

MONDAY, FEBRUARY 5, 2018

2:22 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. Holy God, You gave us this day and You deserve our praise. Thank You for each member of this Assembly and for their collective wisdom as a Body. Bless their loved ones and all they hold dear. Thank You for their commitment to listening and learning as they contemplate, deliberate and decide upon what our communities, our State and the world most need. Pour out Your wisdom and compassion upon them, especially when the issues are particularly challenging, and renew the spirit of any who feel weary or unwell. Thank You for all staff people and help us to appreciate the work that sometimes goes unseen, but

equips this Body. For the length of days, for the hope of building a better world, for meaningful work and good colleagues, we give You thanks. Bring an end to poverty, oppression and violence and grant us peace. In Your holy name we pray, Amen.

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, February 4th.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Sunday, February 4th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker, colleagues. Happy Monday. I want to note that on this date, Mr. Speaker, in 1922, the first edition of *Reader's Digest* was published. The lead article by inventor Alexander Graham Bell, where he discussed the importance of self-education as a lifelong habit. As it turns out, still good advice 96 years later.

And under the heading of "Did you know," did you know that Ezra Cornell, founder of Cornell University, served as a

member of the New York State Assembly, as well as a member of the New York State Senate. Cornell University is located in the 125th Assembly District represented by our dear friend, Ms. Lifton. Mr. Cornell represented Tompkins County in the Assembly from 1862 to 1863 and in the Senate from 1864 to 1867. And during his term here in the Assembly, he saw great opportunity in the 1862 Morrill Land-Grant Colleges Act and wanted to found a university that would teach practical subjects on an equal basis with the classics favored by more traditional institutions. Cornell University was founded and, of course, is one of the great universities in the country and, certainly, in New York State.

And with that, Mr. Speaker, let me describe our activities for the day. It will be a busy day for all of us. Let me begin with -- we will start, obviously, with introductions and housekeeping. We will take up the new bills on the Calendar on consent, beginning with Calendar No. 626 and that will go through to Calendar No. 634. We will then begin to consent bills already on the Calendar where we left off last week, beginning with Calendar No. 131 which is on page 22 of the main Calendar. There will be a number of meetings, Mr. Speaker, off the floor, so I would encourage members to pay special attention. We'll begin with Higher Education, Ways and Means and Rules. Those meetings will produce an A-Calendar which will consist of the DREAM Act by Assemblywoman De La Rosa which we will take up today. Members of the following Committees should be prepared, as well: We will be calling Consumer Affairs, Election Law

and Governmental Employees. So, if you're on any of those six Committees, please, members, pay attention to announcements from the desk. For Majority members, there will be the need for a Democratic Conference at the conclusion of our work here on the floor and I will, as always, consult with my colleagues on the Minority side of the aisle to see if they have any Conference needs throughout the day, as well.

So, Mr. Speaker, I understand there are introductions. If there are housekeeping, as well, this would be the appropriate time to take all that up.

ACTING SPEAKER AUBRY: Thank you, Mr. Morelle. We do have housekeeping.

On a motion by Mr. Abinanti, page 14, Calendar No. 64, Bill No. A-923, amendments are received and adopted.

On a motion by Mr. Zebrowski, page 21, Calendar No. 122, Bill No. A-1625-A, amendments are received and adopted.

On a motion by Mr. Lentol, page 26, Calendar No. 149, Bill No. 1986-A, amendments are received and adopted.

On a motion by Ms. Fahy, page 43, Calendar No. 241, Bill No. A-3028-A, amendments are received and adopted.

On a motion by Ms. Hunter, page 72, Calendar No. 401, Bill No. A-5699-A, amendments are received and adopted.

On a motion by Mr. Cymbrowitz, page 116, Calendar No. 598, Bill No. A-8263, amendments are received and adopted.

On a motion by Ms. Simon, page 117, Calendar No.

601, Bill No. A-8321-B, amendments are received and adopted.

For the purpose of an introduction, Mrs. Mayer.

MRS. MAYER: Thank you, Mr. Speaker, for the opportunity to introduce some members from my district who are visiting today, some of whom work or -- or volunteer in my office, Vincent Fields (phonetic), from my office, Geraldine Canty (phonetic) who is a volunteer, and her husband, Chris Canty (phonetic), and Laura Rodriguez (phonetic), who is a senior at Lincoln High School in Yonkers. They're all here to -- their first visit to Albany to watch the proceedings and to get a good idea of exactly what we do here in the State Legislature. I hope you will welcome them and extend all -- all the cordialities of the House, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Mayer, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. So glad that you are able to join us today, so happy that you are there working with Mrs. Mayer in her district. We hope you will continue to do that and good luck to you. Thank you.

(Applause)

Mr. Morelle for the purposes of an introduction.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to acknowledge and ask all the individuals from the Displaced Homemaker Program to stand at the back of the Chamber. We're delighted to have these extraordinary individuals in the Chamber and I think, as all the members know, the Displaced Homemaker Program

works to achieve financial and personal independence for women and -- and homemakers as they return to the workforce. They do a variety of things in terms of helping people find employment, bring a variety of work experiences, educational backgrounds, career goals and the courage and motivation and new skills on behalf of the clients they serve. They're an extraordinary institution. We are delighted not only for all of their good work, but we're delighted they joined us in the Chamber today and I know on behalf of all the members, we're so excited to have them and please extend to them all the privileges of the floor and thank them for their very good work.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Morelle, the Speaker and all the members, we welcome these extraordinary ladies here to the New York State Assembly. We extend to you the privileges of the floor and our gratitude for the work that you do to help the individuals who are in need of that service, going back to work and becoming productive members of the working society. They've already been productive because they have raised families and how extraordinary a job that is. So, thank you and thank you for continuing your visits here to Albany. We always look forward to it. Thank you very much.

(Applause)

Mr. Morelle.

Mr. Santabarbara for the purposes of an introduction.

Oh, I'm sorry.

Mr. Morelle.

Well...

MR. MORELLE: Well, but you were -- thank you, Mr. Speaker -- very close, because we have a distinguished member of the Santabarbara family here to -- who is joining his father. So, we are delighted that Michael Santabarbara is joining us again. I think many colleagues know that Michael was diagnosed with Autism at the age of three. He's 16 now and he and his dad are best friends, journeyed together to overcome the challenges of living with Autism.

Back home, they partnered with the Amsterdam Mohawks baseball team in the City of Amsterdam to bring the first Autism Night to Shuttleworth Park last season, and that night helped bring more awareness to the obstacles and challenges that local families affected by Autism face. It was an exciting day for all of the participants and I know Michael was particularly excited to see the Mohawks play on a special night just for -- for he and his group. The players wore special jerseys and working together, Michael was able to throw out the first pitch, which I'm sure was a strike. This weekend, Michael made a special presentation to the Amsterdam Mohawks at their Hall of Fame Dinner in a special painting he made in appreciation of Autism Night. With -- though Michael may struggle with words, he is quite an artist, I'm told, and we are delighted always to have him in the Chamber. I know how much it means to his father to have him here and want to thank him for all the great work that he's doing throughout the Amsterdam community and to the greater State at-large. So, a member of our extended family,

please extend all the cordialities of the House to our friend.

(Applause)

ACTING SPEAKER AUBRY: So, on behalf of Mr. Morelle and your father, Michael, welcome back. We are always pleased to have you here. You're family and so you always have the privileges of the floor. We hope you will continue to flourish and we appreciate this relationship that you've allowed us to share in. Thank you very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Before I go to resolutions, I would -- a couple of things: First of all, we have a need for members of the Higher Education Committee to meet in the Speaker's Conference Room with Chairwoman Glick. That would be Higher Education in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Higher Ed, Speaker's Conference Room, Ms. Glick is on her way.

MR. MORELLE: Thank you.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: Yes, sir. Before I go to resolutions, I'm delighted to see we have two Speakers on the floor right now, of course, our Speaker and the newest Speaker of the New York City Council, our dear friend, Corey Johnson, who was elected just last month and is serving. He is a talented young individual, I've had the pleasure and I think most of the members have had a pleasure

to interact with Speaker Johnson over the years. He is a -- just a delight to be with. And I understand one of the hallmarks of his Speakership, I'm told, Mr. Speaker, is he likes to dance. Now, I haven't seen our Speaker dance --

(Laughter)

-- but -- but I understand Speaker Johnson does --

(Laughter/Applause)

But I -- I hope we don't end up in a competition here, because I'll come in dead last, but -- but we are always delighted to have Speaker Johnson here now as Speaker and we wish him the very, very best in all of his work in the City Council and, of course, we're always delighted to see him. On behalf of Speaker Heastie and all the members, if you could please extend all cordialities of the House.

(Applause)

ACTING SPEAKER AUBRY: Speaker Johnson, we are pleased to have you here today. On behalf of the Speaker and all the members, we welcome you here. We welcome this new Administration. You're extended the privileges of the floor and the secret to getting our Speaker to dance is play Prince.

(Laughter)

Thank you, and we hope you will be back many times. *Purple Rain*, brother.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes. I'm not sure what we've

started here, Mr. Speaker --

(Laughter)

-- but, if we could go to page 3 on the main Calendar and start with Resolution No. 802 by Mr. Magnarelli.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 802, Mr. Magnarelli. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 1-7, 2018 as Enrolled Agent Week in the State of New York.

ACTING SPEAKER AUBRY: Shh. On the resolution, all those in favor signify by saying aye --

All those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. If we could now go to page 4 of the main Calendar and begin consenting with Calendar No. 626 by Mr. Aubry.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03253, Calendar No. 626, Aubry, Gottfried, Zebrowski, Cook, Arroyo, Walker, Hooper, Pichardo, Richardson, Palumbo. An act to amend the Penal Law, in relation to criminal mischief in the Third Degree and criminal mischief in the Second Degree.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. 6 -- A06009, Calendar

No. 627, Gottfried, Dinowitz, Paulin, Hevesi, Lupardo, Zebrowski, Skartados, Ortiz, Brindisi, Cook, Sepulveda, Abinanti, McDonald, Seawright, Niou, Carroll, L. Rosenthal, Steck, Lifton, Jaffee, Norris.

An act to amend the Public Health Law, in relation to forms of marihuana authorized for medical use.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08781, Calendar No. 628, L. Rosenthal, Skoufis, Gottfried, Lavine, McDonald. An act to amend the Public Health Law, in relation to prohibited activities by pharmacy benefit managers.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker.

Members, this is our first vote of the day so I'd ask you to cast your vote. And to those individuals who are near the Chamber or can otherwise hear the sound of our voices, please make your way to cast your first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members. If you are not in the Chamber, please come in, cast your ballot. If you're here, please vote now.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08823-A, Calendar No. 629, Braunstein, Galef, Glick, Jaffee, M.G. Miller, Mosley, Zebrowski, Dinowitz, Skartados, Gottfried, Paulin, Lifton. An act to amend the Penal Law, in relation to establishing incapacity to consent when a person is under arrest, in detention or otherwise in actual custody.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes?

Much too much talk, ladies and gentlemen.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I understand the Chair of Ways and Means, Ms. Weinstein, is in the Speaker's Conference Room awaiting the members of Ways and Means.

ACTING SPEAKER AUBRY: Committee on Ways and Means, Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A08953, Calendar No. 630, Richardson. An act to amend the Public Health Law, in relation to maternal depression treatment; and to amend a Chapter of the Laws of 2017, amending the Public Health law, relating to maternal depression treatment, as proposed in legislative bills numbers S. 4000 and A. 8308, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER PICHARDO: Ms. Richardson to explain her vote.

MS. RICHARDSON: Thank you, Mr. Speaker. I just want to state that maternal depression is very real and I'm so proud today in the State of New York, we're going to be doing everything we can to make the resources crystal clear as for new mothers to seek help should they ever be in a situation where they need it. I'm so proud that my office just received a new baby, so shout-out to my Chief-of-Staff, Jamila Pringle, on the birth of her new son and thanking everyone who made this bill possible. I vote in the affirmative.

ACTING SPEAKER PICHARDO: Ms. Richardson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08957, Calendar No. 631, Simotas. An act to amend the Public Health Law, in relation to the newborn health and safe sleep study.

ACTING SPEAKER PICHARDO: On a motion by Ms. Simotas, the Senate bill is before the House. The Senate bill is advanced. Please read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing the interruption so I might ask members of the Rules Committee to meet in the Speaker's Conference Room. Members of the Rules Committee in the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Members of the Rules Committee, please proceed to the Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A09003, Calendar No. 632, Jaffee. An act to amend the Social Services Law, in relation to establishing a child care availability task force to evaluate the need for and availability of child care throughout the State; and to amend a Chapter of the Laws of 207 amending the Social Services Law relating to establishing a child care availability task force to evaluate the need for and availability of child care throughout the State, as proposed in legislative bills numbers S. 5929-A and A. 7726-A, in relation to the effectiveness thereof.

ACTING SPEAKER PICHARDO: On a motion by Ms. Jaffee, the Senate bill is before the House. The Senate bill is advanced. Please read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09035, Calendar No. 633, Gottfried. An act to amend Part E of Chapter 57 of the Laws of 2017 relating to the effective date of certain provisions thereof, as proposed in legislative bills numbers S. 5544 and A. 7216, in relation to the effectiveness thereof.

ACTING SPEAKER PICHARDO: On a motion by Mr. Gottfried, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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.

THE CLERK: Assembly No. A09038, Calendar No. 634, Magee. An act to amend the Tax Law and a Chapter of the Laws of 2017, amending the Tax Law relating to property tax credits for farmers, as proposed in legislative bills numbers S. 2899 and A. 4650, in relation to property tax credits for farmers.

ACTING SPEAKER AUBRY: On a motion by Mr. Magee, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. If you would please advise members of the Consumer Affairs Committee that the Chair, Mr. Titone - I'm saying that for the first time - Mr. Titone would like members to join him in the Speaker's Conference Room, Consumer Affairs.

ACTING SPEAKER AUBRY: Mr. Titone invites members of the Community -- Consumer Affairs Committee to join him in the Speaker's Conference Room, please.

Mr. Morelle.

MR. MORELLE: Yes, sir. On page 6 of the main Calendar, members will find Rules Report No. 1 by Mr. Carroll. I'd like to take it up right now.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08917-A, Rules Report No. 1, Carroll, D'Urso, D. Rosenthal, Buchwald, Pheffer Amato, Rozic, Cymbrowitz. An act to amend the Election Law, in relation to communications to voters by mail; to require the 2018 fall Primary be held on Thursday, September 13, 2018 and the political calendar be adjusted accordingly; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker.

Members will find on their desks an A-Calendar. I now move to advance the A-Calendar.

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

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I'd like now to go to page 3 of that A-Calendar and take up directly on debate Rules Report No. 7 by Ms. De La Rosa.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09605-A, Rules Report No. 7, De La Rosa, Heastie, Glick, Crespo, Morelle, Rodriguez, Ortiz, Aubry, Gottfried, Ramos, O'Donnell, Lavine, Quart, Thiele, Benedetto, L. Rosenthal, M.G. Miller, DenDekker, Abinanti, Paulin, Perry, Jaffee, Cahill, Mosley, Kim, Weprin, Rivera, Rozic, Dinowitz, Sepulveda, Skartados, Zebrowski, Colton, Davila, Fahy, Arroyo, Otis, Barron, Bichotte, Blake, Brindisi, Dilan, Jean-Pierre, Joyner, Pichardo, Seawright, Simon, Titus, Walker, Weinstein, Mayer, Hyndman, Niou, Carroll, Dickens, D'Urso, Barnwell, Vanel, Harris,

Taylor. An act to amend the Education Law, in relation to creating the New York DREAM Fund Commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the Collegiate Science and Technology Entry Program; financial aid opportunities for students of the State University of New York, the City University of New York and community colleges; and the program requirements for the New York State College Choice Tuition Savings Program; and to repeal subdivision 3 of Section 661 of such law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. De La Rosa, but before we do that, we want to make sure everybody is in their seats, conversations are held to a minimum so that we may hear the member's explanation. Courtesy, ladies and gentlemen, courtesy.

Ms. De La Rosa, proceed.

MS. DE LA ROSA: Thank you, Mr. Speaker. This bill, known as the New York State DREAM Act, will create the DREAM Fund Commission and establish the New York DREAM Fund. It would make undocumented students eligible to obtain State financial aid by making them eligible for Tuition Assistance Programs, TAP, and scholarships such as the Excelsior Scholarship and other opportunity programs. It would also allow undocumented individuals who have taxpayer IDs to establish the New York 529 Family Savings Tuition Account.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. DE LA ROSA: Yes.

ACTING SPEAKER AUBRY: Ms. De La Rosa yields.

Once again, we'll ask there be minimal movement around the House. Members will be in their seats and if not, they will be outside the Chamber. Staff, if you're not assisting the member on debate, find a seat in the rear.

Mr. Goodell, proceed.

MR. GOODELL: Thank you, Mr. Speaker; thank you, Ms. De La Rosa. I just want to ask some questions initially so that we all understand what the bill does and doesn't do. As I understand it, the bill actually has two parts, if you will. One is the creation of a DREAM Fund which would be a privately -- a fund that would be designed to make it easy for people to make private contributions for scholarship support for immigrant -- children of immigrants, correct?

MS. DE LA ROSA: Correct.

MR. GOODELL: And you may recall that this came up for a vote as a separate standalone bill in 2012 and it had strong bipartisan support. I think the vote back in 2012 was 138-6 and I would say that if that bill came up as a standalone bill, it would continue to have strong bipartisan support. But there's another part of

this bill, the DREAM Act, and the DREAM Act would make illegal immigrants eligible for State-funded financial assistance at State schools, correct?

MS. DE LA ROSA: Correct.

MR. GOODELL: In fact, it would make illegal immigrants eligible for free tuition at the expense of the taxpayers, correct?

MS. DE LA ROSA: It would allow undocumented individuals to have access to TAP.

MR. GOODELL: Now when you say "undocumented", you mean they're not here legally? I just want to make sure we're on the same page.

MS. DE LA ROSA: They do not --

MR. GOODELL: They don't have legal status here.

MS. DE LA ROSA: They don't have legal status, correct.

MR. GOODELL: Now the -- the bill language itself makes anyone who graduates from a New York State high school within -- and spend at least two years in high school eligible for free New York State tuition, correct?

MS. DE LA ROSA: Yes.

MR. GOODELL: They have to apply within five years, but they're otherwise eligible.

MS. DE LA ROSA: Yes.

MR. GOODELL: So in other words, you could not

be a resident anymore of New York State at all, correct? I mean, you could be a resident of another state and as long as you apply to a New York State school within five years, you would get free tuition or be eligible for free tuition?

MS. DE LA ROSA: They -- they would have to have demonstrated that they were in a New York State school for two years prior.

MR. GOODELL: But then they have five years -- they could be a resident of another state for up to five years, still apply and still get free tuition?

MS. DE LA ROSA: Yes.

MR. GOODELL: Don't you think it would more appropriate for out-of-state schools to pay the tuition for out-of-state residents and not New York State residents? I mean, why -- why should New York State residents pay 100 percent of the cost of students who are no longer New York State residents, but live in another state, their parents live in another state, they're not paying any income tax in New York State, their parents aren't paying any income tax in New York State. Why should New York State residents pay 100 percent of their tuition while they're going to a New York State school?

MS. DE LA ROSA: So, it's the same requirement as would be for in-State tuition which we already have in place in this State. Also, I would like to add that most of these students are New Yorkers. They've been here, they will probably remain here. They

don't know any other home but New York.

MR. GOODELL: But under current law, you have to be a New York State resident to get New York State tuition, right?

MS. DE LA ROSA: Correct.

MR. GOODELL: Okay. And this also provides that you can get 100 percent of your tuition paid by New York State taxpayers if you come to New York State and get a New York State GED, correct?

MS. DE LA ROSA: Yes.

MR. GOODELL: And there's no time requirement for residency in New York State in order to get a GED other than the 30 days; is that correct?

MS. DE LA ROSA: Correct.

MR. GOODELL: And there's no age restriction for getting a GED in New York?

MS. DE LA ROSA: No.

MR. GOODELL: So a foreign student, any foreign student anywhere in the world could come to New York State, stay here for 30 days, take and pass a GED and be eligible for four years of free tuition at taxpayer expense?

MS. DE LA ROSA: Correct.

MR. GOODELL: Isn't that a -- a huge burden to ask our taxpayers to fund? I mean, just as an example, and I apologize - I realize there's two questions here - but last year, as my information is correct, there were over half a million foreign students who applied

for a Student Visa, an F Visa, and came to the United States. Now, any one of those foreign students with an F Visa could come to New York, take a GED and get four years of free tuition, right?

MS. DE LA ROSA: If you receive a GED in New York State, you would be eligible for this -- through this bill.

MR. GOODELL: And, of course, you could be in the top of your class in a foreign country, say France, and still be eligible to take the New York State GED, right?

MS. DE LA ROSA: Correct.

MR. GOODELL: So, getting back to why should New York State taxpayers foot 100 percent of the bill for any foreign student who comes here and spends as little as 30 days here in New York State before they take a GED?

MS. DE LA ROSA: You would have to take the GED in order to be eligible. When you're a New Yorker, you're a New Yorker. And if you are here, you would have access under this bill if you meet every other requirement to get this assistance.

MR. GOODELL: Now, you -- we talked a little bit about the fact that this bill says you don't have to be a New Yorker, right? I mean, that's the whole purpose of the bill. It says you don't have to be a legal resident of New York and we still provide you with 100 percent taxpayer funded tuition, right?

MS. DE LA ROSA: Even if you do not have immigration status, you are still a New Yorker. The truth is that our State has supplemented the education of New Yorkers from K to 12th

grade, irregardless of immigration status. This bill would simply allow for that benefit to continue on as these New Yorkers become college educated.

MR. GOODELL: But the bill specifically says you do not need to be a New York resident, correct, in order to be eligible for these benefits. I'm referring to, for example, on page 3, line 36 --

MS. DE LA ROSA: You could -- you can be a New Yorker --

MR. GOODELL: -- "An applicant who is not a legal resident of the State." I mean, you could be a -- a resident of Pennsylvania and still be eligible for 100 percent paid tuition?

MS. DE LA ROSA: If you took a GED in New York State, you went to GED program and you were in New York State, 30 days -- after 30 days, you would be eligible under this program.

MR. GOODELL: Okay. Even though your -- your passport is from France and you have absolutely no intention of ever living in New York State?

MS. DE LA ROSA: The students that we're talking about in this bill have made New York their home.

MR. GOODELL: Is there anything in this bill that requires that the applicants for this benefit commit to being a New York State resident?

MS. DE LA ROSA: There is a portion of the bill that requires them to fill out an affidavit that certifies that they will be initiating the process for -- for legalizing their status here.

MR. GOODELL: What is that status if they're not here legally? Well, let's -- let's deal with two groups of people. Let's say you're an out-of-state resident, you live in Pennsylvania, you graduate in New York, you and your family moved out four-and-a-half years ago. You no longer pay any New York State taxes or have anything at all to do with New York. You no longer own any property in New York. You can apply for tuition assistance under this because you graduated from New York. There's no residency obligation there, right? You don't have to sign an affidavit saying, *I'm going to come back to New York and start reimbursing the taxpayers for this investment*, correct?

MS. DE LA ROSA: The bill does not speak to that, no.

MR. GOODELL: Okay. We're talking -- so this affidavit only applies if you're here illegally?

MS. DE LA ROSA: Undocumented, yes.

MR. GOODELL: And it says that if you're here illegally, you have to fill out an affidavit that says, *I am applying for legal status* --

MS. DE LA ROSA: Mm-hmm.

MR. GOODELL: -- or, *I will apply sometime in the future if I'm ever eligible*.

MS. DE LA ROSA: Correct.

MR. GOODELL: Now, who enforces that affidavit?

MS. DE LA ROSA: This bill doesn't speak to

enforcement. We -- we assume that HESC and State Department of Education would be in charge of doing that work.

MR. GOODELL: Now, wouldn't it make more sense that we have them sign a contract with a grant that says, *If I don't apply, I repay the tuition assistance?* Wouldn't that -- I mean, that's enforceable. I mean, an affidavit is not enforceable. There's no obligation to honor the affidavit, is there?

MS. DE LA ROSA: Again --

MR. GOODELL: I'm sorry. I apologize --

MS. DE LA ROSA: It's okay. Again --

MR. GOODELL: -- there's two questions. Should we have them sign a contract to repay us if they don't comply with that?

MS. DE LA ROSA: Again, this bill does not speak to that. What this bill says is that they have to sign an affidavit and certify that they will -- they intend to and they will try to make their immigration status current here in New York State.

MR. GOODELL: Now if they -- if they don't, if they become eligible, let's say Congress straightens out DACA - and we all hope they will.

MS. DE LA ROSA: We hope they will.

MR. GOODELL: Of course, if they straighten out DACA, this might all be irrelevant, right? It might be moot.

MS. DE LA ROSA: Well, we hope that our colleagues in Washington have the courage to do that, but while that

happens, the State of New York has the authority to move forward with this legislation.

MR. GOODELL: So, you sign the affidavit and you don't do anything. You become eligible, you don't do anything. What's the ramification? Is there any ramification at all?

MS. DE LA ROSA: This bill does not speak to any ramifications, but I -- I can tell you that these students that we're talking about here, as I said before, have made New York State their home. They have contributed to the economy of the State and they will continue to make New York their home.

MR. GOODELL: Although we've covered pretty clearly, right, that you can be an out-of-state resident with no intent of making this your home. You could even have an out-of-state driver's license. You live out-of-state. Your family's out-of-state, still eligible. You can be here as little as 30 days. I mean, there's no real obligation that you make this -- New York State your home unless, unless you get the Excelsior Award, right? Because if you get the Excelsior Award, you have to stay here four years or you have to pay it back?

MS. DE LA ROSA: Yes, correct.

MR. GOODELL: Now, if you're an illegal immigrant and you take advantage of this program and for whatever reason, you cannot change your status, at the end when you graduate, you'd still be illegal, right? Let's assume that you can't get the legal status. You're not allowed to work, are you?

MS. DE LA ROSA: We know that these students work now. They do work. Once they graduate from school, they also work.

MR. GOODELL: So they're working illegally?

MS. DE LA ROSA: They're working without immigration status.

MR. GOODELL: But if you're not -- if you don't have immigration status then you don't have a Social Security number, correct?

MS. DE LA ROSA: Some of them have taxpayer IDs. They pay taxes. They pay State taxes. They pay local taxes. They -- they pay excise taxes.

MR. GOODELL: But they don't pay any income tax because they don't have any Social Security number, correct?

MS. DE LA ROSA: With their taxpayer IDs, they do pay.

MR. GOODELL: Well, the taxpayer ID is only there so that foreign residents can pay for unearned income that originates from New York State or United States. So, it's not therefore earned income, right? You're not eligible to get a W2 --

MS. DE LA ROSA: Correct.

MR. GOODELL: -- with a foreign taxpayer identification, correct?

MS. DE LA ROSA: Correct.

MR. GOODELL: And so -- and it's illegal for an

employer to hire someone who's here illegally, correct?

MS. DE LA ROSA: Correct.

MR. GOODELL: So, all these people that you're referring to that are currently working, they're not paying New York State income tax and they're not paying Federal income tax because it's illegal for them to work, it's illegal for their employer to report their income because it's illegal for the employer to have them. So, they're all engaged in tax evasion, correct?

MS. DE LA ROSA: The reality is that these New Yorkers do work in New York State. They pay taxes. They pay State and local taxes, and they also -- they have employment. They work. They contribute millions and millions to the economy of our State every year.

MR. GOODELL: And, of course, the reason we have all these immigration rules and restrictions, there's several reasons, of course. One is we want to make sure that the people who come here are lawful. Second, they all have to fill out an affidavit of support to make sure they're not on public assistance - these are lawful residents -- or lawful immigrants - but a third, we control the number of people that come in because we want to protect American jobs, you know, blue collar jobs, entry level jobs from unfair foreign competition, if you will. Doesn't this bill encourage a loss of employment with U.S. blue collar workers, particularly entry level and blue collar workers who are losing their jobs as a result of illegal immigrants coming to the United States?

MS. DE LA ROSA: This bill is an education bill. It deals with the Education Laws of New York State and it allows these students to have access to State financial aid and also to -- to scholarships through the DREAM Fund Commission.

MR. GOODELL: So when they graduate with a four-year college degree, if they haven't changed their status yet, it's still illegal for them to work and it's still illegal for any employer to hire them, correct?

MS. DE LA ROSA: They work in New York State and they will continue to work in New York State.

MR. GOODELL: Illegally.

MS. DE LA ROSA: Correct.

MR. GOODELL: Okay. But even though they can't legally work in New York State, we know under the Excelsior Program they can't leave New York State without having to pay back the grant -- grant, right?

MS. DE LA ROSA: Correct.

MR. GOODELL: And wouldn't it make sense that if someone cannot legally work here that we encourage them to go to a location where they can legally work? I mean, obviously your employment opportunities and your opportunities for income and your opportunities for advancement are severely restricted if your employer can be arrested for hiring you, right? I mean, wouldn't it make sense that we encourage them to go someplace where they can actually get a great income and contribute to their local community legally?

MS. DE LA ROSA: I disagree. I think that they do contribute to our State. They have contributed and they will continue to contribute.

MR. GOODELL: Now, as part -- when you look at the DREAM Fund, the first part of this bill --

MS. DE LA ROSA: Mm-hmm.

MR. GOODELL: -- it said you're eligible for this private financial assistance, but you must -- one of the criteria is you must reside with the parents or guardians while attending high school in New York State.

MS. DE LA ROSA: Yes.

MR. GOODELL: But there's no requirement that you live with a parent or guardian in order to get taxpayer-funded assistance. Don't you think the requirements for taxpayer-funded assistance should match those for private funding under the DREAM Fund?

MS. DE LA ROSA: In New York State, if you acquire a high school diploma, you have to live in New York State.

MR. GOODELL: Thank you very much for your answers.

MS. DE LA ROSA: Thank you.

MR. GOODELL: I appreciate your insights. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. Would

the sponsor yield, please?

ACTING SPEAKER AUBRY: Will you yield?

Ms. De La Rosa yields.

MR. MURRAY: Thank you, Ms. De La Rosa.

There's several parts to this so I'll go in different sections, but first, just so I think we're all on the same page, when we're talking about DREAMers, we're talking about DACA, I've heard many times the -- the statement that these kids have done nothing wrong and, in fact, they were brought here by their parents, they had no say in the matter and why are we punishing them; would -- would that be on track?

MS. DE LA ROSA: These children have been brought to this country, some of them through no fault of their own, but the truth is and the -- and the fact of the matter in this bill is that New York State has already invested in their education. From K to 12th grade, New York State pays for public education for all children, regardless of their immigration status.

MR. MURRAY: And by "New York State", you mean the taxpayers?

MS. DE LA ROSA: Correct.

MR. MURRAY: Correct. But -- but my point being that these -- these kids haven't done anything wrong. They haven't broken the law. So, if we're -- if we're not passing the DREAM Act, if we're -- if DACA is not straightened out, I've heard it said that we're punishing these kids for the crimes committed by their parents and that's wrong; would you agree with that?

MS. DE LA ROSA: Yes.

MR. MURRAY: Okay. Now, let's start with the DREAM Fund. Who makes up the Commission, the DREAM Fund Commission? Who makes that up? Who -- who appoints them?

MS. DE LA ROSA: Sure. So there are 12 members to be appointed to the Commission. Four members are appointed by the Governor, three are appointed by the Temporary President of the Senate, three members are appointed by the Speaker of the Assembly, one member is appointed by the Minority Leader of the Senate and one member by the Minority Leader of the Assembly.

MR. MURRAY: So, not only is this Commission sanctioned by the State, it's actually put together by State elected officials?

MS. DE LA ROSA: Correct.

MR. MURRAY: Okay. And is -- is part of the duty of the Commission deciding the eligibility and who receives these scholarships?

MS. DE LA ROSA: Yes.

MR. MURRAY: Okay. And when we talk about eligibility, as part of the eligibility it says the -- *The scholarships will go to students who are children of immigrants*, and it goes a little further to say, *who have at least one parent or guardian who immigrated to the United States*; is that accurate?

MS. DE LA ROSA: Yes.

MR. MURRAY: Okay. So, let's -- let's talk about

who would not be eligible under the DREAM Fund. So, if -- if one parent or guardian must be an immigrant or immigrated here, so we have a third generation family from Ronkonkoma, New York. The parents grew up in Ronkonkoma, their grandparents grew up on Long Island in Ronkonkoma, they're third-generation kids. They want to go to college. Would they be eligible for funds under the DREAM Fund?

MS. DE LA ROSA: No.

MR. MURRAY: No, because they are not -- their parents were not -- immigrants or immigrated here.

MS. DE LA ROSA: Correct.

MR. MURRAY: Okay. The point I'm trying to make is although we are putting together this -- this DREAM Fund is from private funds, aren't we sanctioning discrimination? I mean, what I described when I first started talking was when we were talking about the DREAMers, we were talking about kids who did nothing wrong, why are they being punished and, yet, we're saying to the legal third generation children, *Well, because your parents had the audacity to be born here, you will not be qualified to get any funding through the DREAM Fund.* Isn't -- how is that not discriminating against them for something that they haven't done wrong?

MS. DE LA ROSA: This bill opens up the eligibility for TAP, in-State tuition. Those students have access to TAP, have access to in-State tuition. They would also have access to the Excelsior Scholarship.

MR. MURRAY: That's through TAP. We're talking

about two different things, though, because the DREAM Fund is not the same as the DREAM Act.

MS. DE LA ROSA: These funds -- these -- the DREAM Fund and the DREAM Act don't compete, right. The DREAM Act is a needs-based award.

MR. MURRAY: Right.

MS. DE LA ROSA: It's given to whoever qualifies, whoever meets the requirement. The DREAM Fund is a scholarship.

MR. MURRAY: Exactly. And that's why I started with the DREAM Fund because I did not want to mix it up with the DREAM Act. We'll get to the DREAM Act.

MS. DE LA ROSA: Mm-hmm.

MR. MURRAY: But the DREAM Fund by itself is a scholarship program the State is obviously sanctioning because the State has put together the Commission and, yet, this -- this Commission can say no to legal, taxpaying residents and say, *No, you do not get any funding through this.* It will only go to the children of those who've come here illegally.

MS. DE LA ROSA: Like any other scholarship, there's requirements. If the person meets the requirements, they would get the scholarship.

MR. MURRAY: But is the requirement where you're born? Isn't that out of control? Isn't that what we said in the very beginning? So, we're going to punish these kids who are here legally.

MS. DE LA ROSA: The requirement is that a parent

or a guardian be an immigrant.

MR. MURRAY: Okay. So we'll go to the DREAM Act.

ACTING SPEAKER AUBRY: One minute, please.

Mr. Morelle, why do you rise?

MR. MORELLE: Thank you, Mr. Speaker. I apologize for the interruption, but I would like to ask members of the Election Law Committee to join Mr. Lavine in the Speaker's Conference Room. My apologies to the two members.

ACTING SPEAKER AUBRY: Certainly. Election Law Committee, Mr. Lavine is on his way. You will follow him. Thank you.

Proceed, sir. Sorry.

MR. MURRAY: Thank you, sir.

So, moving now to the DREAM Act. Now, as you said, the DREAM Act will be allocated through the TAP program, correct?

MS. DE LA ROSA: Correct.

MR. MURRAY: Which means those who are in the DREAM Act will also now be eligible for the Excelsior Scholarship Program which also goes through the TAP program, correct?

MS. DE LA ROSA: Correct.

MR. MURRAY: And how much are we allocating of taxpayer funds for TAP?

MS. DE LA ROSA: \$27 million is the estimate.

MR. MURRAY: That's for DREAM Act, right? But then there's more for TAP all together, correct?

MS. DE LA ROSA: The total is \$27 million.

MR. MURRAY: Okay. And the TAP fund as we said is -- is funded through the taxpayer dollars, correct?

MS. DE LA ROSA: Correct.

MR. MURRAY: Okay. Are there -- as -- as my colleague earlier brought up the income requirements, what are the -- or I'll bring them up. The income requirements right now for the Excelsior Scholarship Program, what we did was we -- we moved it up this year to \$110,000 household income. Next year it'll go to \$125,000, correct?

MS. DE LA ROSA: Correct.

MR. MURRAY: And that's where it taps out --

MS. DE LA ROSA: Yes.

MR. MURRAY: -- no pun intended. But \$125- is the top. How are we verifying the income? As my colleague brought up, if the parents are here illegally and are not, they don't have Social Security numbers so they are not paying income tax, how are we checking and verifying the income eligibility of these students?

MS. DE LA ROSA: There's ways to confirm and verify income eligibility. For example, they could use receipts, pay stubs and any other way of proving what your income is.

MR. MURRAY: So, if they don't prove their income, they don't get it?

MS. DE LA ROSA: Correct.

MR. MURRAY: So no DREAMer will get the Excelsior Scholarship or TAP funds if their parents are not able to verify their income and meet the requirements.

MS. DE LA ROSA: If they cannot meet the requirements, they will not be eligible.

MR. MURRAY: So as far as the Excelsior Scholarship Program and -- and -- through TAP, one of the requirements also through the Excelsior Scholarship is that all funds go towards tuition, correct?

MS. DE LA ROSA: Correct.

MR. MURRAY: So the books, lodging, meals, all the ancillary, that is not included in the Excelsior Scholarship Program.

MS. DE LA ROSA: Correct.

MR. MURRAY: Okay. But, yet, in the DREAM Fund and in this bill, Section 11, paragraph D, line 49, there's also funds available through the DREAM Fund for, "Any necessary supplemental financial assistance which may include the cost of books and necessary maintenance for such enrolled students." Now, aren't we doing kind of an end-run around the requirements of the Excelsior Scholarship Program by doing this?

MS. DE LA ROSA: Well, the funds would allow -- as you know, when a student goes to school in this State, there's other needs that they have to meet, right?

MR. MURRAY: Sure.

MS. DE LA ROSA: The scholarship would allow for them to pay for those extra needs.

MR. MURRAY: But under the Excelsior Scholarship requirements and under TAP, it is required that all funds, meaning whether it's a Pell Grant or anything, grants, scholarship funds, all of it has to go towards tuition first and cannot go towards books, meals, room and board and all of this and, yet, that's exactly what we're doing in this bill.

MS. DE LA ROSA: The Section that you cited is for the opportunity programs and the opportunity programs do allow for students to access other services. So, transportation and other costs of books and other costs that come with higher education.

MR. MURRAY: And those students you're talking about are the students that will qualify through the DREAM Fund which are not the legal taxpaying students, correct?

MS. DE LA ROSA: Correct, but the DREAM Fund -- the DREAM Fund would allow for them to access -- so, they could use the Excelsior Scholarship if they qualify, right, and they could apply for the DREAM Act Fund Scholarship.

MR. MURRAY: Right.

MS. DE LA ROSA: If they qualify and they get that money, that money could be used theoretically to supplement any other costs related to higher education.

MR. MURRAY: I understand what you're saying,

and that is a direct end run around the Excelsior Scholarship Program which absolutely requires any funds, including scholarships, be put towards tuition. So, for a legal taxpaying student, they get a scholarship. That scholarship money has to go towards tuition, period; they're not allowed to do this, but now that same legal taxpaying student who uses their scholarship, pays for the tuition, they're not eligible under the DREAM Fund to get this supplemental scholarship to pay for their room and board and meals and transportation and such.

MS. DE LA ROSA: So there's two separate things here: The opportunity programs, right, anyone who qualifies for the opportunity programs could use that money for whatever that program allows them to. For example, HEOP and EOP allow for students to use that money that they're given for any other cost. The DREAM Fund is a separate -- is a separate source of support for these students.

MR. MURRAY: But it's in the bill that the DREAM Fund would be giving them the money for that, whereas the legal taxpaying student is not eligible for the DREAM Fund. We already stated that.

MS. DE LA ROSA: As long as Excelsior is used as last dollar, that would be fine under this bill.

MR. MURRAY: But, again, in this bill and the wording of this bill, it is getting -- it is giving this money, this opportunity, this scholarship is through the DREAM Fund which is not available to the third generation legal taxpaying student; therefore,

they're being shortchanged and this somewhat of an end run around the Excelsior Scholarship Program.

So, literally, a DREAMer could go through the Excelsior Scholarship Program, get all of their tuition paid for, for free through the taxpayers, then turn around and get, through this scholarship that is not available to the legal taxpaying resident, all of their books and the room and board and their meals. So, they are literally getting free college while a legal, third generation taxpaying student whose parents are struggling to pay the bills is not eligible for all of that.

MS. DE LA ROSA: All who are eligible would be able to apply for the fund and for TAP and for the opportunity programs. These funds are not in competition with one another. They're loan standing funds and as long as you meet the requirements, you would have access to these funds.

MR. MURRAY: Thank you, Ms. De La Rosa.

MS. DE LA ROSA: Thank you.

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

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

MR. MURRAY: Understand, when I -- I started the statement and the questions, I -- I had said that -- that the DREAMers did not do anything -- they didn't break the law, they didn't have a say; you're right and we want to provide opportunity, that's not a question. We do. They have been here, but earlier on the sponsor said a quote

about the DREAMers that said they made New York their home, contributed to the economy of New York State and know no other home. That also describes that third generation family from Ronkonkoma. They contribute to the economy, they know no other home. Their parents did nothing wrong. They were born here and, yet, they cannot qualify for some of these benefits.

You know, when we hear from the -- the legal, and I'm calling them "the forgotten legal middle-class," because we keep hearing stories, DACA, the Governor puts out a press release, they'll get health care through Medicaid regardless of what Washington does. And people say, *Well, what about us?* DOCS just this week - Department of Corrections - says free tablets to a program they negotiated with one of their vendors, free tablets to the prisoners and, again, the legal taxpaying residents are saying, *What about us? We're struggling to pay for this stuff.* The DREAM Act, now, free college; again, *What about us? Why -- why -- why are we struggling and we can't get that help?*

You know, I'm getting e-mails, phone calls, angry e-mails and phone calls saying, *What about us? The forgotten, legal middle-class.* Well, I'm not going to forget about them. I'm not going to forget about you, that's why I will be voting no to this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lalor.

MR. LALOR: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Will you yield, Ms. De La Rosa?

MS. DE LA ROSA: Yes, I yield.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. LALOR: Thank you, Ms. De La Rosa.

Is there an estimate on how many students will avail themselves either of the TAP funding or the Excelsior Program?

MS. DE LA ROSA: The estimate that we have in New York State for students comes from a report from 2013 and the number we have is about 8,300.

MR. LALOR: And we talked about some of the requirements. Is a clean criminal record requirement to receive this funding?

MS. DE LA ROSA: No, just like it isn't for residents.

MR. LALOR: So somebody in the country illegally who's convicted of, say, a misdemeanor, can they receive TAP under this legislation?

MS. DE LA ROSA: The same way anyone else could.

MR. LALOR: Is that a yes?

MS. DE LA ROSA: Yes.

MR. LALOR: And how about somebody in the country illegally who commits a felony, are they eligible for this taxpayer-funded tuition assistance?

MS. DE LA ROSA: We don't think so.

MR. LALOR: We're going to vote on this in a few minutes. Can you --

MS. DE LA ROSA: No.

MR. LALOR: They're not -- they're not eligible?

MS. DE LA ROSA: They're not eligible.

MR. LALOR: And I read in the -- the sponsor's memo, it says these young people generally -- generally derive their immigration status from their parents. So, generally-derived. So, most of them derive their immigration status from their parents? So, it sounds like there's an exception in there; what's the exception?

MS. DE LA ROSA: Well, you know, when we're speaking about a group of people, we're speaking in general terms. In general terms, most of them were brought here by their parents.

MR. LALOR: Right.

MS. DE LA ROSA: Or by a guardian or by a family member. So, that's why we say they derive their status from their parent.

MR. LALOR: Right, but you said "generally" they derive their immigration status, not "all of them" derive their immigration status. So, whose in that other category? How did they get here?

MS. DE LA ROSA: We're talking in generalities here. We're talking about a group of children who were brought here. I can't say all of them were brought here precisely by their parents, but

they did come here maybe by a guardian or a family member.

MR. LALOR: Could they have come here -- could a 17-year-old have come here by him or herself?

MS. DE LA ROSA: I'm not going to speculate on that because as I said --

MR. LALOR: Do you think it's possible that a 17- or 18-year-old came here by himself?

MS. DE LA ROSA: Everything is possible, correct.

MR. LALOR: How about a 19-year-old.

MS. DE LA ROSA: Correct.

MR. LALOR: Is it possible that a 19-year-old adult came here, went to a New York high school for two years, would he become eligible for this taxpayer-funded tuition subsidy?

MS. DE LA ROSA: If he meets all of the other requirements, yes.

MR. LALOR: Okay. So, he wasn't brought here by his parents most likely if he's 19. He's a free adult, could make his own decision, could have stayed in his own country?

MS. DE LA ROSA: We're not going to speculate on -- on a scenario.

MR. LALOR: But it's possible.

MS. DE LA ROSA: All of that is likely.

MR. LALOR: Okay. Likely?

MS. DE LA ROSA: Or possible.

MR. LALOR: Which one?

MS. DE LA ROSA: Possible.

MR. LALOR: And getting back to the validating process. There's all kinds of requirements for the DREAM Fund. You have to live with your parents?

MS. DE LA ROSA: Mm-hmm.

MR. LALOR: What are the safeguards in-- in place to -- to validate that? I mean, how do you prove that you live with your parents? What's the process?

MS. DE LA ROSA: It's the same process that everyone else would have to adhere to when they're applying for tuition assistance. So, you would have to give your parents' income information or anything else that --

MR. LALOR: But it's a little different because in this case, we're -- we're conceding that the parents are in the country illegally, presumably to stay here. They traffic in illegal documents to make their way. So, are there any safeguards in place to make sure that the person actually lives at their parent's house, for example?

MS. DE LA ROSA: So, the members of the Commission would be tasked with looking at every case and making those determinations if -- if there was a situation where that wasn't clear.

MR. LALOR: So this Commission could decide, *Eh, we're not sure if you live with your parents, but we're going to let you in anyway, here's your tuition check.*

MS. DE LA ROSA: They would have to meet every

requirement. If they cannot prove a requirement, they would not be eligible.

MR. LALOR: Right. But, if I show you a piece of paper that's not legitimate, I guess I'm providing some level of proof, but it's not --

MS. DE LA ROSA: It would -- it would have to be a piece of paper that would be acceptable under every other requirement in order to get this assistance in the State.

MR. LALOR: And as far as 527 now under this legislation, someone in the country illegally, they could --

MS. DE LA ROSA: 529?

MR. LALOR: 529, I'm sorry -- 529, they could avail themselves of that program. Someone puts money into a 529 program and they receive a tax benefit, correct?

MS. DE LA ROSA: If they have a taxpayer ID, they would be able to do that.

MR. LALOR: Right. So do we know how much revenue is going to be lost to the State with the 529 plan, for example?

MS. DE LA ROSA: We don't know.

MR. LALOR: But we're going to vote on this soon, right?

MS. DE LA ROSA: We don't know.

MR. LALOR: How about the DREAM Fund? Do we know how much revenue is going to be lost to the State and presumably have to be made up by other New York taxpayers?

MS. DE LA ROSA: The DREAM Fund --

MR. LALOR: Yes.

MS. DE LA ROSA: -- is made up of private donations. It's not State money.

MR. LALOR: Is there a tax deduction?

MS. DE LA ROSA: Excuse me?

MR. LALOR: Is there a tax deduction to the DREAM Fund?

MS. DE LA ROSA: The same way that any -- any other charitable organization or non-profit. When you make a donation, you could access a tax deduction.

MR. LALOR: Right. So, there's a tax deduction. Someone's tax liability goes down and, presumably, the rest of our tax liability goes up to make up for it, unless we're going to cut something which doesn't happen -- hasn't happened in my five years.

MS. DE LA ROSA: We don't think that it would have a noticeable impact on the State financial plan from a deduction.

MR. LALOR: Okay. And more and more, grad school is important to open doors. I know my father, the son of an immigrant, by the way, had a Bachelor's Degree and he was able to become a CPA, but that was 50 years ago. You'd have to get a Master's Degree now to be a CPA, for example. Many -- many professions are like that. But about five, six years ago, New Yorkers who've already gotten a Bachelor's Degree, they're no longer eligible for TAP to seek that Master's Degree that might be necessary in their

field. So, my question is why is the Bachelor's Degree for somebody in the country illegally more important than a Master's Degree for somebody who's an actual legal resident of New York State and the United States? Why is that the priority?

MS. DE LA ROSA: Well, I disagree with your premise. I think that the two are not mutually exclusive, right? You could support giving this benefit to the DREAMers, to the students that are here, and you could support expanding into TAP, but what we're dealing with -- expanding TAP for graduates. But what we're dealing with today in this bill is expanding that benefit in TAP, in-State tuition opportunity programs to the students, as I said earlier, that have been in this country, that have studied in this country, that we've already invested so much in in their earlier education.

MR. LALOR: On the bill, Mr. Speaker.

Thank you very much.

You know, Mr. Speaker, this debate is raging in New York State, it's raging across the country and I -- I did a little research. An organization called the Federation of American Immigration Reform, their numbers are from 2011, but they crunched the number for the whole country and they broke it down by State. And my colleagues are right when they say that those in the country illegally pay taxes. Here in New York State, these are 2011 numbers, but they're probably similar, proportional. They paid \$192 million in taxes. Big money, but the net burden to the State, \$9.3 billion. And they broke it down. Education, \$5.83 billion. So, the education cost

alone for those in the country illegally is five-times greater the amount put in by those in the country illegally. Health care, \$957 million cost to taxpayers. Justice in law enforcement, \$865 million cost to taxpayers. Public assistance, \$648 million - per year, mind you, every year, year after year. General government services, \$1.16 billion. That's your infrastructure, your roads and things like that. And if you break it down, every household in our State, people that we represent, that's headed by a U.S. citizen pays \$1,500 -- I'm sorry, \$1,757 every year to support those in the country illegally.

And I've heard the argument that we've already invested so much in those who are here illegally, but I think that's an argument against this legislation. We've -- we've invested billions upon billions upon billions and now they're coming back and they're asking for more. When does it end?

A million New Yorkers have left our State in the past seven years, much of it in Upstate New York where things are economically devastated. We're one-sixth into this legislative Session. Have we passed anything to help the people in New York State who are here illegally? We've consented most bills. I remember one debate on propane. You know, important stuff, but does it rise to the level of the kind of things that are going to keep New Yorkers here, end the exodus? I don't think so, but here we are, our first real piece of meaningful legislation one-sixth of the way into the legislative Session and it's for people who are in the country illegally. What are the people -- what are we doing for the people who are in this country

legally and have been for years? Not anything so far this year. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing the interruption. I'd like to ask members of the Governmental Employees Committee to join Mr. Abbate in the Speaker's Conference Room. Governmental Employees in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Governmental Employees, Speaker's Conference Room.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield again?

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: I yield.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker, and thank you very much, Ms. De La Rosa. You did such a great job earlier, I -- I didn't want you to sit down without having an opportunity to address a few more questions.

MS. DE LA ROSA: My pleasure.

MR. GOODELL: So, thank you so much. Of course, you know, one of the things we wrestle with as a government, of course we want to encourage legal behavior and discourage or even

punish illegal behavior. I -- I think we all kind of agree on that general concept; wouldn't you agree?

MS. DE LA ROSA: I disagree with your premise based upon the issue that we're discussing here today.

MR. GOODELL: So you believe when it comes to immigration, we can encourage illegal behavior and discourage legal behavior?

MS. DE LA ROSA: I believe when it comes to immigration, these students are New Yorkers and it is our responsibility to educate them, to make sure that we have an educated workforce so they can continue to contribute to the economy of the State.

MR. GOODELL: But one of the strengths I think of the United States is we've always had the philosophy that no one is above the law. And that means no one from the President, right, the highest position, no one's above the law or even someone who may be here illegally; wouldn't you agree that no one should be above the law?

MS. DE LA ROSA: Of course.

MR. GOODELL: So if you graduate from high school and -- and you're under the age of 18 or around the age of 18, you can, as you know, apply for a Student Visa, correct? If you're not here legally, let's say you're here from - we'll pick my favorite country, Sweden, because my grandparents came from Sweden - but let's say you're here illegally from Sweden, you graduate from high school in

New York State. You can apply for a Student Visa from Sweden, right?

MS. DE LA ROSA: Correct.

MR. GOODELL: You have 180 days and you're good to go. Shouldn't we encourage those students who are graduating, who are in that age category, around 18, to properly apply for legal student status like an F Visa?

MS. DE LA ROSA: Mr. Goodell, I have heard the stories of these students and I can assure you that if there are legal -- if there is legal recourse for them to make their status current, they've exhausted those recourse.

MR. GOODELL: Are they aware they can apply for a Student Visa from their home country up to 180 days of their 18th birthday?

MS. DE LA ROSA: I'm sure some of them are aware, but the point is that they -- these students - we're not talking about all students. We're talking about students that have been here, that have made New York State their home. Students who -- we heard today from a young woman who has been in this country since she was two years old, since they were three years old, since they were babies. And those are the students that we, in this legislation, are opening up the opportunity, the process for them to access in-State assistance.

MR. GOODELL: But just so I understand, this bill is not limited to people who have spent a long time here illegally,

correct? It's not limited to those who came here when they were three years old, correct?

MS. DE LA ROSA: As long as they meet the requirements that are set out in the bill, they would be able to have access to this benefit.

MR. GOODELL: And so the only requirement in the bill is not that you've been here a long time or that you came as a young child or that you came here through no fault of our own; that's not in this bill anywhere. The only thing that's in this bill is that you spent the last two years in a New York State high school, correct?

MS. DE LA ROSA: And you're, therefore, a New Yorker and you're, therefore, would have access to this.

MR. GOODELL: But you only -- but this bill only requires that you be here for two years or 30 days if you take the GED.

MS. DE LA ROSA: The same requirements as it would for anyone else.

MR. GOODELL: Okay. So if you were to apply for legal student status, there's certain things you have to establish. For example, you have to establish that you're either proficient in English or signed up for an English proficiency course, and you have to establish that you maintain a residency abroad and that you're going to comply with our laws while you're here and you also have to establish that while you're here, you will not be seeking government support, right that you're self-supporting; those are all criteria for a legal immigrant seeking Student Visa status, correct?

MS. DE LA ROSA: Correct.

MR. GOODELL: But none of those requirements apply under this program?

MS. DE LA ROSA: The requirements that apply under this program, as you stated before, are that they went to high school in the State, graduated from a high school in the State two years prior or have received a GED.

MR. GOODELL: Okay. And if you come here on a -- a J Visa, which is a great Visa, by the way. It gives an opportunity for a student to come to the United States, study, usually all their tuition is paid for, often their room and board is also paid for. It's a great program. Last year we had 380,000 students come in on a J Visa. But the difference between that Visa and this approach is those 380 (sic) students that came in on a J Visa had their tuition paid for entirely by either the Federal government or their home government or some other source. Shouldn't we encourage students who are here to apply for a J Visa so that they're funded by somebody other than the New York State taxpayers?

MS. DE LA ROSA: Under this legislation, we don't talk about J Visas; J Visas are not a subject of this legislation. This legislation is specifically dealing with students, as I said before, who have studied in this State, who have graduated in this State and are seeking access to the benefits of this State.

MR. GOODELL: On the cost of this program. We -- we know last year it was a \$27 million cost just for the TAP Program.

Do you have an estimate for what the total cost of this program might be including the cost of the Excelsior?

MS. DE LA ROSA: We have -- the estimate that we have is \$27 million. That is the total estimate.

MR. GOODELL: The \$27 million was for the TAP component.

MS. DE LA ROSA: For the entire -- for the entire Program.

MR. GOODELL: So you're envisioning that none of these students would apply for the Excelsior Program?

MS. DE LA ROSA: The Governor has added in his proposal \$24 million for State support of the Excelsior. That money would be used. They would have access to that money.

MR. GOODELL: I apologize. That was \$24 million?

MS. DE LA ROSA: \$24 million more to the Excelsior Program.

MR. GOODELL: So it would be a \$27- plus the \$24- or, you know, whatever that is, \$51 million?

MS. DE LA ROSA: The total -- the total amount for this program is \$27 million for the DREAM Act to be enacted. What I'm saying is that the Excelsior Scholarship, right now the Governor's proposal is to add an additional \$24 million bringing the Program to \$118.4 million. The cost of having the DREAMers access Excelsior would be included in that total amount.

MR. GOODELL: Thank you very much, Ms. De La Rosa, I appreciate your comments.

On the bill.

ACTING SPEAKER PICHARDO: On the bill, Mr. Goodell.

MR. GOODELL: As a general policy, I think all of us should start out with the premise that we want to encourage legal activity and discourage illegal activity. Unfortunately, the DREAM Act does exactly the opposite. What this bill says is that if you go through the legal channels and get a Student Visa, you have to pay your own way. If you go through legal channels and get a J Visa, another Student Visa, your foreign government will pay the way and you have to go back home and enrich your home country when you're done. This bill says that if you violate all those laws, if you don't comply with a J Visa and you don't comply with a Student Visa, then we will give you free tuition. Now, think about that. We're saying if you violate the law, we'll give you free tuition, but if you comply with the law, you get nothing. That is a very wild proposition for us to be considering, and it goes on further.

Those who support this bill correctly point out the compassion we should have to young children that come here, grew up here, don't know anywhere else other than here as their country, but this bill isn't limited to those kids. This bill, by its language, applies if you came here as a 16- or 17-year-old. It applies if English is your second language. It applies if all of your relatives, including

your parents, are still in the home country. Since 2015, we've had 100,000 unaccompanied minors from outside the United States coming in. These are kids that would qualify under this bill who don't come with a parent. And this bill says, *Hey, if you come up here as a teenager and your parents aren't contributing anything in taxes because they're still at home in their home country, we'll give you free tuition.*

Now, we know that none of the illegal immigrants can legally work in the United States. It's illegal to employ them, it's illegal for them to work here and, as a result, they don't pay any income taxes. So, what are we saying to the lawful residents of New York State? You know, the ones that fill out those income taxes. We're saying, *You pay income taxes so that those who don't pay any income tax at all can get a free ride at your expense.* But we take it one step further, because the amount of award that you get under TAP is based on your parents' reported income based on the income tax returns. That's how TAP verifies how much your parents make. But if you're here working illegally, there is no income tax return which means that illegal immigrants with parents who are here illegally are eligible for the maximum amount of tuition assistance because their parents are committing tax evasion. Think about that. If you violate our tax laws, if you don't pay any income tax, if you're working illegally under the table, we'll give your kids the maximum tuition assistance that we can give you. On the other hand, if you're a successful teacher and you've been working there for 20 years and

you're now at the top step and you make more than \$100,000, thank you very much for all those income taxes you pay, you get zero because you're no longer eligible for the Excelsior Award and you're not eligible for TAP. My friends, maybe we should have a system where we reward hard work, where we reward tax compliance, where we recognize that if you engage in illegal activity, we're not going to give you thousands and thousands of dollars in benefits.

Now having said that, we all want to see kids succeed, every one of us. And I'm confident I speak on behalf of all my colleagues, we all want to see kids succeed. The great news is this: These young kids as they're graduating from high school can legally apply for a Student Visa, and our country gives out about a little less than a million Student Visas every year. Yes, you can do it legally and that's the approach we should take.

Now, I encourage our colleagues on the Federal level to solve DACA and I know there's a lot of hardworking individuals who are giving it a lot of thought and a lot of attention and I wish them the very best, but in the meantime, we shouldn't say to the New York taxpayers, *You pay taxes, your kids get less money; if you violate your laws -- our laws, your kids get the most.* And so, while I appreciate the sentiment in helping others, I think we should focus on how we can help them through legal means become long-term residents that are paying income taxes and can lawfully work here. Thank you, Mr. Speaker. And thank you, Ms. De La Rosa; thank you for your comments.

ACTING SPEAKER AUBRY: Mr. Crespo.

MR. CRESPO: Mr. Speaker, would the sponsor yield for a question?

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: Sure.

ACTING SPEAKER AUBRY: Ms. De La Rosa yields.

MR. CRESPO: In your best estimate, what is the cost, the potential cost of expanding TAP eligibility to this new population who would be eligible under the DREAM Act?

MS. DE LA ROSA: \$27 million.

MR. CRESPO: All right. Thank you, Ms. De La Rosa.

On the bill, Mr. Speaker.

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

MR. CRESPO: Mr. Speaker, I just want to -- I think it's important for those New Yorkers who may be hearing this debate or -- or who want to understand what this legislation really is about, let's clarify some things. I think it's important, number one, we're not trying to solve the immigration debate here. We're not trying to address all the many circumstances surrounding so many families from around the world impacted by their status and their residence in New York State. This really is, as the sponsor explained, an education

bill, one that says that if you are a New York resident and you have been able to document that one way or the other and are eligible under all the other criteria that your fellow classmates who graduated with you from New York State high schools meet, then you would also be afforded that opportunity. That's really what this is.

But there are -- when you do look at this debate, whether you're looking at it from the immigration standpoint or even the DREAM Act, for some of us there is a moral argument to be made and then there's an economic argument. I realize that spending time talking about our moral views on this may not be the most sufficient use of time, so I'll stick to the economics of it.

First of all, according to the Institute for Taxation and Economic Policy, unauthorized immigrants in New York paid an estimated \$662 million in State and local taxes in 2010. Some of that was State income taxes paid through EIS's -- EIN's, I'm sorry. Some are through \$94 million in property taxes, \$463 million in sales taxes. When any one of us go to a gas station, we're not asked for our documentation before we pump gas and pay taxes on that gas. I could go on and on with examples, but you get the point.

I think we have to recognize a real economic reality and that is that it is well-documented the economic impact and contributions of immigrants across this State, across this country. In New York alone, we are facing deficits. We have concerns about our economy. The fact of the matter is that if you were to pull the entire population right out of the State magically, as some of the White

House would probably like to do, we would be hurting our economy to the point that we would not survive as a State. If we're honest with each other, that's what it would be. If we look at the contributions of non-citizen taxpayers, it by far exceeds the potential added cost. And this notion -- and it's important for New Yorkers who -- who want to understand this to know, when we talk about the potential increase in -- in spending on this proposal, we're talking about potentially \$25 million - it could be a lot less because all the criteria may not be met by every student - but that funding compared to the contributions and taxes paid in various forms by undocumented immigrants more than pays for this program and for the needs of citizen students across our State.

Matter of fact, if you think about the language used in this - I come from the South Bronx. Our community was impacted tremendously by the crack epidemic. We were vilified as a people and as neighborhoods because of the burdens of something that was prevalent in our neighborhoods. And in those days - and we've talked about this issue and I'm going to bring it back and make it relevant to this - but in those days we called those addicted "junkies," "criminals." They were the reason our country was failing in so many respects and we needed to just get rid of them from our society. We used those terminologies then and we forgot that they were human beings who needed help.

Fast forward to today, we have, again, a new renewed debate about another epidemic affecting a lot of other individuals, as

well. But we don't call them "junkies" anymore. We don't call them "criminal drug users." We call them what they are. They are patients who need medical care and treatment and respect and an understanding that they cannot control the dynamics that are affecting them. Well, I would argue that instead of telling a two-year old who's now 18, *You are an "illegal"* -- I don't know how a human being is illegal -- I would say let's not talk to them like that. Let's call them what their schools call them, what their teachers call them, what their classmates call them, "students," "students." They happen to be grown now, but let's not forget what they are. They are young people who had no choice in most cases in any of this and are -- and are now finding the reality. Some of them find out on graduation day, by the way, that's when they're told by their parents the truth, *By the way, I hate to break this to you because you're going to apply, you can't.*

We are making an investment as a State because they have rights like everyone else, we recognize that; that is our law. We invest in them K through 12, we support them, we view them as New Yorkers because they've established residency here. And so, to deny them this next step and to make an argument that somehow it is taking away from someone else and, I'm sorry, but in the last few budgets, I believe we have all championed the fact that we've increased tuition assistance and with Excelsior, we have made it available to more of a working middle-class. Some of us had concerns that we weren't addressing the out-of-cost needs or that we weren't opening that up to part-time students. The majority of these DREAMers would not take

advantage of Excelsior because the fact is they don't have the economic means to go to school full-time. Many of them work three jobs to pay tuition.

So, let's give New Yorkers a real understanding of what it is that we're trying to accomplish here. We're not here to address the big immigration. I agree with many of my colleagues that -- that we hope Washington does the right thing, but let's not be disingenuous in the numbers. The reality is that undocumented workers pay more in State taxes than some of our biggest corporations or the President of the United States who's a New Yorker, too, and we really can't tell what it is that he contributed. But we know what the numbers are for individuals who are not legal residents.

So, I would encourage folks when they think about this, let's not use terminology that is -- attempts to demean. Let's address it with what they are, these are students. We're talking about an education program. We're talking about expanding the same opportunities that we have now expanded for so many others, not just those in need. We've expanded them for a larger category of incomes because we recognize it is difficult for everyone. So, if you truly believe that every New Yorker should have every means to get to a college education, let's link -- let's not look at them as something outside of this, you know, the reality of who we are as a State, and let's be honest about what our history is. Let's be honest about what this country was founded on. Let's be honest about what we're trying to accomplish. They alone amongst their communities with the

businesses they open and the jobs they create deserve better and we need to recognize their contributions in an honest way.

And, lastly, because I really think it's important that when we refer -- use the right terminology out of respect to all communities. When we say "illegals," again, you know, I don't call a person who is addicted a criminal. I call them a victim of that addiction. When I see a businessowner who hires somebody who's undocumented, because in many cases farmers have a hard time in that season, they got to get that job done. They would love to have Visa workers, but sometimes that's not available to them and if they hired that hand, like the President's own construction company hired undocumented workers. That was well-documented. So, this practice, we have this idea that somehow this is what they do, but not what we do. We don't call that farmer an illegal farmer because he hired an undocumented worker. We call him a farmer who wants to make sure that farm stays open, or -- or a business owner.

So let's just -- let's just be honest in our exchange and let's be honest with the language and fact of the matter is that this bill is an education bill. We've done this for more and more New Yorkers year after year. Let's not leave out these children that we have already invested in who offer so much promise with their intellectual capital. If you don't buy my morality argument, at least buy this: It makes economic sense for our State to not ignore their contributions, what they offer, what they bring, what they contribute and how we move forward. We cannot be a global economic engine if we deny the -- the

-- the -- opportunities and the vision and the experiences that they bring. In Spanish, we say, "*La necesidad es la madre de los inventos*"; necessity is the mother of inventions. Well, trust me, when somebody has suffered, they have more to give because they know what it takes to get to where they are. So, please, let's be responsible in how we talk about this issue and who we're talking about with this bill. These are DREAMers. These are New Yorkers. They go to our schools, we know this. So, let's not say that in one hand and then turn around and try back-handed language that is meant to offend.

And lastly, as I close, because I will support this bill, let's be careful where we get our data from because one of the organizations mentioned here today, the Federation of American Immigrant Reform, is actually classified as a hate group founded by an avowed white supremacist. So, let's be careful where we get our data from. If you want to learn more about this, I'd be more than happy to talk to you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

To explain his vote, Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. You know, I always find it interesting when it comes to the DREAM Act, who are these DREAMers? They're African people who came here

looking for a way and ran into a nightmare. Who are these DREAMers? They're Latino. They're from the Caribbean, they're Haitian, and they've come here and only run into a nightmare. Let's not forget the history of this country. When the white, European immigrants came it was a different attitude. Yes, there was discrimination, but because of their race, they had access to social and economic mobility quicker than African people who were already here enslaved, building this nation. So, let's not forget that past.

We're talking about \$27 million. As we would say in the neighborhood, chump change; out of a \$168 billion budget, we're talking about \$27 million. Why was all of this deep research, intellectual "googly gog" over \$27 million? And that's why I think this is racist. When the complexion of immigration changed, the resistance, the resistance to making those who have come here to be a part of this system, the resistance to that multiplied. I heard one person say that no one is above the law and he had the nerve to mention the President. That's a joke. No one's above the law. Where have you been? I vote yes on this.

ACTING SPEAKER AUBRY: Ms. Hooper.

MS. HOOPER: Thank you, Mr. Speaker, I rise to explain my vote. Although I have spoken on this floor regarding this issue many times, there are some of my colleagues who do not know my position on this issue, so I take this time to recap. We are all DREAMers; I believe in dreams. So, I implore all my colleagues, all my colleagues to support all DREAMers, even the displaced Haitians

who were born in the Dominican Republic and driven out of their -- the only home they ever knew, they do matter, and they have a dream, too. So, for (inaudible); thus, I cast my vote yes for all the DREAMers.

ACTING SPEAKER AUBRY: Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker.

Once again, the priorities of our Governor and my colleagues on the other side of the aisle are misplaced when they're, once again, bringing forth legislation that would put the interests of individuals who are in our nation and in our State unlawfully before the very citizens that were -- we're elected by to fight for their interests. Once again, we're having a discussion at a time when the Governor's saying we have a \$4 billion deficit that we don't have funds, that we have to now find out how we're going to balance this year's budget, but, yet, this bill comes before us once again and we still have not addressed -- if we did have the money, the first thing we should be addressing is the fact that we have not yet increased the household income eligibility for our tuition assistance students; that is still at a cap of \$80,000. It has not been increased since the year 2000. And so, when we talk about all DREAMers, I think we need to talk about individuals who are in this country lawfully, as well as citizens who do not qualify and that hasn't -- have not been eligible for now for 18 years.

The Governor's Excelsior Scholarship Program, which did increase that threshold to \$125,000, that is a separate discussion, but doesn't take away from the fact that if a student wants

to go to a private university that they don't qualify anymore. Graduate students. Under the last fiscal deficit we had, 2010, the Graduate Student Tuition Assistance Program was also eliminated. And so, that should also be a priority of this House.

So, I will, once again, be voting against this legislation. I think that we really need to have a discussion about how we're going to help the citizens and legal residents of this State who do not qualify for the Tuition Assistance Program. And I will work with my colleagues on the other side of the aisle to advocate that Washington fix what has been a broken system. I've said that repeatedly. We shouldn't be looking to circumvent the law and providing a benefit to individuals who are here unlawfully.

ACTING SPEAKER AUBRY: Mrs. Arroyo.

MRS. ARROYO: Thank you, Mr. Speaker. I will be voting yes in this bill because we have to be proud of this generation of young people that were brought here not by themselves, by somebody else. And they have been seriously attending school, preparing themselves to take care of this nation and to be the workers that this society need. We have to have in consideration the efforts that they are making and they have made to complete a high school diploma. It's not an easy task. It's not an easy game. We can speak about 1,000 other things here, but I'm proud of them. I would like to support them and I would like to see that probably our President surprise us next week and vote for the act that will give them the opportunity in general terms. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, Mrs. Arroyo.

Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker. First of all, let me thank the Speaker for taking a proactive step to bring this bill in front of us in a moment where we are in the process of negotiating the budget. I also would like to thank Assemblywoman De La Rosa for the job well done in presenting this particular bill in this Chamber today.

Let me just say a couple of things: Number one, eight years ago I stood here talking about a different state, where the configuration of the State happened to be a Republican Governor, Republican House and Republican State Senate. Some of the states, such as Texas, Utah, recently the State of Florida; these three states passed the DREAM Act. The Governor who was Republican decided to step to the plate and give these DREAMers the opportunity in their respective state what they deserve. Eight years later, we're still on the same debate in the State of New York.

So, I hope that we will be able, we will be able to see the light at the end of the tunnel where not only these three states, but you have the State of California plus the State of New Mexico under a Republican Governor who also has passed the DREAM Act. And where we talk about what DREAMers bring, well, the DREAMers bring a very important general growth beside bringing their own persona into our culture, our custom and our community. The State of

California generates close to \$7.2 billion as a result of giving the opportunity to its DREAMers to take steps in their respective state.

The State of Texas brings close to \$11.4 billion as a result of giving these DREAMers the opportunity to be real workers in their state.

So, Mr. Speaker, I encourage my courage -- I encourage my -- my colleagues to vote in the affirmative and, therefore, I withdraw my vote on the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

We are limited to two minutes, ladies and gentlemen. Please try and hold your remarks to that time.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I listened to the debate and would like to just point out that for many, if not most, of these youngsters, this is their home country. They came here as youngsters brought by their parents. This is the nation they know. This is the country to which they are committed. This is the State to which many of them are committed. They have -- we have invested in them by educating them in the K through 12 system by law and it is important that we not lose that investment, but rather ensure that those that we have provided with an excellent education and who demonstrate that they have the capacity to do college level work not be barred from having that opportunity simply because they don't have the financial wherewithal. The notion that their parents may not be paying taxes or they may be making plenty of money, the reality - and we all know the reality - is that undocumented people in this State are

routinely exploited because they're undocumented. There's wage theft. There is a lack of commitment to minimum wage because they cannot complain.

Last week, people in this Chamber, when we spoke on certain resolutions, tried to distance themselves from the discussions in Washington and, yet, today, here we are finding people embracing the same negative terminology that is intended to not just be perniciously degrading, but actually dehumanizing. And that, to me, coming from a family that experienced the -- the issues of the Holocaust certainly find that dehumanization inappropriate. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote very quickly in two minutes. First, I want to honor Ms. De La Rosa for her ability to debate this issue and handle I think what were some very valid questions that were raised, and I think there were also a lot of horribly insensitive separatist rhetoric mentioned that wasn't necessary in this debate. But, it is kind of the thing that comes up whenever you're talking about issues as it relates to black and brown people. It's discouraging that we're here in 2018 and still always want to go back to referring to criminals and illegal activity when you're talking about black or brown people.

But I will say this, Mr. Speaker, those states in this

country who have realized the value in educating their DREAMers will get a return on their investment because when people work, people pay taxes and, quite frankly, we all know, there's plenty of studies out there that say if you're not educated, you can hardly even work in America anymore. You need to have an education. You need to have a higher education. So, why would we want to have people in our country who don't have the ability to contribute to our economy. I don't think we should and I think we should be motivated by the fact that there will be a return on our \$27 million investment when people are educated and working in professional jobs that give them the ability to pay higher taxes.

With that, Mr. Speaker, I remove my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: I'd like to explain my vote. Thank you, Mr. Speaker. And also, I'd like to thank the sponsor of this bill. She was very calm and cool while debating, and so I commend her and I thank her for her leadership on this initiative and issue. We're from New York, the great Empire State. And in our Harbor, we have a lady who stands there that says, "Give me your tired, your poor, your huddled masses yearning to be free." Free, looking for opportunity. This, to me, is not a handout. This is uplifting our communities. This is uplifting students, student that we invested already, lifting up -- lifting them up so we can lift up others. Let's give these children an

opportunity to grow, because we know that they can be great New Yorkers. And that's what we are, New Yorkers. We watch each others' backs. We don't ask what your immigration status is or if you're black or white or ethnicity. We don't ask any of that. We just say, *You're a New Yorker, I got your back.* So let's get these -- let's get these students and let's get them -- and let's have them and support them. And so, I vote in the affirmative of -- of this bill.

ACTING SPEAKER AUBRY: Thank you.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to abstain and explain my vote. First and foremost, I want to dispel two myths that have been mentioned in this Chamber. First and foremost, it is not a handout. This is an investment into your future. You're expected to return that investment. So, it's not a handout. People aren't getting anything for free. And, secondly, this nonsense about this being a zero sum game, where if DREAMers win, U.S. citizens lose, we need to stop that nonsense. That's what's causing a lot of heartache, a lot of separation, a lot of divisions amongst Americans in this country. And we know where it's coming from, but ultimately we need to say, first and foremost, this makes economic sense and it's not anyone's not getting anything for free. You have to work for it, you got to earn it. This is what the -- the ability and what we believe as Americans in terms of getting the American Dream. You need to work for it. So it's not a handout.

And, secondly, if we help DREAMers, that does not

mean that U.S. citizens will lose. \$168 billion budget, \$27 million investment where we're going to see a return, I -- as far as I'm concerned, Mr. Speaker, that is not a handout, that is an investment. And with that, I withdraw my request and I will vote in the affirmative and I -- and I hope my colleagues will do the same.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Sepulveda.

MR. SEPULVEDA: Thank you, Mr. Speaker. So, some of the words I've heard today to describe these DREAMers: *Illegals, "they want handouts, they want sponges.* And I wonder if we would be using the same terminology if these DREAMers were from Norway. I wonder the terminology we use, when you consider the tax break that the Federal government recently gave to corporations, that is a -- that is sponging. That is a major tax hand -- giveaway to people who don't need it. These DREAMers are asking, we're asking for \$27 million, a pittance when you consider our budget.

Now, when I hear the words "illegal", I find that highly offensive. And I'm hearing it from people who have, on occasion, gone to bible study classes with me, and have been told that this is not the way American is, this is not Godly for them to describe individuals as illegal. And to hear them using that term here is disheartening. These aren't handouts, this is a wonderful investment. Look at the City alone, DREAMers -- DREAMers contribute \$7.33 billion to the City's GDP alone in 2016. Given legal status, they would probably contribute another \$8.6 billion to the City. And they

contribute \$115 million to the State coffers. So, when you consider \$27 million versus \$150 million, who is getting shortchanged here?

Who is being exploited here?

DREAMers are the best of the best. These are individuals that are getting educated. These are individuals that have no criminal record. These are individuals that we should embrace and that we should make their path to getting an education, their path to citizenship a priority in this country. They will contribute mightily to this country because they already have. So, please, let's not use economic arguments to justify what is inherently a racist policy. Let's not use terms like "illegals" to describe people, children, students. Let's be human about this. Let's be human about this. And as a result, I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. I also want to commend the sponsor for her words, and also to my colleagues, Assemblymember Crespo for his. The DREAM Act is more than legislation to me. I am an immigrant. I am the proud daughter of two immigrants. My parents came to this country in pursuit of their higher education. They brought me with them when I was only six months old and I was taught the value of education and the value of opportunity from a very young age. I watched my parents struggle and strive and succeed and struggle and strive and succeed over and over again, always trying to provide even more opportunity for me and

my siblings. Education gives us an unprecedented opportunity to reach our goals and to fulfill our aspirations. So many of our DREAMers have the potential to elevate our society as a whole and when we deny them access to education, we are throwing away an invaluable investment that we have already made.

I had the privilege of meeting the original DREAMer. Her name is Tereza Lee, a young Asian-American woman who is an incredible pianist, a young prodigy that was performing with the Chicago Symphony by age 16. People all around the country paid to watch her perform, but she was afraid of getting deported every single day. Do we really want these bright young minds to have to retreat to the shadows or live in the margins of society? We tell our kids that education is important; that if they stay in school, work hard, that they can achieve whatever they set out to do. When we fight for them, we are actually giving them the hope that this is true.

I represent the gateway to America. My district overlooks the Statue of Liberty that Mickey (phonetic) was talking about. She recited a little bit of that poem and at the end of that poem it says this: "Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!" These words are a reminder that our immigrants and their children are embraced here; that they have a future here in our State and that our DREAMers are here to stay; that they are American and that we are, unless native, we are all immigrants. And with that, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

Mr. Castorina.

MR. CASTORINA: I hadn't originally planned on speaking on this bill today, but so much of what I've heard - throwing around the term "racist", you know, when you don't dis -- when you disagree with somebody, you don't get the right to turn around and call them a racist. It's just -- it's just unfair and it really takes away from the notion of the debate. Frankly, there are many of us that are very compassionate and understand the plight of DREAMers. And we believe, as the President said, that Americans are DREAMers, too.

But I want to go one step further. There are also many of us that understand that something needs to be done to correct this problem. This is a major issue. We do not believe that there should be a second class citizenry of sorts. We do not believe that people should have to live in the shadows. We believe that these folks can add to our economy and that they have certain inalienable human rights endowed by their Creator and that we should support them. Those are all tenets of our beliefs. But, philosophically and ideologically, many of us don't believe that this issue should be balanced on the backs of New York State taxpayers and that instead it should be handled in Washington, D.C. And because we believe that, that doesn't make us xenophobe. That doesn't make us a racist or any *-ist* or *-ism* that you can conjure up.

So, please, if you want a debate, if you want to elevate the debate, let's not throw these terms around because it does two things: First of all, it's insulting; and secondly, it actually dilutes

the term "racism", which I count as a very serious problem in this country. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I rise in support of this bill. Today, I'm happy to be among this Body, who, despite much resistance at the Federal level, and some of our own elected officials in the Senate has continued to pass its own version of the DREAM Act. I am the daughter of Haitian immigrants and this Act has always been important to me, more than ever, given the multiple aggressive attacks from this President's Administration against immigrants and immigrant families.

As we join together to acknowledge and fight for the DREAMers today and their struggles, I hope that we will also join together to acknowledge and fight for the temporary protected status of all those that are being sent back to what we know are dire circumstances in their countries of origin. From Haiti to Honduras, El Salvador, Nicaragua, we must not be selective, but come together around everyone's struggle.

So -- as so, to the estimate of the 4,500 undocumented students who graduate from high school every year, I see you and will continue to fight for your American Dream, as your American Dream is all of ours American Dream. I want to thank the sponsor for carrying this bill, and I vote yes in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Rivera.

MR. RIVERA: Thank you, Mr. Speaker. Let's be honest with each other. Someone just said, *Leave it up to Washington, D.C.* Interesting. Someone said, and I'm not one of them, that because you might look different from me and I am treated different, that that makes you a racist. I don't believe in that. I don't think you're a racist. I think you're a confused person. And I think the bottom -- the fact of the matter is that in this society, our country, we have had time after time double standards. When it was convenient for Washington, whether it was under Kennedy, Bush, or you name it, Reagan, we had a good policy towards Cuba: If you land alive on the shores of Miami, we will pay for your housing. We will help you set up a business. We will help you with education. That was okay until Haitians began to arrive, not alive in the shores of Florida, and everything changed. The criticism. You can still arrive from Cuba even right now under the President that we have as long as you touch American land. And you're treated different. It's changed a little bit, let's be honest with each other.

Look, pretty soon all of us will be getting our W-2 form, and I can tell you that in this country, anyone that works pays taxes. Everyone that works pay taxes. Whether I work under somebody else Social Security, I still pay taxes. And I'm sure those family we're talking about pay more taxes than the man in the White House, than the man in Mar-a-Lago, than the man that's been playing

golf with all of us since he got elected. Now, I don't know what the con --

ACTING SPEAKER AUBRY: Mr. Rivera, how do you vote?

MR. RIVERA: I don't know what the con -- I still got a half a minute --

ACTING SPEAKER AUBRY: No, you don't.

MR. RIVERA: I don't want what the converse --

ACTING SPEAKER AUBRY: Mr. Rivera --

MR. RIVERA: -- conversation would have been --

ACTING SPEAKER AUBRY: You -- you can have

--

MR. RIVERA: -- if the Democrat would have won. Because of the fact matter is, this goes back to a war, this go back to (microphone turned off) -- (Mr. Rivera continued to speak - inaudible.)

ACTING SPEAKER AUBRY: Mr. Blake, please. Mr. Blake, please.

Sir.

MR. RIVERA: Next time I'll bring my own microphone.

ACTING SPEAKER AUBRY: Absolutely. Mr. Blake, please.

MR. BLAKE: Thank you, Mr. Speaker, for the opportunity to speak on -- on the bill, and I proudly support this bill

and -- and -- and all the work that's happened from Assemblymember Carmen De La Rosa, the leadership of Member Crespo and others.

As -- as a son of Jamaican immigrants and as a lay minister, allow me to remind some of our colleagues about a few things. One, yes, it is racist. Let's not hide from the fact of what it is, racism and prejudice are two different things, it is about --

MR. GOODELL: Mr. Speaker --

MR. BLAKE: -- the institutionalization --

MR. GOODELL: Mr. Speaker --

MR. BLAKE: -- the institutionalization --

MR. GOODELL: -- we have rules --

ACTING SPEAKER AUBRY: Mr. --

MR. GOODELL: -- about de -- we have rules about decorum in this Assembly, and calling other members "racist" or any other names --

MR. BLAKE: I -- I actually --

MR. GOODELL: -- are outside those rules --

MR. BLAKE: Actually --

ACTING SPEAKER AUBRY: Excuse me, sir.

MR. GOODELL: -- Mr. Speaker. I would ask that you direct the member to comply with our rules of decorum.

MR. BLAKE: I actually didn't reference a person.

ACTING SPEAKER AUBRY: Mr. Blake did not reference an individual, I believe.

MR. BLAKE: Correct.

ACTING SPEAKER AUBRY: Did he not?

MR. BLAKE: I did not. I did not.

MR. GOODELL: He -- he said that -- he said that discussion on this bill by some members is a sign of racism. That is not true, and it's inappropriate -- the accusation is inappropriate. And it's the meaning of our rules that require respect from amongst members.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: Yes, sir. I think the -- I think the question is whether or not we refer to the motives of members on how they -- the position they take. So, I would encourage all members to refrain from questioning the motives of individuals who speak on the floor. I think that's the point that Mr. Goodell is making, and it's well taken.

ACTING SPEAKER AUBRY: Thank you, sir.

So, we will refer to our reason for voting, and not somebody else's. Thank you.

MR. BLAKE: I proudly support the DREAM Act because we should not be, in this country, allowing racist policies to go against us. Number two, when we talk about our values, let us never forget that Jesus was a refugee who repeatedly was trying to find a home, and they didn't say that there was no room for anyone, they said there was no room for them. So let us not be selective of the "for them" in these conversations when it come to immigration.

As a son of Jamaican immigrants, we should be

standing up for our Latino communities. We should standing (sic) up for our West African communities, the Bronx, which has the largest West African population in the world. We should be standing up for our Asian communities. But we should be standing up because people are sick and tired of them being the "for them/against them." And so, I proudly support this bill because we have had enough of people deciding that one community should have it when others should not. The reality is plain and simple. When you're talking about hundreds of persons that would be departed a day that would lose opportunities a day, it is wrong and it is not who we are as a country.

So, the reality is this: We can feel uncomfortable about the reality of the words, but you cannot ignore the reality of what is happening. People are being divided, plain and simple, because of their skin color. So we stand up to say we reject that. We reject that in all possible notions. Let us stand and be united as an Assembly and continue to put a pressure on the Senate Republicans and others to stand up to do the right thing. I proudly support us passing a DREAM Act. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, I proudly support this bill and I want to thank the sponsor of the bill for bringing it forward and for maintaining such a dignified posture while we had members stand up here, some of which repeated the word "illegal" every several seconds, so much so that it sounded like a... a tongue twister, or a

limerick, we heard the word "illegal" so much. But the fact is that when they say "illegal", they're referring to children, somebody's child. And under what legal precedent that exists in this country do we punish a child for an infraction that a parent did? Yet, we hear -- this is a very emotional issue because we hear members here arguing that it is right to marginalize a child for life, that somehow that is acceptable. That's what makes this -- this issue so -- so emotional. And we -- you know, we hear -- we constantly hear these dog whistle phrases, you know, like "illegal" and "they're taking something from you", and they have to scare people that somehow -- in fact, one member even mentioned that -- tried to frame this like, you know, the thousands of DREAMers were not DREAMers --

MR. GOODELL: Mr. Speaker, I again object. Our rules are clear. We are to confine our debate and our comments on how we are voting and why, and not about what other members may have said.

MR. RAMOS: Mr. Speaker, I'm commenting on the positions that were brought out here during the debate.

ACTING SPEAKER AUBRY: We will explain our votes, things that are involved in helping us make that vote, whatever they may be. That is where we are.

MR. RAMOS: I'm explaining why I'm voting the way I am --

ACTING SPEAKER AUBRY: And I understand --

MR. RAMOS: -- as opposed to what was said here.

ACTING SPEAKER AUBRY: Continue, sir. We want --

MR. RAMOS: In fact, we had it framed here as if the thousands of DREAMers were not young children who immigrated here, their parents brought them, that somehow this is like French people coming here to take advantage of free tuition. That -- that's -- that's what was said. The fact is, there's nine European countries that offer free tuition to international -- international students.

So, Mr. Speaker, in closing, I'd like to say that, you know, even though our President has used the dog whistle by saying, *Americans are DREAMers, also*, in the words of Ms. De La Rosa, *DREAMers are Americans, also*. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lavine.

MR. LAVINE: Thanks, Mr. Speaker. Nations that thrive are inclusive -- they are inclusive politically and they are inclusive economically; nations that fail waste their assets. These kids are here through no fault of their own. We have invested in them. That is our American system. Our American belief is that they should be educated. If we turn our backs on them, we waste our assets.

Now, Lincoln used to say that America is the world's last best hope. I'm going to vote for this, and I'm going to vote for this out of a spirit that's Lincoln-like. I'm going to vote for this because we must stand for those same better angels that Lincoln spoke about so long ago. And if there was ever a time that our nation needs those

better angels, it is now. I will be voting in favor of this good bill.

ACTING SPEAKER AUBRY: Thank you.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. It's abundantly clear that it seems like this year more than other years people are much more emotional about this act, DREAM Act, and the discussion we're having today. First and foremost, I want to thank our new sponsor, Assemblywoman De La Rosa, you've done a wonderful job, particularly on the facts and why this is more important now to pass than ever. But let me just change it up a little bit. Let me -- I also want to thank my colleagues on the other aisle who actually took the time over the years, past few years, to come down to our part of New York City to spend valuable time with the DREAMers in our public schools to really, not just feel compassionate, but empathize with our children and what they're going through. And I want to appreciate them from refraining the use of words like "criminals" or "illegals" to describe those children, because they're not criminals, and you know that. They're not illegals.

You know, when you talk to them, just like the woman I spoke (sic) last night in my district, this woman named Angie Kim, who's a DACA/DREAMer activist, if you close your eyes and you just hear her story, you're going to see an American person. But when you open your eyes and you see what she -- how she presents herself, where's she's from, you start judgment -- you start judging that person immediately, and that's just human nature. And --

and I think -- I don't think anyone's a racist here, I don't think anyone's trying to be prejudiced, but there are some rhetorics that perpetuate the wrong message out there. And in this time and age, we need to be better than -- that's why I feel very strongly about this bill and I want to continue to support the DREAM Act.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. De La Rosa to close.

MS. DE LA ROSA: Thank you, Mr. Speaker. First of all, I want to take this opportunity to thank my colleagues, all of them, for your support, for your understanding, for cheering me on. I want to say that this moment, this bill, is about education. It's about understanding the privilege for those of us who have been able to go to school, who have been able to receive an education. I've said it before on this floor, but I immigrated here as a baby from the Dominican Republic. I'm the first person in my household to go to college. And that privilege is not lost on me, because if it wasn't for the opportunity to have that education, I wouldn't be here. But the reality is that thousands and thousands of New Yorkers, because they are New Yorkers, New York is their home, do not have that opportunity.

And I want to take this moment to honor those -- those New Yorkers, the ones that I have met and the ones that have told me their stories. New Yorkers who worked the nightshift at bakeries, in McDonald's, at fast food restaurants, in order to pay for school. Those New Yorkers are not illegals, and I'm going to honor

them by saying some of the names of the ones that are here today: Yatsidi, Vanessa, Amanda, Johan, Monica, Angelique, Antonio and Mohammed. Those are our children. Those are the children of our neighbors, the children of the people that we go to church with if we believe in a Higher Being. Those are the children of the people who make this State what it is. They are DREAMers. They have a dream, and that dream is in our hands.

We have a small investment, we can allow them to go to school. What young person do you know asks for more schoolwork; yet, the DREAMers have come up every single year to ask us just for that, to allow them to go to school. So we're asking our colleagues to vote for this legislation and to do the right thing.

I also want to take a moment, and I know I'm out of time, to thank the staff of the Higher Education Committee, the Ways and Means staff and my staff, my district staff and my Albany staff, for preparing me for this debate. I want to thank Speaker Heastie for allowing the opportunity of this debate on this floor and for having the confidence that I could carry out today's mission. With that, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. De La Rosa in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Would you please call on Mr. Otis, who I know is anxious to make an announcement.

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of an announcement.

MR. OTIS: There will be an immediate meeting of the Democratic Conference following the conclusion of Session. Look forward to seeing you there.

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

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I want to ask, Mr. Speaker, if you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: Certainly. We have both.

On a motion by Mrs. Peoples-Stokes, page 39, Calendar No. 221, Bill No. A-2788-A, the amendments are received and adopted.

We have numerous fine resolutions which we will take 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. 803-813 and 828-830 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I now move the Assembly stand adjourned until Tuesday, February 6th, ladies and gentlemen, 11:00 a.m., a gentle reminder to be here in the Chamber at 11:00 a.m., tomorrow is Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:39 p.m., the Assembly stood adjourned until Tuesday, February 6th at 11:00 a.m., Tuesday being a Session day.)