL 3, 2017

4:02 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Rabbi Butman will offer a prayer.

RABBI SHMUEL BUTMAN: *Avinu shebashamayim*, our Heavenly Father, please bestow Your benevolence on all the members of this great Assembly, the members of the New York State Assembly, the custodians of law and order and honesty and decency in the State of New York and, by extension, all over the United States. And since the United States is a superpower, by extension all over the world. I also want to thank you for passing a resolution honoring the Rebbe with 115 Days of Education in honor of the Rebbe's 115th birthday. The Rebbe cares, and cared and cares for

every single child regardless of race, religion, color and creed. The Rebbe said many times that he wants a child to know that there is an ear that hears and there's an eye that sees and that the world is not a jungle. In Psalm 116 that we start saying on the Rebbe's birthday this Friday, King David says, "To you, I will offer an offer of praise." And the Rebbe says that means that in every situation, we have to thank Almighty God for the good thing that he does.

Moreover, the Rebbe says, that in this world there's never something that's completely bad and there's never something that's completely good. The things that are bad have good in it and the things that are good have bad in it; therefore, in every situation, however difficult, there is some good; therefore, look for that goodness and expand on it and -- and continue and you will see that it's going to help you and you're going to have a different outlook on life.

I also want to tell you that every Sabbath, every Shabbat in our -- in our synagogues all over we say a special prayer for you. We say (speaking Hebrew), whoever serves the public faithfully, Almighty God should have a special blessing for them. Each and every single one of you are one of those who serve the public faithfully and, therefore, you deserve all the blessings in your -- in your personal life and in your communal life. As a blessing for your communal life, I hope that you pass the budget successfully immediately.

(Laughter)

I also want to tell you - and with this, I conclude - that in 1991 when I went to Washington to open the United States Senate, the Rebbe said to me, *You're going to Washington, you should take with you a pushka* - a *pushka* means a *tzedakah* box, a charity box - *and while you're on the floor of the Senate, you should give -- make an offer, and you should give charity \$1 and everybody should see what you are doing and they should know what money should be used for.* This is why I am going to do exactly what the Rebbe told me and I'm going to put in a dollar bill right here into the *pushka*, and I'm going to ask everyone that, if you don't mind, you should also join us with \$1. I don't want you to think that this is a fundraising campaign, because if it would be, we would ask you for more than \$1.

(Laughter)

And let me tell you something, asking you for money on budget week is not a good idea.

(Laughter)

So I hope that you will -- that you will all participate. We'll only take \$1 - we don't give change - we only take \$1 and we bless you that this is a good deed, this is an act of -- of goodness, of kindness and for this, Almighty God will repay you with many good deeds of kindness coming straight from Heaven, straight from Almighty God Himself. Thank you very much, and God bless you.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and

members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday, April 2nd.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I move to dispense with the further reading of the Journal of Sunday, April 2nd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, if we could have a little attention in the Chamber. First of all, most importantly to the members, thank you, ladies and gentlemen, for your patience, your cooperation. I know this has been a challenging number of days and I very much appreciate all the cooperation we've had from everyone. Let me quickly announce our schedule for the day. Members have on their desks a main Calendar and an A-Calendar. I now move to advance the A-Calendar, Mr. Speaker.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the A-Calendar is advanced.

MR. MORELLE: Thank you, sir. After any introductions, lad -- ladies and gentlemen, our main work for the day we will to take up that A-Calendar and we will otherwise work off the main Calendar should time allow.

So with that as a general outline, Mr. Speaker, I note

there are introductions, this would be the appropriate time to take them up.

ACTING SPEAKER AUBRY: Mr. Weprin for an introduction.

MR. WEPRIN: Thank you, Mr. Speaker. I'd like to, once again, welcome Rabbi Shmuel Butman, the head of the Lubavitch Youth Organization, to these Chambers. I thank him for his patience having waited around as many of us have a good part of the day today, but I really want to just state that Rabbi Butman and my late uncle, Jack, and my late father, Saul, were very good friends. He's known for many things and many acts of charity and *chesed* on behalf of the Rebbe and the Lubavitch Youth Organization. But he also is known for having the tallest menorah in the world on 5th Avenue and 59th Street which is lit each and every night of the eight days of Hanukkah and it's a very special lighting ceremony. And it's a great pleasure to have Rabbi Butman here once again on the eve of the anniversary of the Rebbe's birth 115 years ago and commemorating the resolution that I'm proud to be a co-sponsor of for 115 Days of Education in honor of the Rebbe's 115th birthday. Once again, it's always a pleasure to ha -- have Rabbi Shmuel Butman here in the Chamber.

RABBI BUTMAN: Thank you very much.

ACTING SPEAKER AUBRY: Certainly.

Mr. Rivera, same subject.

MR. RIVERA: Thank you, Mr. Speaker. I also want

to join my colleague in expressing my gratitude on welcoming the Reverend (sic) to this Body with his special message. And what I like about the Reverend (sic), Brother Barron, that if you look to your left, he understands the importance of documenting. Reverend (sic), I recognize you and understand the importance of documenting a day like today that we're make decisions. And you're documenting and you're also giving an opportunity to that young man that's standing with a camera next to Charles Barron on his left, Dylan Latimer (phonetic) is documenting you with his camera, and if Dylan (phonetic) needs a back up camera person, you're looking at it, that's me. I'm also documenting you. Thank you, Reverend (sic) -- I mean Rabbi.

ACTING SPEAKER AUBRY: Mr. Hikind on the same subject.

MR. HIKIND: Thank you. Always a pleasure to -- to greet Rabbi Butman as the representative of the Lubavitcher Rebbe, who I had the opportunity on many, many occasions to stand with him, to talk to him. He gave me instructions sometimes in terms of things that I needed to do. He was truly one of the great, great people. If you were in his presence, you were close to the presence of God. And I don't say that lightly; he was an incredible individual. And the values -- I mean, every time Rabbi Butman comes here, just think of it, the values don't change. They're identical, they are the same. It's about charity. We all agree, giving charity is so critical, helping others in need is so important, everyone according to their means. All the other

things that the Rabbi, the Lubavitcher Rebbe talked about, he is not physically here, but he created an empire all over the world. Ladies and gentlemen, there are 3,500 Chabad Houses all over the world. There is not a location in the world where you don't have a Lubavitch House which, by the way, Jew or non-Jew, you can visit and the first thing they will do is offer you a drink and they will offer you some food. It's absolutely astounding. Thirty-five hundred. Two hundred in New York alone, what an achievement. Forty-five hundred *Shluchim*, which is messengers, at those houses, those Chabad Houses. The same message that Rabbi Butman shares with us today is being shared in every corner of the world, and God knows we need that message.

And, finally, I've heard this all my life from the Rebbe: The most important thing for the future is education, is educating our -- our young people, educating the future generations, educating those who will sit in our chairs in due time. So, education is absolutely critical. And if I may add, the kind of education that the Rebbe would not have approved of, the kind of education the Rebbe would not have approved of is what we find in a high school Up -- Upstate, a high school where a teacher gave the high school students an opportunity to write for the Holocaust and against the Holocaust, for murdering the Jews and against murdering the Jews. This is exactly true. It happened in a county Upstate. And what's even worse than that is that the New York Education Commissioner thought it was a good exercise. So, that's not the kind of education that the Rebbe

spoke about, and we should take to heart, especially during these difficult times, the challenges that we have. All of us, all of us have challenges. One thing about the Rebbe, there were no Democrats, there were no Republicans. He didn't look at the color of your skin, he didn't look at the religion that you practiced. He treated everyone the way God wants us to treat each other.

Rabbi Butman, thank you for being here and until the *Mashiach*, the Messiah, comes, I think then you'll be doing it in Israel at the *Knesset*, making the same speech, but thank you so much for being here.

RABBI BUTMAN: Thank you very, very much.
Thank you.

ACTING SPEAKER AUBRY: Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker. As a representative of portions of Crown Heights where the Lubavitch headquarters is located, I just wanted to extend my appreciation to Rabbi Butman as we celebrate the Grand Rebbe's 115th birthday. I remember so vividly when the Grand Rebbe was still here on Earth when we were going through the Crown Heights riot, and an official approached the Grand Rebbe and said, *What do we need to do to bring these two communities* - the African-American community together and the Jewish-American community - *together*. And the Grand Rebbe said so eloquently, *There's just one community here in Crown Heights, and that's the starting point by which we have to start from*. And that -- those words, as a son of Crown Heights who grew up in

Crown Heights, carries to me this very day. I do represent a large number of Jewish-Americans who live in Crown Heights, as well as in my -- my other portion of my district in the -- what we call the Wallabout Section of Brooklyn. It is my honor to be here and -- and to recognize the Grand Rebbe on his 115th birthday and as we recognize his legacy on education. Rabbi Butman, thank you so much, thank you for your kind words, thank you for wisdom and your grace and your presence. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Weprin, Mr. Rivera, Mr. Hikind, Mr. Mosley, the Speaker and all the members, Rabbi, we welcome you back here.

RABBI BUTMAN: Thank you very much, it's a pleasure.

ACTING SPEAKER AUBRY: And we also very much needed on this day that prayer. Thank you so very much, and you are always welcome here. And let me be the first, or the second, or the third.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, sir. I would like to go directly to the A-Calendar, on page 3 of the A-Calendar begin with Rules Report No. 32.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. 7067, Rules Report No. 32, Rules. Enacting legislation relating to the emergency

appropriations for the support of government.

ACTING SPEAKER AUBRY: Governor's Message is at the desk.

On a motion by Mr. Farrell, the Senate bill is before the House. The Senate bill is advanced.

Mr. Farrell, an explanation is requested.

MR. FARRELL: Mr. Speaker, this bill would enact into law various Article VII language proposals of the State Fiscal Year 2017-2018 Budget. This bill would include Article VII proposal -- proposals that are generally the result of three-way negotiations for savings in Medicaid, minor tax actions and other areas to support the financial plan.

ACTING SPEAKER AUBRY: Mr. Oaks.

MR. OAKS: Yes, if the sponsor would yield.

MR. FARRELL: Yes, I would, Mr. Oaks.

ACTING SPEAKER AUBRY: Mr. Farrell yields.

MR. OAKS: Denny, we have -- we have this bill today and I must admit, I had had a series of questions here, but with the Rabbi's comments that there's something good in everything, I might change a few of those questions, probably not my vote on the legislation, but I thought --

(Laughter)

MR. FARRELL: Can't go all the way, yet.

MR. OAKS: -- you, understood. If -- if we just might talk, I know we're talking about the Article VII bill here and I

guess if I might ask you a number of questions related to that. With school aid, there is nothing in here that provides, you know, a definitive amount for our schools for the next fiscal year in this bill?

MR. FARRELL: No.

MR. OAKS: And with the May, mid-May, I believe, the 16th, schools are going to have to vote on their budgets. We're going back to -- I know a number of people who are in this Legislature today haven't had a late budget, haven't dealt with an extender before, but when we did that before, the schools were forced to form their budgets without certainty in the amount of money that they're going to get. The one caveat that's different in that is this is the first time that they've got a tax cap, on the one hand, and the uncertainty, on the other hand, so that puts a greater strain on those schools.

MR. FARRELL: And on us, also.

MR. OAKS: Understood. Anything to give them relief from that, from that target date of the 16th?

MR. FARRELL: No, other than tomorrow or the next day putting together the budget and move away from this. I think that's the best way to solve it.

MR. OAKS: If we could do that in the next couple of days.

MR. FARRELL: Yes.

MR. OAKS: Well, you'd make a lot of people, I think, happy within this Chamber and around the State --

MR. FARRELL: Yes.

MR. OAKS: -- if -- if we were -- were able to do that.

Let's talk a little bit about debt. Do you know how much we're increasing the total debt in the State with this legislation, doing the extender?

MR. FARRELL: We -- we gave the allowance to the Governor to go to \$8.9 billion additional.

MR. OAKS: Any of it voter approved?

MR. FARRELL: No, that's not in here.

MR. OAKS: Okay. And do -- do we know -- and I know one of the provisions is the Clean Water Infrastructure Act that's being done, \$2.5 billion. Who is -- do we know how that is going to be financed and through who or whom?

MR. FARRELL: Through the Environmental Facility Program, they will do it.

MR. OAKS: Do -- can -- are we going to expect more debt authorization to come through as we move toward a full budget, or are we seeing all that we're --

MR. FARRELL: Well, a little more, yes; yeah, they'll be a little more. We -- we passed a bill earlier and we can use that number and this is deducting that -- from that.

MR. OAKS: Anything in here on the ride sharing proposal that any -- that everyone has been so interested in?

MR. FARRELL: No.

MR. OAKS: The CHIPS increase that the Governor

--

MR. FARRELL: No, that isn't in here.

MR. OAKS: -- or that had apparently been negotiated. Workers' Comp reform?

MR. FARRELL: No.

MR. OAKS: Any --

MR. FARRELL: They're -- they're negotiating that right now.

MR. OAKS: Okay. Small business tax cuts, anything?

MR. FARRELL: No.

MR. OAKS: The library aid funding?

MR. FARRELL: That's all part of the negotiation that's going on now.

MR. OAKS: Still -- and -- but one I ask most every year, unfunded mandate relief, anything here or should we expect that to be negotiated?

MR. FARRELL: That still will be negotiated.

MR. OAKS: We had -- a number of us had been at a news conference last week celebrating together that there's increases in dollars for direct care workers, those who care for people with disabilities and some of our frail elderly, but from our analysis it shows that's not going to be starting now; that wouldn't start until January. I had kind of the feeling there, or nobody said it, but the feeling was we're -- we're going forward here, so...

MR. FARRELL: Yes.

MR. OAKS: So it doesn't start to them and so dollars in this year's budget aren't here yet because --

MR. FARRELL: They're in here, 325 -- 3.25 percent increase.

MR. OAKS: A little increase, but not until --

MR. FARRELL: January 1st of 2018.

MR. OAKS: And this extender, though, goes only through May so there's not --

MR. FARRELL: No, but this is in there.

MR. OAKS: Understood. How about any oversight? I know some of us have been concerned on some of the economic development programs of the State. Any further oversight provisions on our future economic development spending for the State?

MR. FARRELL: All part of the negotiation that's going on. Had we did -- had we had the answer to that a couple days earlier, we would be ending with the answer.

MR. OAKS: Understood. Mr. Farrell, thank you very much.

On the bill.

MR. FARRELL: Thank you.

ACTING SPEAKER AUBRY: On the bill, Mr. Oaks.

MR. OAKS: Today is a difficult day for many of us. Those of us who hoped to be on Friday and through even into that

evening and maybe the following day to finish everything up are quite disappointed that today, on the 3rd of April, we're doing an extender. One, a good thing to make sure the State meets its commitments and pays its workers and, yet, at the same time it is really, I think, a -- points out a lot of the failures of the last weeks as we've moved toward this point. We're now forcing our school budget -- or our schools to be blinded as they're doing their budgeting and, as I mentioned, for the first time with a tax cap. So, before when they got late information on their budgets, they were at least able to guess how much they might have, but also have the ability to maybe adjust with their tax rates at the local level. Now, that really isn't there and so we're putting them in a bind.

Certainly, the negotiation process behind closed doors and with significant policy issues being included in that, it's brought us to this point today where those negotiating weren't able to come up their final decisions. And so, we're faced with this extender. I think as well, you know, I've said a number of times on this floor making decisions is difficult, but if you have a wider input of individuals allowed into the process to give thought, directions, suggestion, I think are opportunity for better policy for this State and who knows, maybe the Minority Leader in this House or the other House might have been able to suggest the path to get to an on-time budget were this more of an inclusive process. But to this point, that has been refused and so here we stand today.

I was prepared to consider a positive vote today in

spite of a lot of negative things, but I think one of the clinchers for me became we're funding a lot of things for a partial amount just from April to May, but on capital projects we are funding for the entire year and giving authorization to spend in that way. So for me when I add everything up today, I'm going to be casting my vote in the negative. I'd encourage others to thoughtfully consider the same. Thank you.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: On the bill.

How did we get here? How did we get to this point where we now have to entertain an extender for two months; not two weeks, not a week, two months. When we see some of the items there are not in this extender that still need to be negotiated, whether it's Raise the Age or 421a and we see the parties involved in the negotiations, honesty compels me to say that some of those involved in this negotiation, like the IDC, I think they have betrayed their party and betrayed the people of the State. Even though they're parading to say that they are for Raise the Age, it was our Speaker, Speaker Carl Heastie, who should get the ultimate credit for it still being on the agenda today.

And the Governor, shame on you, Governor, because you didn't get an on-time budget, you come up with an extender for two months with the irrationalization of saying that Donald Trump, the government is coming -- the Feds is coming up with a budget on May 21st when that's just a proposal; they already extended theirs through a resolution. That is a proposal, that is not a Federal budget coming on

the 21st. So you extend it to May 31st. That is vindictive, that is vindictive.

So as we sit here to vote for this, I'm not voting for it not because to be with the Republicans or Democrats, but to be with the people of this State. We should not extend it for two months. There's no justification for it. If we're very close to resolving items, then two weeks would be sufficient. I would even have problems with that, but I would consider two weeks, but there's no reason for two months. And I'm concerned that even as we go back into negotiations that anything that waters down Raise the Age is not acceptable and we need to continue to fight for it and it's not in here, but it will be a part of the negotiations. There's no reason for us to be sitting here entertaining two months of an extension because of a vindictive Governor didn't get his on-time budget as he supposedly runs for President. I think the people of the State deserve better.

No, we are not supportive of shutting down the Governor -- government, but don't come to us with this and say if we don't do this, then the government shuts down. Well, who is responsible for that? Not us, but the Governor. By putting something like this before people and not your little pet projects in the Capital Budget, all of that's in, all of his pet projects for capital money is in, but here we have to sit and people make difficult decisions, not only are the schools, the local schools, counties and boards are going to have problems putting their budgets together, people will lose their jobs because of a two month extension. And if we're that close, then

we should have said no to this early on. I know we have a Senate that we have to deal with, but let them deal with two weeks. There's no justification for two months.

So, as we go forth in this budget process, we got to remember that a budget is not just numbers, it's a reflection of your mortality and your principles and your values to the most neediest people in this State. And our budgets haven't been getting it over the years. As we do these budgets that expand \$150 billion plus, you know what else expands? Poverty in the black and brown communities; unemployment in the black and brown communities; crime in the black and brown communities, but the budgets go up.

So I want to urge us at some point, we got to say to those who are playing games with the lives of our people for their political ambitions or political justifications, we need to say no to a budget that doesn't meet the needs of this people and to an extender like this had we rejected it early on and sent a strong message to the Governor that two months is ridiculous, two weeks you could work with. What happens if they don't resolve the budget in the next couple of days? What happens if we have to go all the way to May 31st? What happens? Then they come up with another extender.

This is wrong. This is a shameful display of the Executive Branch and the IDC. I don't care how much they parade around, they're an extension of the Trump party in the Senate and they should be ashamed of themselves, as well. I am voting no on this budget.

ACTING SPEAKER AUBRY: Mr. Lopez.

MR. LOPEZ: Yes, would the -- would Chairman Farrell yield?

MR. FARRELL: Yes, I will, Mr. Speaker; yes, Mr. Lopez.

ACTING SPEAKER AUBRY: The Chairman yields.

MR. LOPEZ: Yeah, thank you, Chairman. So, just to follow on one of the questions from my colleagues about funding for the -- for the full State fiscal year, is it true that we raise the -- the borrow -- borrowing or bonding caps on a number of entities in this extender?

MR. FARRELL: Yes.

MR. LOPEZ: So could you give me a rough number on how much borrowing authority we're increasing for a two-month extender?

MR. FARRELL: Yes. Let's see, we put \$1.3 billion increase into the education programs; we put \$2.4 billion increase for environmental programs; we put \$642 million for State facilities; \$2.5 billion for economic development initiatives and \$651 million for health initiative.

MR. LOPEZ: So in -- without adding those numbers up, roughly somewhere around \$9 billion?

MR. FARRELL: \$8.9- to be exact.

MR. LOPEZ: So, roughly around \$9-. So, I guess my question, Mr. Farrell, if this is a two-month extender, why are we

increasing bonding authority, debt ceilings, if you would, by \$9 billion in a two-month extender?

MR. FARRELL: We're agreeing to give them -- give the Governor and the folks that are working in these different areas the ability to continue doing what they would do. So, we're giving it to them in advance.

MR. LOPEZ: So -- on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LOPEZ: Thank you.

So, as we address this bill, again, we've had a process that, in my experience here, has been probably the most secretive that I've seen. We even have press unable to show people going in and out furtively of meetings with the Governor; this process have been entirely sequestered in darkness. So my frustration is we address the budget process that should have yielded some result, should have had some open discussion. We've heard my colleagues talk about including the Republican Conference from this House, the Democratic Conference from the Senate in negotiations, and that has not happened. And as I had some of these conversations with my colleagues, the answer was, *Well, that's the way it's always been*. And my frustration is, folks, it doesn't have to be that way.

So, at a time where we look at -- at our nation and we talk about equity, we talk about transparency, we talk about open government, my frustration is that for -- for this process, those words are just words of convenience, that we pursue those goals when it's

convenient. So, as we move forward with the budget process, which I believe will be full of member initiatives and other things that enhance the benefits of members, particularly in the Majority, I find myself very frustrated by this process and I ask my colleagues why is the process not more open? Why is it not more deliberative? Why are certain members excluded from productive dialog when they have ability, they have intelligence, they have resources, they have ways of contributing meaningfully -- meaningfully to everyone's well-being, not necessarily serving themselves, why, with our leadership, do we perpetuate this process? And the only answer I get is, *Because it's the way it's always been done.*

And so I've said this to this Body before, we can do better. We don't need to be doing last minute extenders when everything is surrounded by a cloak of secrecy. It's unacceptable. And the challenge is just like Dorothy with the ruby slippers, we have the change -- we have the answer right below -- below us. We could click our heels together and change it, but we choose not to.

So, I would ask every member here, particularly my colleagues in the Majority, how do we allow this process to continue? How do we allow a feudalistic system, when we talk about Democracy and open process and good government, how can we in good conduct, in good conscience allow this to happen? I don't have the answer other than, *It's the way we've always done it.* It's unacceptable, Mr. Speaker. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. On -- on Friday, Speaker Heastie asked me if I wanted a good night's sleep and I think he was suggesting I shouldn't debate a long time and, as a courtesy --

(Laughter)

ACTING SPEAKER AUBRY: You -- you can talk to him directly, he's right there.

(Laughter)

MR. GOODELL: And I was happy I understood the message and, as a courtesy, I asked not a single question on Friday.

(Applause)

Nor on Saturday, and I went all through Sunday without asking any questions on the floor, but as they say, all good things come to an end.

(Laughter)

ACTING SPEAKER AUBRY: Then our prayers on Sunday weren't answered.

(Laughter)

MR. GOODELL: Your -- your prayer was answered for a few minutes.

ACTING SPEAKER AUBRY: Proceed.

MR. GOODELL: Would the -- would Mr. Farrell yield?

MR. FARRELL: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Farrell yields.

MR. GOODELL: Thank you, Mr. Farrell. I -- I had a number of questions relating to some of the bond caps and I'm sure you can help me. I'm looking at page 143. It looks like we're increasing the bond cap for the New York State Urban Development Corporation and it says, "For the purpose of funding project costs for the Office of Information Technology Services, Department of Law and other State costs." All those are State operations; is that correct?

MR. FARRELL: Yes.

MR. GOODELL: And I -- I see that we're -- we're also increasing the bond cap late -- later in the page and it says, "The proceeds of such bonds," I'm looking at page 45 -- line 45, "The proceeds of such bonds shall be paid to the State for deposit in a correctional facility's capital account." So, we're authorizing them a borrowing where the money is actually paid to the State?

MR. FARRELL: Yeah, it's a reimbursement to the State.

MR. GOODELL: But aren't the proceeds of that bond paid to the State for use on capital projects involving correctional facilities?

MR. FARRELL: We -- we -- UDC gets it. UDC gets the money and then they give it back to the State.

MR. GOODELL: Okay.

MR. FARRELL: And -- and -- and then they do WIC and everything so they give it and we give it back.

MR. GOODELL: That's how I read it, as well. UDC

borrow the money, gives the money to the State, the State spends it for correctional facilities.

MR. FARRELL: And if I remember correctly, that's one of the reasons -- the question you next will ask me or ask me why can they do that when it didn't come from the people, and that's because they did the use, not the State.

MR. GOODELL: Well, I'll -- I'll get there, as you know that's where I'm going.

(Laughter)

MR. FARRELL: Yeah, I just figured I'd give you the answer in advance.

MR. GOODELL: I -- I know you're -- I know you're anxious.

MR. FARRELL: I'm looking it up these days.

MR. GOODELL: I also wanted to look at, on page 48, 49, looks like we're authorizing borrowing. It says, "For the purpose of financing capital costs related to Homeland Security, training facilities for the Division of State Police, Division of Naval and Military Affairs, and any other State agency." Clearly, that's also through the Urban Development Corporation and that's also borrowing for actual State operations, right?

MR. FARRELL: Yeah; yes.

MR. GOODELL: And I see we authorize an amendment to the Public Authorities Law that authorizes the Dormitory Authority, and I used to think the Dormitory Authority had

something to do with housing of students, you know, dormitories, but apparently we're authorizing a \$900 million increase to \$3.9 billion for the purpose of financing peace bridge projects, highways, parkways, bridges and other projects?

MR. FARRELL: Yes.

MR. GOODELL: Now I assume that's not because there are people that are using those bridges as a dorm, right? We're not talking about homelessness, which I know my colleague has other programs upon.

MR. FARRELL: Yes.

MR. GOODELL: They're all State bridges or local bridges?

MR. FARRELL: Yes, it's -- it's legal.

MR. GOODELL: And on 151, we authorize -- this is a relatively modest amount to be paid, again, paid to the State for youth facilities. So, my first question is obviously that bonding language is unequivocally clear that this borrowing is money that's being raised for the State. I mean, the money itself is being given to the State, correct?

MR. FARRELL: At the moment it is borrowed, I'd say no. At -- at the moment that it was -- when the State had the money, they didn't anticipate having to give it, then they gave it when asked.

MR. GOODELL: Well, with regard to this borrowing that we've talked about, when we have the Urban

Development Corporation borrowing to pay for Information Technology and the Department of Law and other things, is there any repayment mechanism in that borrowing authorization?

MR. FARRELL: Yes, they say they will pay us back.

MR. GOODELL: Now this is money they're giving us?

MR. FARRELL: Yes.

MR. GOODELL: Do we have an obligation to repay them?

MR. FARRELL: We pay the debt service on it.

MR. GOODELL: And is that an obligation of the State?

MR. FARRELL: Will you give me that question again, please?

MR. GOODELL: Certainly. We borrow money. I'm sorry. We authorize the Dormitory Authority to borrow funds for the Office of Information Technology, Department of Law and other State costs incurred with those capital projects. Is there a repayment mechanism to retire the amount that we're authorizing them to borrow? Is that repayment mechanism us, the State taxpayers?

MR. FARRELL: No, not the taxpayers, but to the State because if we're the taxpayer, we'd have to mail it out. No, but to the State, we -- we get it back. And we paid and with that, we pay whatever's owed.

MR. GOODELL: And, likewise, when we borrow --

I'm sorry, when -- when funds are borrowed through the Urban Development Corporation for correctional facilities, the only way that money borrowed from the Urban Development Corporation is repaid is from an appropriation from the State itself?

MR. FARRELL: Directly, yes.

MR. GOODELL: Now I know some of the borrowing has a potential repayment mechanism in there because we authorize \$5.4 billion in borrowing for the purposes of a housing program. Am I correct that some of that \$5.4 billion will be repaid for other than State General Funds, the money might be repaid by those who are using the housing?

MR. FARRELL: Yes.

MR. GOODELL: But I see the language goes on to say that there's no State payment except to the extent of any deficiency resulting directly -- or indirectly from the failure of the State to appropriate or pay an agreed amount. So, are we obligated by contract to cover any deficiency?

MR. FARRELL: Yes.

MR. GOODELL: I see that we're borrowing money for the State Fair, Empire Projects that teach economic development projects and various other things. The only repayment mechanism for that borrowing is also the State?

MR. FARRELL: Yes.

MR. GOODELL: I note that on some of this, there's a reference to service contracts entered in between the State and the

entity that's borrowing.

(Pause)

MR. FARRELL: I'm sorry. Yes, I'm back.

MR. GOODELL: I see that we're authorizing, or this bill would authorize the Environmental Facilities Corporation to increase borrowing by \$2.3 billion?

MR. FARRELL: Yes.

MR. GOODELL: And I see in the Article VII language there's a list of various types of projects they can fund from that borrowing.

MR. FARRELL: Yes.

MR. GOODELL: Would any of those projects repay the money or were they intended to be grants or a combination of both?

MR. FARRELL: Combination of both.

MR. GOODELL: And for those that were grants, how would the money be repaid?

MR. FARRELL: With understandings or --

(Pause)

Then we pay it back from PIT monies or we have agreements to do that, but we pay back from different forms of monies that we have.

MR. GOODELL: Now, I did appreciate, by the way, that throughout the desponding language was a statement that say, for example, on page 148, line 16, "The State shall not be liable for the

debt."

MR. FARRELL: Yes.

MR. GOODELL: But as you mentioned, most of these borrowings have no other way to repay the debt except by the State. So, does that mean even though we have no liability for repayment that we have some sort of moral obligation or some other non-statutory obligation to repay?

MR. FARRELL: No, we just said we'll pay it back.

MR. GOODELL: Okay. I particularly, by the way, appreciated one of these comments which said, "And in no way shall this debt be considered unconstitutional." I thought that was put in there just for me.

MR. FARRELL: No, come on.

MR. GOODELL: And I take it it's the position of the draftsman that if we say it's not unconstitutional, than most assuredly, it isn't, correct?

MR. FARRELL: Well, of course, but there's a thing called the courts in back of us agreeing with us.

MR. GOODELL: We certainly hope so because otherwise we've got, as you pointed out, just under \$9 billion in new debt, the bulk of which actually goes to the State of New York, directly to the State, and then we keep writing, *Oh, but we're not responsible for paying it and it's not a Constitutional borrowing.*

MR. FARRELL: That's right.

MR. GOODELL: Okay. I -- I -- I think I sort of

understand the position. Thank you very much, Mr. Farrell.

MR. FARRELL: You're welcome.

MR. GOODELL: Now the reason for this belabored line of questioning is, first, I'm so frustrated for having spent the last three days doing nothing, so I'm just getting rid of that pent up frustration, which all of you, I'm sure, can appreciate.

And the second reason is because the State Constitution is actually fairly clear in its language, although apparently not in its application, because it says, "No debt shall be contracted by or on behalf of the State unless it's been approved by the voters." So, now we have just under \$9 billion in debt in this extender. Multiple times, the debt is authorized for the provision it says and the money raised from that borrowing shall be paid not to some third-party, but to the State itself.

Now, I would challenge any of you and you all have an opportunity to ask me for a response, to explain to me how it is that money that's borrowed and given to the State is not money borrowed on behalf of the State itself. And then when you look at the repayment mechanisms, you realize, there is no way to repay it from any other source whatsoever except the taxpayers. So, the Constitution was designed to make sure that we, as legislators, do not mortgage our children and grandchildren's future with debt without their approval, but that is exactly what this bill does.

So for those reasons, I know it's a surprise to many of you, but I would recommend that we vote against this portion of the

extender. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I think for those of us in the Minority, this whole bud -- budget process is really quite frustrating. You know, we can't control what the Governor does, we can't control what those of you in the Majority do, we can only advocate for our constituents and where we think money should be spent, predominately during the hearing process is when we have the most ability to do that. Other than that, we're shut out from the three men in a room process. And while the three men have changed, or at least two of the three men have changed, the process really has remained the same, which I think is troubling for those of us who believe in transparency, those in government, in this Chamber, those in the media, those in the public.

But I think one thing that needs to be done is that we've got to stop injecting policy in the budget. The budget is supposed to be about fiscal priorities, how we spend taxpayer money, how we spend the money that our hard-working constituents send to us every April 15th. And the fact that we're doing this extender today is really due to the need by some to try to inject policy and, in this case, controversial policy, into the budget process where it shouldn't be.

I've also heard the Governor blame Washington, blame the President. Well, we don't know what they're going to do, so

we have -- we can't pass a budget. It's unbelievable that we have a State with \$153 billion budget, people that we have to take care of, we have to make priorities, but we're saying we can't do it because of what Washington may do? We shouldn't be dependent on what Washington does. And the idea that the Governor said we're going to raise taxes across the board by 10 percent if Washington were to repeal ObamaCare, or maybe even 26 percent across the mid -- to the middle-class if Washington repeals ObamaCare. The Governor's played politics in this process and he has said that we're going to increase taxes 26 percent, the middle-class, think about that. That's the first thing he looks to, to tax and spend, to tax and spend, go back to the middle-class for more money and then let's blame the Republicans in Washington.

I've got to say that this budget, I'm going to support because it's going to keep our State employees paid, it's going to keep our transit options funded, it's going to keep our State Police operating, it's going to keep our veterans receiving the counseling that they need, the senior centers open, drug treatment that's so critical, but most importantly, it contains the money for the sea wall on Staten Island which is -- runs along my whole district. It's one of the most important infrastructure projects in my district and we have to keep it on time and on schedule. I cannot let my constituents down and I'm going to vote for it.

But it's not without its problems, \$65 million that was supposed to go to the MTA additionally, I mention the operating

money for the MTA, but an additional \$65 million for capital has disappeared. With TAP, we're not addressing tuition assistance at all in this -- in this. You know, I've been advocating time and again every opportunity I get to talk about it, the need to modernize our Tuition Assistance Program and the schedule so more of our middle-class families can qualify for it. We have not increased the income eligibility for TAP in this State since the year 2000. So, it stays stagnant at \$80,000, which means that if we have families who have multiple children, earn a household income of \$81,000 they qualify for absolutely no TAP. And that is why we have a crisis when it comes to college debt in this State. Middle-class families, on average, \$35,000 just graduating from undergrad - forget about graduate school. That needs to be modernized and for 17 years, it hasn't been. And so, we're failing those college students.

Additionally, graduate students. This Body eliminated TAP for graduate students back in 2010. It was the year before I came here. The State at the time had a \$13 billion deficit and I can understand that at the time, it's what needed to be done, but now we seem to have so much money and we still have not restored TAP for graduate students.

And lastly, another -- one last thing I'd like to point out is the way that we're borrowing money in this bill, we did the right thing a couple years ago when we did the Smart Bonds School Act, right, we asked the voters for approval. We asked like we're supposed to. We asked the voters on a referendum to say whether they wanted

us or not to spend \$2 billion, borrow \$2 billion to invest in our schools. And they overwhelmingly said yes, but now we're going to borrow \$2.5 billion for water infrastructure without asking the voters whether they think that's where we should be spending their hard-earned money. And I think that is something we shouldn't be doing in this Chamber, it's what has gotten us in a tremendous amount of debt over the years.

And -- but as I mentioned, the bottom -- the end of the day, my job is to make sure that my constituents are being taken care of. This has the critical funding for the sea wall in my district, it cannot be delayed and by voting for this, I'm ensuring that that project stays on track. I will support this at the end of the day and I hope that we will have a responsible budget in the next day or two, or at least weeks, as soon as possible. And we should be including the Minority and my Minority Leader in those conversations. The Minority represents millions of people in this State; yet, we've been shut out of the entire process. So don't blame us when you give us the bills that are 1,700 pages long and only a few hours to review it and say that we're holding up the budget process.

ACTING SPEAKER AUBRY: Mr. Butler.

MR. BUTLER: Thank you very much, Mr. Speaker. And I'll be brief, on the bill. I listened to many of my colleagues talk about the deplorable process -- budget process here in New York State that has brought us to this point. And I have to agree with most of the points that have been brought up; however, I heard one of my

colleagues mention Raise the Age, and I agree that Raise the Age is an issue, whether you're for it or against it, it should be brought before this Body, discussed, debated. When you roll it in as part of a budget, I don't think it gets the legislative scrutiny and oversight it deserves. And, quite frankly, from what I'm understanding, it is one of the reasons this -- this budget is on hold.

So, more and more we talk about transparency. We're now moving away from not enough transparency in the budget process, we're moving away from transparency in the legislative process. I think it's a dangerous precedent. It -- it seems to me that every year we take this one step further and I think it's -- it's not the way to either do a budget, or the way to enact the legislation and policy for New York State.

One other item I'd like to bring up, Mr. Speaker, I don't believe my colleagues on the other side of the aisle fully understand or appreciate the anger and the frustration that continues to linger in Upstate New York over the SAFE Act. There are many signs around. And I will tell you, I go to many meetings and many -- many of my constituents, they don't ask, they don't insist, they demand that I vote against any element of any budget that contains funding to continue the SAFE Act in New York State. I have made that pledge, I suspect many of my colleagues here have, as well, and that's why we're at this point, Mr. Speaker. I -- I think we have an ideological clash here, I think we have a philosophical clash, and I don't see any resolution. I think it's a -- a sad day for this Legislature where at this

point, the way the SAFE Act was given to us, it did not have the appropriate legislative oversight, and I think we're moving in a dangerous direction with some of the other things we're considering.

So with those points being made, Mr. Speaker, I will definitely be voting against this, understanding that a no vote could be damaging to our employees, but I think it's time for this Legislature to stand up and do the right thing and separate budgetary issues and policy issues. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Johns.

MR. JOHNS: Yes, Mr. Speaker. This -- could I speak on the bill?

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JOHNS: Mr. Speaker, I was elected in 2010, I'm in my seventh season. The first six years, we had on-time budgets that were done by April 1st or sooner. We've got a three-year -- three-day delay now, going on a two-month delay. And I was elected in 2010 to come down here and talk about reform in Albany. And I have a suggestion for all my colleagues here. I happen to have a bill -- now, this is not self-serving, Mr. Speaker, but I happen to have a bill for a two-year budget cycle. And we could do a lot with a two-year budget cycle. In two years, we would only have to come down here in the first year, pass a two-year budget, if it needed adjustments we could do it in the following year. But the first three months of every year, we're down here doing budget items. If we did a two-year

budget cycle, in the second year we'd only have to be here three months just to the legislative part. That would save tens of millions of dollars in per-diems, milage, Thruway tolls. And all the government entities, including school districts and everything else, would know exactly what they're going to get going two years forward. I think that would be a great idea. We're talking about a vote this year on the Constitutional Convention, it's going to be a vote up on the back of your ballot this November 7th. If we don't start issuing and ushering in real reform down here in Albany, I believe that people are going to vote for a Constitutional Convention to try and rectify some of the things that we're going through right now.

So, thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. McLaughlin.

MR. MCLAUGHLIN: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCLAUGHLIN: What a shock that a budget is late. I mean, no State of the State, no budget address other than a dog and pony show by this Governor as he ran around the State afraid to face this Legislature because he was afraid of empty seats. He didn't want to face us, so he took off on days that we were here in Session, you all know it, and he hid like a coward. This guy should look in the mirror as to why this budget is late. But instead, he blames the President. Unbelievable that he would blame Washington, because the last I checked, Washington's budget has always come out in

October. Ours is in April, supposed to be. Now, we're late. He should look in the mirror. He should not look to the Speaker, he should not look to the Senate, he should look at himself. He ran his mouth for months about the dysfunction in Washington, and this guy can't get a budget done on time. Ridiculous that we're at this point.

And I agree with my speaker -- I agree with my colleague from the City -- you're feet may be cold, because hell may have frozen over, but I agree with Mr. Barron that --

(Laughter)

-- that -- you know, that this is -- this is complete -- yes, I do. That this is completely dysfunctional, and that a two-month extension is outrageous. And it's punitive. And the reason he's doing it is because that we don't get paid if we don't come to an agreement before that. He knows that. It's punitive. So finally, this Legislature, after six years, stood up and pushed back against his thug nonsense, and here we are with a late budget. We probably should have had late budgets before that, but this House and the other House was far too accommodating to this guy, giving him everything he wants. Finally, we are pushing back. And that, I think, is a good thing for the people of New York. It's a bad thing that we're late with this budget because we're sent here to get a job done. Prevented from doing that because of a Governor that really didn't pay much attention to this process. Take a look at the disrespect shown to this Legislature from January 1 'til today by this Governor. No budget presentation, no State of the State. He abdicated his responsibilities as Governor and now looks to

blame others. And as we're sitting around doing nothing, Google the two words "Cuomo blames". You'll have reading material for the next six months. The guy takes credit for the opening of an envelope, will take responsibility for nothing.

So I'm sure he's listening. This is on you, Governor, you own this mess, we're left to clean it up once again. It's simply pretty shameful to watch. I think the one thing that we take away from this in the Minority is, again, really out of respect, the Democrats in the Senate and the Republicans in the Minority should be included. That isn't -- that isn't a knock on this House or the Senate. The Governor should, whether it's a Republican or Democrat, should include the Minorities. The Minorities in these Houses represent millions and millions of New Yorkers. And for our Leader to not be included is not at all appropriate. And for the Senate Democrat Leader to not be included, not at all appropriate. We have a voice, that's why we are here. I think we're one of the most informed bodies in -- one of the most informed conferences in here; in fact, I'd bet my paycheck, which isn't going to show up until late May, that we are the most informed conference. And that's a credit to our staff. But, we should be included in those discussions. And to go forward off of this, we will battle through this, like we always do, but the people of New York should know that the problem here lies with this Governor, who, when he doesn't get what he wants, throws a little temper tantrum and we're left to clean up his mess. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Paulin.

MS. PAULIN: Thank you. On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. PAULIN: I have been troubled by this vote all day -- potential vote. It's troublesome that -- that the extender is for two months. Too long. It's troublesome that the expiration date falls on a Jewish holiday, an important one. It's troublesome that our school districts will not have the opportunity to plan for their vote that we all vote on in May, that they will not have those numbers. It's troublesome that all of those things that we've been working for for weeks, Raise the Age, increased school aid, will not see the light of day in a timely manner, maybe not at all. It's very troublesome.

So, I weighed whether I was going to vote yes or vote no, and I've decided that I'm going to vote yes because it would be not responsible to hold our State workers hostage to our inaction. But, you know, my mom had -- we had quite a lot of kids in our family and when we were fighting, she would say, *I can't decide who's right and wrong. I am going to lock you all in a room and you're going to come out as friends.* And that's what a lot of mothers do. And, you know, it's time for us to -- to put aside and to compromise. It is time to compromise and to lock ourselves up here until the job is done because otherwise, we are compromising the citizens of New York, the people of New York, and the kids in our school districts. It's time to put aside our differences and pass a budget and to stay up here until it's done. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MURRAY: I have to apologize for my voice. If we had held out a day or two more, I would have lost it, you would have been okay, but now we have to listen.

You know, we keep hearing that, we keep hearing that it's irresponsible to vote no or to not do this. There was a -- there was a statement made earlier by -- by someone down the hall in the other Chamber, I won't use a name, but the statement was: *Those voting no on extender are saying to State workers you don't get deserve to get paid and hospitals shouldn't stay open.* That's probably one of the most insulting and, yet, moronic statements all in one that I've heard in quite some time. My response was, no, we're saying you shouldn't be holding State workers' paychecks hostage by filling a budget bill full of controversial social issues and policy issues and that's exactly what we're doing.

Why are we late? Did we change the rules? Did I miss a memo? Did we move the goalposts? No, we didn't. The budget is supposed to be done on time every year, same time every year. This was no surprise and, yet, here we are, late again. When I first got here, it was early 2010 and that budget was what, August, September? Something like that. And that's when the extenders

started coming in. Remember, when -- that's when Governor Paterson started putting policy into extenders. Where does it end? Where -- where are we -- when are we going to be responsible with this?

Again, my other colleagues brought up some great points. Great points about including everyone. We have leaders in the Minority, both in the Assembly and in the Senate who have some really good ideas, really good ideas that need to be listened to. And perhaps if they were included in the conversations earlier on, or at all, maybe we wouldn't be at this point, maybe we could have come to some agreements. But I go back. I looked at this and I'm looking about school aid. Where's the school aid? You want to talk about irresponsible, there is no school aid -- there's no school aid numbers there. I'm speaking to superintendents at home and saying, *What are you going to do about your budget? When's it due?* They said, *It's due May 16th, we have no idea, I guess we'll guess.* So, we're going to have people at home voting on school board -- voting on school budgets that aren't really real. They're going to be guesstimates. Those numbers are going to be just, you know, maybe some -- somewhere close, we don't know. You talk about irresponsible? That's irresponsible. You know, in home in my district, two-thirds of the tax bill is the school budget. That's a pretty important vote and, yet, we're not providing them with the information they need to get that vote done that right. That's a disgrace.

You know, we took up -- we talk about the social issue and the big issue, Raise the Age, right? We took that bill up in

this House. Maybe they should take it up in the other House. But it doesn't belong in the budget. Because the only budget impact it has, ironically, is that it is a giant unfunded mandate on the counties. Because you'll be taking all those cages -- cases and putting it in family court with no money to support that. So, it's a giant unfunded mandate. It doesn't belong in the budget. The social issues, the policy issues don't belong in the budget. That's why we're late. It's that simple.

The Governor was putting out his statements earlier this week that, *Oh, for the most part, we've come to agreement on spending*. Well, isn't spending what the budget's about? That's what we're supposed to be doing. So, when you say things like it's irresponsible not to vote -- of course -- you know, even suggesting that we don't want State workers to get paid, or hospitals to be open is absurd. Of course we do. They're some of the hardest working people around and they should, they deserve to get their paychecks. But they deserve, just like the taxpayers deserve, a better job by the lawmakers that they're electing. We need to get the budget done. We need to get the budget done on time. There's no excuse for this. There's no excuse for an extender of any length of time, but certainly not two months. That's ridiculous. I'll be voting no and I urge my colleagues, please, do the same, send a message. Let the people know that we hear you and vote no.

ACTING SPEAKER AUBRY: Ms. Richardson.

MS. RICHARDSON: Mr. Speaker, today, I take a

stand. I am taking a stand today, Mr. Speaker, and I am sending a direct message to Governor Cuomo that the 43rd Assembly District, we say no more. We say no more to his games. We say no more to the pile of tricks that are happening here in Albany. I am standing here today expected to vote on an extender bill to keep government -- government open. And if we do not vote on such a bill we, in this Chamber, are the ones who are supposed to be blamed. But there will be no blame on anyone here in this Chamber. All eyes need to point to the Governor of the State of New York, Mr. Cuomo. First of all, 60 days in an extender is way too long. Had this bill come through with maybe seven days or 14 days, it might have been something I could consciously support. But with 60 days, that is way too long.

Raise the Age is a point of contention and I thank God for Speaker Carl Heastie. I thank God for his leadership and I thank him for bringing this to the forefront of the New York State Legislature. We are talking about the lives of 16- and 17-year-old juveniles who are being tried as adults. New York State, being one of two states -- how is it that Texas and South Carolina can be more progressive than the State of New York? All eyes are on you, Governor Cuomo and we say no more. We are not taking a watered down piece of legislation. You want to be on the national stage? Well, let us bring all the eyes to you, because we are watching what you are doing. A watered down piece of legislation will be a slap in the face to the cries of everyone who has been bringing this issue to the forefront for so many years. Why is this so hard for our Governor

to do the right thing?

And then on top of that, I will not support an extender because there's a 421-a budget -- budget item looming in there, something that has caused massive displacement in my district. Brooklyn's evictions are up, our paychecks are not, and here it is our Governor has something in his budget, page 166 of his Executive Budget breaks down 421-a and just how it is going to wreak further havoc in the 43rd Assembly District.

I take a stand today, Mr. Speaker, and it is not a reflection of the leadership of Speaker Carl Heastie. I take a stand today for the residents of the 43rd Assembly District to say that we are not going to wait 60 days for the Governor to get his act together. We are not going to wait 60 days. The Governor needs to show his leadership in this time of need and revolve these issues within the next seven to 14 days.

And this, for you, Governor Cuomo, is a direct message: If you think the 43rd Assembly District is going to be duped by your vital Brooklyn initiative, while you smile and give this to us in our face, and you're going to stab us in our back with this phoney 421-a, because there's no affordability there. And your lack of accountability to communities of color where Raise the Age is concerned, we are not going to be duped by that. So the national stage is watching.

And I will not be supporting this extender. It's not that I want government to shut down. No one wants that. What I'm

calling on is for us to do the right thing by everybody in the State of New York in a more timely fashion. Sixty days is way too much. We -- again, we thank Speaker Heastie for his leadership.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. There are agreements that have been reached in the budget negotiations, but are not included in the bills before us. A number of items agreed on by the Executive, the Assembly and the Senate as part of the budget will be stated in a side letter from the Department of Health stating the Executive's commitment on these matters.

Some of the items the Executive committed to include: Relating to long-term care, the Department will consider creating a rate cells or risk adjustments for patients who require nursing home, high need/high cost home care patients, and Health and Recovery Plan, or HARP, populations and reviewing the uniform assessment tool. These will include regular meetings with stakeholders, including patient advocates, and reporting to the Legislature.

For the Traumatic Brain Injury waiver and the Nursing Home Transition and Diversion waiver, DOH will maintain the carve-out of the programs from Medicaid managed care until January, 2019. For school-based health centers, DOH will maintain the carve-out of the centers for Medicaid managed care until July 2019 (sic). For the Essential Plan coverage, DOH will maintain the existing levels of patient cost-sharing for the 2017-2018 Fiscal Year. In

relation to Adult Day Health Care, DOH will maintain the carve-in of transportation during the 2017-2018 Fiscal Year. And finally, the Executive has also agreed that the proposed cut in Medicaid payments for certain emergency room admissions will not take place.

I just wanted to make sure that these commitments, among others, that will be in the side letter are before us here today as we are about to vote on these bills. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. Before this day gets recorded in the media as the Legislature failing to do its job and as this being something just so simple that we should be able to push a button and make it happen, let us also take this moment to recall what has transpired from January until today when the Governor first announced his Executive Budget Proposal. There is a lot that had to be talked about, that had to be dealt with. And we counted on an incredible staff of mostly young people to do a significant amount of the legwork that goes into this 1,700-page document today, and the 2,000-page document, or whatever it turns out to be, when we have a final budget. And it demeans the work that they do for this to be reported at if it is some tantrum between the Legislative Branch and the Executive Branch, or between the two Houses of the Legislature.

Before I offer some comments on this particular measure of whether this should be approved or not, I do want to take a moment to thank Speaker Heastie, Chairman Farrell, Minority Leader

Kolb, Majority Leader Morelle, and Mr. Oaks, who is the Ranking Member of the Ways and Means Committee, for all that they've done to get us at least to the point we are today. But even more than that, I want to thank those young people that are sitting in the back and some that were sitting down by Mr. Farrell earlier today and some of those who are still dwelling in their offices for not seeing their families for several weeks, for not being able to do the kind of things that other people normally do with their lives. This is not easy stuff.

But we're here today, and we're being offered an unfortunate choice. April 1st came and went without a new State budget, and in the past the parties, in good faith, advanced a modest extension. The two Houses cooperated and Governors, without regard to their political party, cooperated. Most years, a few days extension was all that was needed to do the job. And in those few days, better budgets were crafted and approved, often relatively quickly. This year, things are different. This year, the Governor gave us an up or down choice of closing down this government, or allowing a temporary budget while one-sixth of the year passes by. And this -- this is a budget that deprives our schools of the ability to reasonably anticipate State aid before they have to assemble, put before their voters and get public approval of their budgets. This is, indeed, a partial shutdown of the State government. Other matters, appropriate or not, are lumped in with this budget. Those matters are also postponed. It's untoward, it's unfair, it's irresponsible to advance a choice between a two-month extender and a shutdown of government.

Unfortunately, Mr. Speaker, it would also be unfair and irresponsible to allow our government to close down. Now, we have the imperative to cut this unacceptably long extender short and resolve our outstanding matters and finish this budget sooner rather than later. It may look like there are choices today, and maybe to some people there are, but, in fact, there's only one choice, and that is to keep this government alive, what's left of it, until we can resolve those issues, and to work diligently and quickly so that we can finish this process and allow these good, young people to get back home to their families and the rest of their lives. I would surge urge a yes vote.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WOERNER: We have a -- it's -- it's a bit sad and disappointing and a bit frustrating that we have reached this impasse where our State government has not been able to reach an agreement on a budget. Prior to joining this august Body, I spent 30 years working in the private sector for corporations large and small, and you know what? Every year, every year, we participated in a budget process. And you know what? Every year we reached a conclusion in which we recognized that compromise is the heart of the budget process. Everybody gets something, nobody gets everything, we shake hands and we go on and -- with the business at hand.

So today we're at a point where we have to make a decision to keep the government running while we resolve the remaining issues. And I hope that we can do that smoothly and move to the point where we can restore our constituents' faith in our ability to get the job done. Because in the end, what they sent us here to do, on March 31st, is to pass a fiscal plan for our State government. We have missed that deadline, but we have an opportunity, I hope, in short order, to perfect that compromise and get to a point where we can demonstrate to all of our constituents our ability to put a fiscal plan in place. So I encourage a yes vote today. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. THIELE: I -- I, too, urge a yes vote on this legislation today. I think one of the first orders of business of being a public official and dealing with the budget process is, first, do no harm. And shutting down the State government would do a great deal of harm to a great number of people. So I think we have a responsibility to continue to see the government operate. The fact that the Governor, I think irresponsibly, has sent us a two-month extender, shouldn't be seen as some sort of break now that the -- the budget process will -- is not completed for another two months. This budget needs to be done, and it needs to be done this week. We are going to keep the government running. But we need to act, and we need to act now.

And -- and what has been said time and again, to me, I think one of the most compelling failures of not having a budget is what is going to happen to education, what is going to happen to our school districts, over 700 school districts across this State. They're going -- they vote on their school budgets in the middle of May. They have to make decisions on what to present to the voters in about two weeks. And, first of all, how can they make decisions not knowing what State aid is going to be? How do they determine whether or not to pierce the cap or not pierce the cap? They don't know what their revenues are. And what I fear for my taxpayers is that school districts will increase taxes above norm -- what they normally would do and put the blame on the State Legislature because they did not provide a number with regard to State aid.

So we need to finish this budget and we need to finish it now. We need to finish it this week. This extender should not be something that allows now the air to come out of the balloon and suddenly, you know, we wait weeks and weeks before a budget gets completed. We need to stay here until the work gets done.

The second point that I want to make is this growing practice, it gets worse and worse every year, of sticking every policy initiative, of having the -- the... all of the policy decisions included as part of the budget, and not being left for later in the Session when they can be duly deliberated. We are members of the New York State Legislature, we are not the platform committee for Cuomo 2020. We should be focusing on and giving due consideration to all of these

policy initiatives, they should not be forced down the throat of the Legislature as part of the -- of the budget process. I have not heard very much in the way of differences of opinion on both sides of the aisle, both Houses, as -- as to what our spending priority should be. There's been, obviously, some different focuses of attention as far as, well, how should school aid be apportioned, what -- you know, what -- how should money be used water infrastructure improvements, but that hasn't been the problem. The problem has been with all of these policy initiatives that have been stuffed into this budget. We need to stop this. It is hurting this Legislature, it is hurting our ability to implement meaningful policy and, by the way, policy that works. I feel like we spend a lot of time here taking -- like the STAR Program, taking programs that work perfectly well, popular programs, good programs, and repackaging them in a way that isn't as good, but allows the Governor to say he has put his imprint on -- on this policy and somehow makes it part of his record. The State is hurt because of that, we're hurt because of this budget not being on time.

As I said, I'm going to vote for this extender because I think that's the responsible thing for us to do. But we cannot leave here today without keeping -- continuing to put the pressure on to complete this budget in the next day, the next 24 hours or the next 48 hours. If we do not, the pressure isn't going to come because of an artificial deadline that we set in an extender, the pressure is going to come from the people that sent us here: Taxpayers, school board members, hospitals, local governments, all across the board. They are

going to be hurt, and we owe them a responsibility to finish this process and to finish this process in the next day or two at the latest. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Daniel Stec.

MR. STEC: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STEC: I've enjoyed listening to my colleagues this afternoon, and a lot of colorful and interesting commentary, and I've come to the conclusion that there's plenty of blame to go around amongst the Majorities and the Executive. There's a little light moment there, it's funny because it's true.

Now, I spent 13 years in local government before I came to the Legislature. And I've got to tell you, that the district that I represent, four counties, 40 towns, a city, and you talk to people about their local government and their experience with budgets, the school budget every May that they vote on, the village budget, the town budget, the county budget. All these budgets have one things in common, except for the State of New York's budget, they're all about revenues and expenses. They're what -- they look like budgets.

Now, my own observation with our budget process, this is the place where we try to do a year's worth of legislative work inside a -- under the guise of a budget deal, we're trying to do too much. We're putting 10 pounds of sugar in a five-pound bag; the bag's only supposed to hold sugar and we're trying to mix in all kinds of

other stuff here. It's time to get back to basics. People are -- are surprised that we're talking about policy issues that wouldn't make it on their own legs if they weren't part of the budget process. It's wrong, that's where bad policy comes from.

So I would encourage -- and, you know, every year that I've seen -- this is my fifth budget here in the State, it's gotten worse, and now it's late, the process gets darker, the process gets more convoluted, it gets more controversial. Clearly, we're trying to do too much at once. If you were a coach and you were coaching a kid that had this much going on in their swing, you'd be saying, *It's time, Johnny, to get back to basics. Let's get back to basics so there will be contact.* All right? So I would suggest it's time to get back to the basics here. Let's focus on what a budget should be, let's make a budget about revenues and expenses, and if all the rest of this policy stuff is a good idea -- it'll be a good idea in May and June when the budget's done and we're not trying to cram 10 pounds of sugar in a five pound bag. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

This act shall take effect immediately.

ACTING SPEAKER AUBRY: Read -- the Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Buchwald to explain his vote.

MR. BUCHWALD: Thank you, Mr. Speaker. Mr. Speaker, my strong preference is to pass a budget in time for other levels of our government, particularly our school districts to pass sensible, balanced budgets. We can still do that. Nothing in this budget resolution prevents our budget negotiators from acting expeditiously to help us complete a State budget and to do the job that we were sent to do. So I will vote for this resolution and make sure that State government doesn't shut down.

However, I do feel that a two-month budget extender sends the wrong message. First, it dilutes the sense of urgency to craft a final budget and, second, the timing conveys that we may somehow adjust to our State budget before it is adopted because of President Trump's Federal budget proposals that will be released in May. Let me be clear: I do not believe that State support of those in need should be subject to any Draconian cuts that might be put forward by President Trump. No President's budget proposal has the force of law. Only Congress's appropriation of money, which occurs at the end of the Federal fiscal year, at the end of September, is binding. That's, of course, a different system for crafting a budget than we have here in the State of New York. I want us to establish that we will produce a far better budget for the people who we represent. But the test will be on us, and I hope we are up for it. Thank you very much, Mr. Speaker. I vote yes.

ACTING SPEAKER AUBRY: Thank you, sir.

And because we must remain consistent.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I just want to remind everyone that this is our first vote of the day. The Rules require us to acknowledge that, so all the members who are here, please vote and those who are outside the Chamber, please make your way in for the first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members.

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker, for allowing me to explain my vote. You know, I'm -- I'm very disappointed, I hear a lot of people speaking about how it's unfair that this extender came down for 60 days. Well, we, as legislators, could have done something about that. We could have done a bill, like we were supposed to do in the time that we were supposed to do it. And when we saw that we could not reach an agreement by a certain date, we are the ones that should have proposed the bill on how we were going to fund the operations of our government, like we're supposed to. That's what should have happened. That's what we should be doing here.

Unfortunately, there are now innocent people that are looking to us and not wanting to be punished for us not being able to reach an agreement and it's very sad. I will be voting for the extender. I ask that all of you do so, and keep in mind the working men and women of this great State that have been looking forward to getting

their paychecks and being able to go on with their lives while we up here, unfortunately, don't reach that agreement.

So I want you to think about all of those people and how important it is for life to go on while we continue to try to reach an agreement up here. And I do hope that our colleagues in the other House, as well as the Executive, will sit down and take this extremely seriously, because New York education budgets must be done, and they must be done responsibly. And the only way to do that is to have a budget so that they know how much money that they have to work with. Thank you, Mr. Speaker. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Mr. Zebrowski.

MR. ZEBROWSKI: Thanks, Mr. Speaker. Although this is a two-month -- two-month extender and, certainly, I agree with my colleagues in that I'm not sent up here to create chaos for many of my constituents. And this is a two-month extender to ensure that the State can meet its obligations; however, I also think it's necessary to inform all my constituents that I'm not going anywhere. I don't intend for this to be the end of the road for the next two months, I intend for this to be the responsible thing to do and that we should roll up our sleeves and continue to work on this budget.

I certainly understand that my priorities are not necessarily the priorities of all my colleagues in this House, or the other House, or the Governor's Office. And I think everybody

understands that. But it's incumbent upon all of us to do the work necessary, to come to a compromise and ensure that we have a budget that moves this State forward.

So, Mr. Speaker, I will be supporting this bill. I will be voting in the affirmative because I think it's the right thing to do. But let's not kid ourselves, this is not the time to go home and to regroup in two months. It's the time to roll up our sleeves, recognize that we all may different priorities, all have different constituencies, but we're sent up here to do the very hard work of sitting down together and coming to a compromise that works for the State. Thank you, Mr. Speaker. Once again, I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Mr. Phillip Steck.

MR. STECK: Thank you very much, Mr. Speaker. Voting for the extender is the right thing to do. Is it disappointing, is it frustrating? Yes. There are things that will help the 110th Assembly District that we are losing by not having a budget, such as, for example, substantial increases in foundation aid for public education. No one wants a budget more than I. The Assembly does not have the ability to use the bully pulpit in the same manner as the Executive. We do not have the ability to engage in blame shifting or to gain headlines by announcing new programs without any mechanism for funding them. This makes getting a real budget that is not a public relations document extremely difficult. Nor do we have

the terrible political divisions that make negotiating with the Senate equally difficult.

Still, we do need to ask ourselves, how did we get here? Is it always best to do things the way they have always been done? Are there tools that we have that we might utilize to avoid reaching this impasse? I believe these tools exist and that some are lying dormant. No one has a monopoly on wisdom. But now is not the time. I withdraw my request and vote for the extender.

ACTING SPEAKER AUBRY: Mr. Phillip Steck in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I rise to note that I will support this extender because I cannot, under any circumstances, support a government shutdown. But I have to say, it is with great, great frustration and disappointment. The sign of a true compromise is when no one is happy. And at some point we have to recognize there are tradeoffs in every budget, and the perfect should not be the enemy of the good. I do not appreciate that the Governor sent up an extender that puts the government -- that gives us two months here, because that type of hard deadline just, I think, can lead to even more delays. And the news out of Washington is only going to get worse, not better. And I do see that if we don't stay with this and stick with this and move to a compromise immediately, it is going to just get more -- more difficult.

So, I really don't want to rue the day that we have

supported this extender. I would strongly, strongly urge my colleagues to lock the doors here and not leave between now and Wednesday, and let's get a compromise done, let's get a budget done. I served on a school board when we didn't have a budget, when we were playing guessing games. Because if we go home, this just gets worse, not better. Let's make those compromises, let's do the job we were elected to do. Let's get a budget done. This May 31st is wrong. I know there's already a lot of tough pills, hard pills to swallow in this budget. But I'm willing to do that. We need to get this work done. Please, let's stay with this, let's get this budget done in the next two days, let's not go home. It's -- I don't think we should face our voters, I don't think we should face our constituents. Again, I rise in support. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Castorina.

MR. CASTORINA: Thank you, Mr. Speaker. This is my first budget, and I'm just really shocked at the process. I'm really shocked at how, over the last week, we've been kind of iced out as a -- as a Minority from any of the conversations, and even just kind of learning about what's going on play-by-play.

I want to talk about the budget just by the numbers a little bit. 177, the number of pages of this bill. A hundred and -- 1,558 pages. That's -- that's the number of the next bill. That's how many pages are in the next bill. Forty-three, the number of

Republicans in this Conference; 150,000, approximately the number of people that we individually represent; 6,450,000, the aggregate number of people that the Republican Minority Conference represents. Zero, the number of voices that have had the ability to participate over the last few days from the Minority Republican Conference in this process. I find this to be absolutely undemocratic. I find it to be totally unfair. And I think that this is something, along with ethics reform, that we should be fighting for. We should be fighting for budget reform.

And, you know, the Governor said back in November 2015, *I believe in a collective vision, not individual outcomes*. Well, this clearly is an individual outcome. It's the Governor's outcome, it's not our outcome. And it certainly isn't the outcome of the people. So I respectfully will be voting no, and I look forward to compromise in the future and a budget that I can be proud to vote for. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Castorina in the affirmative -- I mean, in the negative.

MR. CASTORINA: Negative.

ACTING SPEAKER AUBRY: Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker, for allowing me to explain my vote. I rise today because not voting for this extender will hurt so many more people than voting against it. Nobody is happy with this extender. Nobody is happy with the situation we are in. It is very unfortunate. It is something that I hope

does not ever happen again. And I encourage all of my colleagues to vote for this extender, which will allow us to continue to fund the government so that we do not hurt the people who rely on our funding. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Crouch.

MR. CROUCH: Thank you, Mr. Speaker. You know, we've talked a lot about the process, what's in this budget, what's not in this budget. I really take offense to having to vote for something that was -- ultimately will be jammed into the final budget that we may or may not agree with. And it's -- we have policy issues being put into the budget that shouldn't be there. If it's a good policy, let it stand on its own merit. Let it come to the floor here and let's debate it, up or down vote, if it's good it'll survive, if it's not a good policy, you know what? It'll fail. As it should.

Many of us have, over the years, or even new -- new campaigns have run on the idea of reform, reforming Albany, reforming the budget process, reforming how we do business. And we should stick to that. Always -- that's what our constituents want us to do. We want to -- they want us to do reform here in Albany, and not have late -- late budgets, and not have to vote for something that if you vote this way, well, this will happen that you didn't want. And, you know, the poison pill that quite often gets stuck in the budgets. We should be able to stand up and say, I voted against it because of this,

or I voted for it because of this, and be proud about it. But, you know, we get bullied in to taking these votes because of a policy issue to make somebody look good.

I'm not supporting this. I understand, I want my -- our people to get paid. But we had the opportunity to pass a Government Operations bill last week and could have achieved the same thing as far as people getting paid. But we didn't do that. And I'm voting no because I think it's -- it's time that we take a stand and say, you know, enough is enough. Let's let budget talks be budget talks, policy be policy talks. So, thank you, Mr. Speaker. I'm in the negative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. McDonough.

MR. MCDONOUGH. Thank you, Mr. Speaker.

This is my 16th budget and I've seen budgets on time, and I've seen budgets late. When we've done extenders, they've been for two weeks at a time. Now we're faced with one that's 60 days long. Maybe you'll remember on April 1st, a couple of days ago at 12:01 a.m., you might have seen a message from the Governor saying, *The Legislature has not completed their budget, but I'm willing to give them the weekend to do it. But if they don't do it, then I will put it in an extender until the Feds have their budget announced, until after May 23rd.* Well, now it's going to be May 31st.

Come on. Guess what's going to happen? He's trying to control it completely. Here's what's going to happen: We pass this

extender, the Senate has already passed it, it looks like it'll pass here. And then what's going to happen? We're supposed to be on a break, right? Well, if we take the break, make sure you have a lot of paper in your fax machines and make sure you've got the phones working in your district offices, because you're going to get calls and they're going to say, *You guys did this. Not the Governor.* Because he's certainly not going to take the blame, he's going to say the Legislature wouldn't do a budget. So, all the people out there, the school teachers, the kids, all the -- in the districts are going to come back and say, *Hey, why don't we have a budget? Because you, in the Legislature, didn't do it.* So it's -- and we're going to have to convince them that isn't the case.

So, I just want to say, here we are again, we've been here before, but never with such an extender in my 16 years. And I am now giving you my reason, and I believe my colleagues who said it all, we should do the budget and do it now. Let's not wait because we're going to be -- get all the heat, but most of all, the people are the ones who are going to suffer. Not us, we'll get through it. Sure, we're not going to get paid, that -- we'll get through that. But the people out there will suffer. So I'm casting my vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. McDonough in the negative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for

allowing me to explain my vote. First, I want to thank Mr. -- Speaker Carl Heastie for really holding us down. I appreciate all his hard work and his strong leadership.

Mr. Speaker, today I vote to keep government operating. A government shutdown is absolutely not a choice for the people of the State of New York. Our schools are in jeopardy, emergency services, senior services programs, our union workers, our State employees all have to be funded. I, too, am disappointed in our Governor playing national politics on the people's back, waiting to extend a 60-day extender around the time that Trump is rolling out his proposal in Federal budget. That is not appropriate. We cannot continue to play politics on New York's people's back.

So, I am willing to stay here and to continue to participate in negotiating in our budget. I'm hoping that we come to a conclusion to vote on a real Raise the Age, come to a conclusion that will not hike tuition costs in our SUNY and CUNY school institutions, come to a conclusion where we take out 421-a out of the budget until we start talking about real affordable housing.

Mr. Speaker, I thank you for all your hard work and I vote in the affirmative today. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Lavine.

MR. LAVINE: I want to express appreciation to New York State Assembly Speaker Carl Heastie for his leadership in

this difficult battle to arrive at a budget. And while we haven't been successful in finalizing a budget, I think that we have taken some steps here. But I would like to say that the issues that have been so important to this House and the issues that have drawn conflict with the -- with the Senate are issues worth fighting over. Raising the age of criminal responsibility, the dire need for affordable and accessible housing, and the dire need for affordable college for our students are worth fighting for.

Also worth fighting for is funding to protect our water infrastructure. Now, we do have provisions in this extender for funding for water infrastructure mitigation and repair, which is critically important to the people of Long Island, both Suffolk County and Nassau County, but I have to say that I have some concern because we have reached a dangerous precedent here by not having our budget on time. But I do think that anyone watching, ought to -- ought to realize that the passions that they see in our speeches reflects our desire to help the people of the State of New York in terms of making the quality of life better for all our citizens.

But I also want to say that if people are watching and they get a sense that there may be some personal invective expressed by some of our members, they perhaps ought to take that with a bit of a grain of salt because the passions here are -- are very consider -- are very considerable, and Democracy is, ladies and gentlemen, is not easy and it's unpredictable and it is messy and that's -- that's the nature of Democracy. But as so many others have said, it's better than any other

form of government.

I'm voting yes, I don't believe the government should shut down. It would be irresponsible for us to do that, and I appreciate the opportunity to speak and I'm casting my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. When I first came here this afternoon, I really was thinking about voting in the affirmative for the -- this extender. We all want to see people get paid. We don't want to see government shut down and to follow up on what my colleague just said, Democracy is messy business and, certainly -- certainly it's been very interesting. This is my first budget, as many of you know, and it's complicated. There are a lot of moving parts. I've sat through an awful lot of briefings and I'm very grateful for the information that's been given to me.

I'm voting no and I just want to tell you why. I'm for the pro-rated appropriations piece of the extender, but I don't support the full funding of the capital projects piece. I don't think that that's right. I think that seeing that people get paid is noble and I think that that makes a lot of sense, but pushing forward on the capital projects 100 percent I don't think is right. I think it's unfair to schools. I think it also -- contains a lot of -- of extraneous stuff that I don't agree with as far as policy things, and that's all been said before, but I think that I'm -- I'm pretty skeptical that this is going to get done in a couple of

days and I'm -- I'm concerned about that. I mean, I'm coming in kind of as an outsider. I think that what I'm worried about is that it's going to be May 29th and everyone's going to say, Oh, my God, we better -- we've got to -- we've got to get this going and we're going to be -- we're going to be at this again.

I really hope I'm wrong. What do I know? This is my first budget. But in the end, after analyzing everything, after hearing all the good information that has been provided by -- by our research team. It -- it becomes really simple, it becomes a green button or a red button, right? I can't redline the things I don't like, I can't make a two-month extender a two-week or a two-day extender, so I'm voting no, I'm pressing that red button. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could now take up Rules Report No. 33 on page 3 of the A-Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. 7068, Calendar -- Rules Report No. 33, Rules. Provides for emergency appropriation for the period of April 1, 2017 through May 31, 2017.

ACTING SPEAKER AUBRY: On a motion by Mr.

Farrell, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk. The Clerk will read.

THE CLERK: I -- I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Farrell.

MR. FARRELL: Thank you, Mr. Speaker. This bill would enact certain portions of the budget of -- for State operation aid to localities and capital appropriations for the fiscal -- State Fiscal Year 2017-'18. This bill would permit certain payments due from April 1, 2017 through May 31, 2017 to be made for the support of government. This bill includes an aggregate \$40 billion in appropriation and it is done by \$10.3 billion for State operations, \$12.4 billion aid to localities and \$17.3 billion for capital. And this bill is designed to keep -- largely keep State government functioning over the next two months, if necessary.

ACTING SPEAKER AUBRY: Mr. Oaks.

MR. OAKS: Yes, if Mr. Farrell would yield, please?

MR. FARRELL: Yes, I'd be glad to, Mr. Oaks.

ACTING SPEAKER AUBRY: Mr. Farrell yields.

MR. OAKS: Denny, just a clarification. The capital project's total was how much?

MR. FARRELL: \$17.3 billion.

MR. OAKS: So those three total up to \$40 billion, is that -- is that what you have?

MR. FARRELL: Yeah, that's right.

MR. OAKS: And how much for the legislative and judiciary portion of this budget?

MR. FARRELL: \$600 million.

MR. OAKS: So those are the -- the appropriations here. What is the cash behind these appropriations?

MR. FARRELL: The Executive estimates the cash spending through the 31st of May would be \$15.26 billion on State operating funds basis and \$24.64 billion on an All Funds basis.

MR. OAKS: So you said \$15.26-?

MR. FARRELL: Yes.

MR. OAKS: And \$24.6- on an All Funds.

MR. FARRELL: \$.64-, yeah.

MR. OAKS: So as we look at that, what percentage of the total are we looking at that we're appropriating as what we anticipate will be the final budget in this?

MR. FARRELL: Fifteen percent.

MR. OAKS: Fifteen percent. Thank you very much, Mr. Farrell.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Speaker, would the sponsor yield?

MR. FARRELL: Gladly.

ACTING SPEAKER AUBRY: Mr. Farrell yields.

MR. GOODELL: Mr. Farrell, on -- on Friday our

conference certainly got a briefing on the State Operations Budget. It was my understanding that we had a three-way agreement on a State Operations Budget and that we, as an Assembly, were prepared to move forward; in fact, as you know we stayed in Session until nearly midnight. Why wasn't there a vote on the State Operations Budget, do you know?

MR. FARRELL: I don't know, no. Oh, oh, we never got it.

MR. GOODELL: We never got it from?

MR. FARRELL: We never -- the Governor has to send it -- the bills to us.

MR. GOODELL: So the Governor didn't send it to us?

MR. FARRELL: He never resubmitted it.

MR. GOODELL: And the Governor then, of course, no need for a statement of necessity, but had the -- so, we were all ready to adopt a State Operations Budget on Friday, which would have kept State government open, which would have ensured that all of our employees got paid and the reason we didn't is because the Governor didn't submit a State Ops Budget that everybody agreed on; is that accurate?

MR. FARRELL: That seems accurate.

MR. GOODELL: So why then is the Governor blaming us for not having adopted a State Ops Budget last Friday?

MR. FARRELL: I'm not going to get into who is

blaming whom because nobody has put that in a bill, so I'll just say...

(Laughter)

MR. GOODELL: Mr. Speaker, can I make an amendment to the bill?

(Laughter)

ACTING SPEAKER AUBRY: Amendment is not in proper order at this time.

MR. GOODELL: That's undoubtedly true.

(Laughter)

I didn't get a chance to read this carefully, but I did have a few questions on specific items. My first question is on page 784. As you know, our -- this budget includes several million dollars in revenue from the Seneca Nation and also includes several million dollars in funding for local governments from that revenue. And while I certainly support making sure our local governments get an impact payment as -- as already included in their budget, is that impact payment to local governments conditioned upon receipt of the revenue from the Seneca Nation?

MR. FARRELL: Yes.

MR. GOODELL: So as you know, the Seneca Nation recently voted to not make any additional payments to the State of New York because their compact only called for payments through year 15 and they're now going into year 16. Does this budget including those revenues from the nation?

MR. FARRELL: They have renewed their compact.

I heard -- I heard what you heard, but now I have heard they have --

MR. GOODELL: Well, perhaps you can clarify for me. I understood they renewed the compact, and I've read it, and the compact called for payments through year 15. Is there any language in the compact --

MR. FARRELL: Through when?

MR. GOODELL: Through the 15th year of the compact, which is this year.

MR. FARRELL: Oh, oh; I thought you said 15, you were a little --

MR. GOODELL: It would have been in 2016. The compact language does not, unless I'm missing something, have any language for any additional payments. Is there any additional language that I missed that's in the compact that calls for payments for next year or this year?

MR. FARRELL: It -- it requires -- it requires that they not want to do it. They have tell us they don't want to. If they don't do that then it's assumed that they will and that's how it's set up.

MR. GOODELL: And as of --

MR. FARRELL: So -- so, henceforth, we will be getting their monies.

MR. GOODELL: So as of this date, the only word we have is that they do not intend to pay. Do we have any word that they will pay?

MR. FARRELL: No, they don't have to.

MR. GOODELL: I see.

MR. FARRELL: They have to tell us no, yes.

MR. GOODELL: I -- I think they have done that, by the way.

MR. FARRELL: Done...

MR. GOODELL: They passed a resolution saying no more payments.

MR. FARRELL: Yeah, yeah, but it was too late. In other words, when the time came that they were supposed to do it, they didn't do it so now they have to do it for next year.

MR. GOODELL: I see.

MR. FARRELL: And we can talk about that then.

MR. GOODELL: If I can direct your attention to page 1010. This deals with the breakout of the allocation from the proposed \$2.4 billion borrowing for Capital Facilities Corporation. I note that we have in this line item on page 56, \$75 million for a program to upgrade or replace septic systems. I notice we did not have any Article 78 language -- Article VII language. Will we be having more direction on where that \$75 million is going for and who would be eligible?

MR. FARRELL: Yes.

MR. GOODELL: And when can we anticipate that --

MR. FARRELL: I wish I knew.

MR. GOODELL: -- after the 90, or after these two months is expired, or...

MR. FARRELL: No, I would assume as soon as we leave here; no.

MR. GOODELL: My next question relates to the authorization for \$28 million in borrowing for White Mountain, Gore Mountain and Belleayre Mountain for ski resorts, that's on page 1255. How is this going to be repaid, do we have any idea? Or is this going to be a grant?

(Pause)

MR. FARRELL: Be with you in a minute-and-a-half.

MR. GOODELL: I understand these questions about these ski resorts is kind of a slippery slope.

(Laughter)

MR. FARRELL: Yes.

MR. GOODELL: But I trust you won't give me a snow job on it.

MR. FARRELL: UDC bonds for them.

MR. GOODELL: And we envision this as a grant or loan?

MR. FARRELL: Yeah, we're actually paying it for ourselves as a State pro -- as a State asset.

MR. GOODELL: Well, looking at their financial statement, and their audited financial statements are online for the Olympic Regional Authority, it looks as though the fees they raise from skiers and others that use their facilities is less than one-half of their operating expenses; in fact, it barely covers personnel, not even

counting benefits, just personnel. At the same time, as you know, we have many fine private sector ski resorts throughout the State and in addition to paying their full property taxes, these ski resorts pay all of their expenses. We're not asking taxpayers to borrow money to fix the ski resort at any of the private sector ski resorts. So, my question is, and maybe it's a policy question, why in God's creation are we running ski resorts when we can't come anywhere close to covering the cost of the operation and the private sector seems to be able to do it and pay property taxes on top of it?

MR. FARRELL: That's -- sometimes you do things like that because it attracts other people and you assume in doing that it's better -- in other words, more gains are made. Sometimes you lose doing this, but when they go out and shop and do the other things they do and -- and eat and all of that, then it comes back. And sometimes we work to make everybody see that we're a place that the people want to be.

MR. GOODELL: Well, I can assure that the private ski resorts we have, and we have some mighty fine private ski resorts in the county next to mine, Holiday Valley and HoliMont, I mean, they are the life stream -- life stream of those communities. They do a phenomenal job. They provide high customer service, they bring in thousands and thousands of visitors without any State subsidy.

MR. FARRELL: Yes.

MR. GOODELL: And they pay State taxes and they pay local taxes. Should we consider privatizing the State resorts so

that they can bring in the type of management that can provide a first-class skiing experience like our private ski resorts and pay property taxes and stop borrowing money from the taxpayers?

MR. FARRELL: That's a very good question and I don't think it's appropriate for this moment 'cause I can't do anything to change it. So, I would suggest that we consider that in another form, then we can have a discussion about it. But we are doing good jobs trying to make sure that we keep everybody coming into the State and that place there is -- we're try to work out there.

MR. GOODELL: One other question on this: Am I correct that we have certain tax checkoffs that you can do on your income tax form, right, I think we have nine of them.

MR. FARRELL: I didn't count it.

MR. GOODELL: Yes. Isn't one of them for this very operation? And, by the way, the private ski resorts, they'd love a tax checkoff, too.

MR. FARRELL: Yeah. So the question I would ask: Are you concerned about them or are you concerned about the State one?

MR. GOODELL: Well, I think we should get out of the business of running ski resorts if we're incompetent in doing so.

MR. FARRELL: Oh, okay.

MR. GOODELL: I think we should sell them, we should privatize them, we should let private management come in, we should let private management do the phenomenal job they're doing at

our other ski resorts. We see how it's done throughout the State and other areas where they bring in thousands of people, they're continually investing and they're doing it without a taxpayer subsidy and the taxpayer subsidy runs millions of dollars; in fact, our subsidy of these ski resorts appear to be more than what the skiers are paying. So, every time a skier goes and they buy a ticket, taxpayers are paying the other half of that ticket price.

MR. FARRELL: Well, I would say that that's something we should be saying -- speaking to them at a different time and place. This is about the next 60 days and in there, I don't think we can change anything now.

MR. GOODELL: Ah, I suspect you're right, although skiing should be wrapping up and I don't really see why we need this language in an extender that comes at the end of the ski season. But thank you very much for your comments. Thank you, Mr. Speaker.

ACTING SPEAKER MCDONALD: Mr. Walter.

MR. WALTER: Thank you, Mr. Speaker, would the Chairman yield?

MR. FARRELL: Yes, I will, Mr. Speaker; yes.

MR. WALTER: Thank you, Mr. Farrell. Just a couple questions. Just wanted to give you page numbers and lines here because I have a question about some of the language here. Page 913, line 17, also page 1519, line 52 and 1520, line 10. Each of those lines refers to something called the "Excelsior Business Program." Now, I looked through -- I did a search through the document because

I wasn't able to read line by line all 1,700 pages of this yet.

MR. FARRELL: Why? You didn't speed read?

MR. WALTER: Don't worry, I'm going to vote no because I didn't get a chance to read it, but the -- the Excelsior Business Program doesn't show up in any of this and I looked in previous law, we don't have a program called the Excelsior Business Program. I know the Governor proposed something to replace START-UP NY in his one-House budget called the Excelsior Business Program, but I don't see it anywhere listed here other than in these few places; can you explain that?

MR. FARRELL: I'll find it for you.

MR. WALTER: Thank you.

(Pause)

MR. FARRELL: You're absolutely right. And we acknowledge that that was an accident. It shouldn't -- it didn't -- it wasn't meant to be in this because there's no Article VII with it.

MR. WALTER: Okay.

MR. FARRELL: Okay, so you're right.

MR. WALTER: Thank you, all right. On the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. WALTER: This is a perfect example of why this process is so flawed and that we shouldn't be succumbing to a gun to our head to vote on a -- a bill that isn't even correct. There's not only language that's incorrect in here, but some of the math is wrong. It's just not the direction that the State should be going voting on a

two-month extender that billions of dollars that is flawed -- is a flawed document throughout. You know, I don't know if it's right or wrong to vote -- vote yes or no on this, but I know it's wrong that we're in this position. I know it's improper that we're at this point of time right now voting on an extender that I would venture to guess none of you have read line by line. Thank goodness we have incredible staff on both sides of the aisle who have gone through this piece by piece and have briefed us on it the best that they possibly can, but we already have seen just now that it's not even a correct document, that there's flaws in it throughout, that there's errors throughout not just, again, language, but also mathematical errors.

You know, I don't want to not have to pay our State workforce who does an incredible job for us day in and day out. I don't want to be in that position, but we're in that position because of a failed process, a failed process that should have been taken care of weeks ago, if not months ago. All of a sudden, four, five days before the budget is due, everybody's hair is on fire, we've got to get something done. That's not the way that it should work. And it certainly shouldn't work when millions of peoples' representatives are completely frozen out of the process, whether it's the -- the Minority party in the Senate or the Minority party right here in the Assembly.

And as we look at this process more and more and we see these policy issues come to the forefront of budget negotiations, you have to wonder if that's the way that we should be doing a budget at all. We could have had this wrapped up weeks ago if we were just

dealing with the dollars and cents of State government, but no, we have to throw ancillary issues in there that really muck up the entire process. We don't have school funding accounted for in this budget. We've completely screwed up the entire process 1,700 pages of not -- that's incorrect and -- and hasn't been properly vetted. There's no ride-sharing for western New York.

I can't support this, I would encourage you, if you really are trying to make a stand and an issue like Raise the Age, is that important to you as you claimed it to be, then really show yourself, show your cards, push all in. Put all the chips in the middle of the table and vote no. But I don't think that's where you're going to go. I vote no and I encourage my colleagues to vote no, as well.

ACTING SPEAKER MCDONALD: Mr. Ra.

MR. RA: Thank you, Mr. Speaker, on the bill.

ACTING SPEAKER MCDONALD: On the bill.

MR. RA: I'm going to keep this very brief, but, you know, my colleague just pointed out why we shouldn't, year after year, adopt things like this whether it's a complete budget or this year it's an extender that gets written in the middle of the night. We know there's going to be errors, there always are, and, you know, you go back and you do amendments. The end of last year we came back and we were doing chapter amendments at the last night of the year at 4:00 in the morning to correct mistakes that were made at 4:00 in the morning. And that takes nothing away from the incredible staff who work on these documents and the time they put into it. It's just not the way we

should budget, it's not the way we should do important pieces of legislation.

But I just want to make a couple quick points because a lot of the people are referencing, you know, the gravity of this vote and, you know, would you be shutting down the State, do you not want our workers to get paid. As was pointed out, we all sat here Friday night, we were ready to vote on a State Ops bill, but the Executive didn't give us the message. Why? Probably so he could do this to us. Our workers would have gotten paid. So, this is not about them. We want them to get paid. We want our hospitals, we want our public safety and that's what should be in an extender - paying our workforce, things that affect public safety, not all kinds of other things.

So, just if -- if you're talking about whether workers are getting paid, does money for marketing of failed economic programs make sure that our State workers get paid? Does another round of funding for the self-aggrandizing Regional Economic Development Awards make sure our State workers get paid? Does another round of fighting for the scandal-ridden Buffalo Billion Program make sure our State workers get paid? No, it does not. I vote no. Thank you.

ACTING SPEAKER MCDONALD: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will

record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. Would you please go to the irrepressible Mr. Simanowitz for an announcement?

ACTING SPEAKER AUBRY: Mr. Simanowitz.

MR. SIMANOWITZ: Just because I know so many of you haven't had enough to say thus far --

(Laughter)

-- there will be an immediate Democratic Conference in the Speaker's Conference Room.

(Applause)

ACTING SPEAKER AUBRY: Democratic Conference, Speaker's Conference Room immediately following Session.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, do we have further resolutions to take up?

ACTING SPEAKER AUBRY: We have a number of fine resolutions. We will take them up in one vote. On the

resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 266-275 and 277-283 were unanimously adopted.)

Mr. Morelle.

MR. MORELLE: Yes, sir. I now move that the Assembly stand adjourned until the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 6:35 p.m., the Assembly stood adjourned until the call of the Speaker.)