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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 1, 2009

10:39 a.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

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

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

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

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

9 ACTING PRESIDENT VALESKY: In the  
10 absence of clergy, may we bow our heads in a  
11 moment of silence.

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

14 ACTING PRESIDENT VALESKY: The  
15 reading of the Journal.

16 The Secretary will read.

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

22 ACTING PRESIDENT VALESKY:  
23 Without objection, the Journal stands approved  
24 as read.

1 Presentation of petitions.  
2 Messages from the Assembly.  
3 Messages from the Governor.  
4 Reports of standing committees.  
5 Reports of select committees.  
6 Communications and reports from  
7 state officers.

8 Motions and resolutions.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President,  
11 after consulting the Minority, we agreed to  
12 take up Senate Calendar 30 as the  
13 controversial calendar and go directly to  
14 Calendar Number 132.

15 ACTING PRESIDENT VALESKY: The  
16 Secretary will read Calendar 132,  
17 controversial.

18 We are on the controversial  
19 calendar. The Secretary will ring the bells.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 132, substituted March 31, Assembly Budget  
23 Bill, Assembly Print Number 153C, an act  
24 making appropriations for the support of

1 government: Education, Labor and Family  
2 Assistance Budget.

3 SENATOR LIBOUS: Explanation,  
4 please.

5 ACTING PRESIDENT VALESKY:  
6 Senator Kruger, an explanation has been  
7 requested.

8 SENATOR CARL KRUGER: Yes. For  
9 the purposes of explanation of this, we'll  
10 begin with the chairperson of our Education  
11 Committee, Senator Oppenheimer.

12 ACTING PRESIDENT VALESKY:  
13 Senator Libous.

14 SENATOR LIBOUS: Thank you,  
15 Mr. President.

16 I believe there's an amendment at  
17 the desk by Senator Flanagan and Senator  
18 Saland. I would ask that you waive its  
19 reading, and would you please call on Senator  
20 Flanagan first.

21 ACTING PRESIDENT VALESKY:  
22 Senator Flanagan, there is an amendment at the  
23 desk. The reading of the amendment is waived,  
24 and you may be heard on the amendment.

1                   SENATOR FLANAGAN:     Thank you,  
2                   Mr. President.    On the amendment.

3                   ACTING PRESIDENT VALESKY:     Yes,  
4                   Senator Flanagan on the amendment.

5                   SENATOR FLANAGAN:     In the  
6                   Governor's Executive Budget proposal there  
7                   were two components in relation to education  
8                   that certainly everyone has talked about and  
9                   spoken to here and outside the chamber.   One  
10                  is having to do with the libraries.   During  
11                  the deficit reduction plan, we had offered an  
12                  amendment on that.

13                  The Governor cut the funding to  
14                  libraries to the tune of about \$18 million.  
15                  This budget restores \$10.6 million of that.  
16                  We think that's insufficient.   We think  
17                  libraries are a valuable resource for all  
18                  communities across the State of New York.   And  
19                  particularly given what's going on in our  
20                  economy, they are like job centers and career  
21                  centers and much more than simply going there  
22                  to read books.   So our amendment, the first  
23                  part of it, restores the funding in totality  
24                  of \$18 million.

1           The second component is in relation  
2           to nonpublic schools. And the Governor  
3           proposed a cut in that area of \$44 million.  
4           This budget restores \$30 million of that. Our  
5           amendment would make full restoration, putting  
6           in an additional \$14 million.

7           And I have to admit I am perplexed  
8           in the main bill as to why we would go part of  
9           the way but not the whole way when we did make  
10          full restorations on the deficit reduction  
11          assessment. These are costs that are really  
12          mandated by the State of New York on our  
13          nonpublic schools. It's something that we  
14          should be doing without really even discussing  
15          it. This should be like BOCES, it should be  
16          like transportation and expense-driven aids.

17          The fact that we're not making  
18          these entities whole is going to create a  
19          problem for them. And I guarantee this is the  
20          type of thing that if this amendment does not  
21          pass, we will hear from these folks directly  
22          and consistently.

23          So the two parts are libraries,  
24          full restoration; nonpublic schools, full

1 restoration as well.

2 ACTING PRESIDENT VALESKY: Thank  
3 you, Senator Flanagan.

4 Are there any other Senators who  
5 wish to be heard on the amendment?

6 Senator Saland.

7 SENATOR SALAND: Thank you,  
8 Mr. President.

9 Mr. President, not too long ago --  
10 I believe in the context perhaps of the DRP --  
11 I mentioned that this chamber particularly  
12 took great pride in the manner in which it  
13 supports and has continued to support  
14 libraries. We in fact have always been at the  
15 forefront.

16 Senator Farley, who has served here  
17 for now three-plus decades, certainly as the  
18 chair of the Library Subcommittee, which was a  
19 bipartisan committee including members of both  
20 sides of the aisle, certainly has always been  
21 in the forefront of library issues and library  
22 initiatives.

23 There's no reason, absolutely no  
24 reason not to provide the relatively modest

1 amount of \$7.4 million to make libraries  
2 whole. We all, I believe, each and every one  
3 of us talk to our local library people, tell  
4 them how important they are, express our  
5 appreciation for their ever-increased and  
6 significantly more important role in today's  
7 downturned economy. We know full well, by every  
8 barometer, by every media account, that they  
9 are busier than they have ever been.

10 They desperately need the aid.  
11 There's no reason why we cannot, in broad  
12 bipartisan fashion, continue to lead in terms  
13 of supporting our local libraries.

14 The other part of the amendment, as  
15 was pointed out by Senator Flanagan, is merely  
16 providing money for mandated services. This  
17 is what we're supposed to do. We mandate  
18 certain services on public schools.  
19 Regrettably, we don't provide the funding. We  
20 mandate certain services on private schools.  
21 And traditionally we have tried to provide  
22 that funding.

23 This basically tries to provide the  
24 funding that flows from a mandate from the

1 Commissioner of Education that private schools  
2 take attendance after each period. They were  
3 required to do that. They were told they  
4 would get the money to do that. \$30 million  
5 doesn't do the trick. You're shortchanging  
6 parochial schools, yeshivas, private schools  
7 throughout the state from one end to another.  
8 They will receive not their due under this  
9 budget. They will be shortchanged and  
10 significantly shortchanged.

11 It's a relatively easy thing to do  
12 to fix it. There should be unanimous support  
13 for this amendment.

14 Thank you, Mr. Chairman.

15 ACTING PRESIDENT VALESKY: Thank  
16 you, Senator Saland.

17 Senator Farley, on the amendment.

18 SENATOR FARLEY: Thank you,  
19 Mr. President. I rise in support of this. I  
20 just want to speak to the library section of  
21 it.

22 Senator Oppenheimer, who's the new  
23 chair of the Library Subcommittee, and myself  
24 spoke to I think the largest group of

1 librarians that has ever approached this  
2 state. And Senator Oppenheimer, to my  
3 pleasure, in speaking mentioned that your  
4 conference had voted unanimously to restore  
5 that full funding to the libraries to  
6 thundrous applause. And I was very pleased to  
7 see that and also mention that my conference  
8 unanimously supports the full support of  
9 libraries.

10 And I think it makes a lot of sense  
11 that we rise up in and support this to where  
12 we have constantly said that we do support  
13 libraries, we want full funding there. And  
14 it's my judgment, I'm quite confident that  
15 this entire side is going to vote to do that.  
16 And I would urge that at least one or two of  
17 you might support it also.

18 Libraries, particularly in New York  
19 State, are the finest in the United States.  
20 And this is something that is desperately  
21 needed. They're historically, particularly in  
22 the larger -- in all of our metropolitan  
23 areas, they're the first to be cut and the  
24 last to be funded because of the strict

1 financial situation that most of our cities  
2 are under.

3 I would urge you to support this  
4 amendment.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Farley.

7 Senator Marcellino, on the  
8 amendment.

9 SENATOR MARCELLINO: Thank you,  
10 Mr. President. I appreciate being recognized  
11 to speak on this very important amendment.

12 This amendment would restore funds  
13 to the libraries which were cut. The  
14 libraries are needed more now than ever  
15 before. People who are looking for resumes,  
16 who need computers and don't have them  
17 themselves, are going to the libraries. All  
18 you have to do is talk to the librarians in  
19 their community. They will tell you that they  
20 are being used and the demand on their  
21 services and for their services is increasing  
22 tenfold.

23 These people provide an absolute  
24 necessity for children of very young ages,

1 children of all ages, senior citizens, young  
2 parents -- it doesn't matter who they are,  
3 they use the libraries.

4 All of us go down on Library Day,  
5 we have our pictures taken, we take those nice  
6 posters that they give us that say "Read," and  
7 they take a picture of you with a book in your  
8 hand, and it's posted in your local libraries  
9 and you're all very proud of that. It's time  
10 now we pay them back.

11 It's time now that we put the money  
12 back in the budget for those libraries and  
13 that they be restored to full funding. They  
14 need the money. They provide a good quality  
15 of life for our communities, and they're  
16 absolutely necessary for our communities.

17 The other part of this very  
18 important amendment -- and I thank my  
19 colleague Senator Flanagan for bringing it  
20 forward -- is to restore aid for mandated  
21 services for nonpublic schools. These schools  
22 are under stress. Many of them are being  
23 forced to close their doors. This is not a  
24 good thing.

1                   Those students who are going to the  
2 nonpublic schools of all denominations and all  
3 types, doesn't matter, who are going to those  
4 schools are going to end up in the public  
5 schools. That's not a bad thing, but the  
6 point is it will increase the demand on the  
7 public schools, and they'll be forced to pass  
8 that on to the property taxpayers. This is  
9 not a good thing.

10                   So those people who choose to keep  
11 their children in nonpublic schools should be  
12 given every assistance to do that. We mandate  
13 the functions that they perform in many cases.  
14 We, as Senator Saland said, should help pay  
15 them pay the bill for the services that we  
16 mandate upon them and that we put upon them.

17                   This is an important amendment, and  
18 I urge everyone to vote aye on this and do the  
19 right thing for libraries and nonpublic  
20 schools and the taxpayers of our state.

21                   ACTING PRESIDENT VALESKY:     Thank  
22 you, Senator Marcellino.

23                   On the amendment, Senator  
24 DeFrancisco.

1                   SENATOR DeFRANCISCO:       There was a  
2                   very historic election that just took place on  
3                   the national level where we have a new  
4                   president who indicated, during the course of  
5                   the campaign and on many other instances, that  
6                   when he was looking for a job he went to the  
7                   libraries to go online to try to find  
8                   information about getting employed.

9                   We are now in the worst recession  
10                  since the Great Depression. The amount of  
11                  money we're talking about is modest at best,  
12                  especially in view of the increased use of the  
13                  libraries. And we really -- there's no  
14                  partisan issue here. It's a miniscule amount  
15                  of money in the overall budget. And it would  
16                  be a shame if this money was not restored.

17                  And there must be somebody, one or  
18                  two people on the other side of the aisle that  
19                  could be inspired by the story of our  
20                  president to do the right thing and restore  
21                  this money to the libraries. And hopefully  
22                  that will happen.

23                  As far as the nonpublic schools, if  
24                  we ever had the burden of having to educate

1 all of the students that are educated by  
2 nonpublic schools, the cost would be  
3 astronomical. This is very, very foolish not  
4 to make sure that they are at least  
5 compensated for the services that we require  
6 them to provide.

7 So this amendment is a no-brainer  
8 and it really should be supported by everyone  
9 in this chamber. Thank you.

10 ACTING PRESIDENT VALESKY: Thank  
11 you, Senator DeFrancisco.

12 The question is on the nonsponsor  
13 motion by Senator Flanagan to amend Calendar  
14 Number 132. Those Senators voting in support  
15 of -- Senator Libous.

16 SENATOR LIBOUS: Could I please  
17 request a fast roll call.

18 ACTING PRESIDENT VALESKY: You  
19 certainly may.

20 Those Senators voting in support of  
21 the nonsponsor amendment should raise their  
22 hands.

23 The Secretary will announce the  
24 results.

1                   THE SECRETARY:     Ayes, 28.  Nays,  
2     30.

3                   ACTING PRESIDENT VALESKY:     The  
4     motion fails.

5                   Senator LaValle.

6                   SENATOR LaVALLE:     Thank you,  
7     Mr. President.  You have an amendment at the  
8     desk?

9                   ACTING PRESIDENT VALESKY:     There  
10    is an amendment at the desk.

11                  SENATOR LaVALLE:     Okay.  That  
12    amendment would restore \$134 million for the  
13    State University --

14                  ACTING PRESIDENT VALESKY:  
15    Senator LaValle, just one second.  Let me  
16    please note for the record that without  
17    objection, the reading of your amendment is  
18    waived.  You may now speak on the amendment.

19                  SENATOR LaVALLE:     Thank you very  
20    much.  I move the amendment, Mr. President.

21                                 This amendment would restore  
22    \$134 million to the State University and  
23    \$88 million to the City University from the  
24    increases in tuition that both SUNY and CUNY

1           have imposed upon themselves.

2                        You heard, when we did the DRP, my  
3           pleas to ensure that the State University,  
4           City University be able to retain every dollar  
5           from their tuition increases. Well, the ghost  
6           of Jesse James came into our chamber and took  
7           away \$68.5 million from the State University.  
8           I have a feeling, unless there's one vote from  
9           the other side, that the ghost of Jesse James  
10          will return and take money away from our  
11          students, middle-income taxpayers who I think  
12          everyone knows are hard-pressed.

13                      Everyone in this chamber  
14          understands that the economy is very, very  
15          bad. But here the State University and the  
16          City University stepped forward and said, You  
17          know, we suffered huge cuts. To the State  
18          University, it was \$210 million. We need, in  
19          order to be competitive with our peer  
20          institutions, we need to have a tuition  
21          increase.

22                      Now, under our system the trustees  
23          move forward and make that recommendation.  
24          The Governor's chairman, Carl Hayden, led his

1 trustees to put forth a resolution back in  
2 December increasing tuition \$310 for the  
3 spring semester of 2009 and the fall semester  
4 of 2009.

5 They also put into place a request  
6 for a rational tuition policy. I talked about  
7 that the last time we spoke with the DRP. It  
8 is so critical, so essential that students be  
9 able to know how much their tuition is going  
10 to go up in small increments -- not \$300,  
11 \$400, \$600, but maybe \$50 or \$100, based on  
12 the CPI.

13 The Commission on Higher Education  
14 made that recommendation for both City  
15 University and State University, a rational  
16 tuition policy. We need that. We have never  
17 in my tenure here, to the best of my  
18 recollection, increased tuition in an election  
19 year. So if we didn't do a rational tuition  
20 policy in an odd-number year, in '09, chances  
21 are remote that we're going to do that in  
22 2010.

23 I view this, with 80 percent of the  
24 tuition money going into the General Fund, as

1 a tax. So we are taxing our students.

2 You know, when the tuition was  
3 increased, a lot of people said to me, You  
4 know, I'm having trouble making ends meet.  
5 It's another \$310. It doesn't sound like a  
6 lot of money, but it is when people are  
7 holding on by their fingernails.

8 Lastly, our university system is  
9 competing with other peer institutions. Now,  
10 they're not having any trouble getting  
11 students. Because of the economy, students  
12 are coming in droves, because it's a good  
13 deal. But the quality of education they're  
14 getting, the classes they need to graduate,  
15 the support system will not be there because  
16 we've taken away the dollars.

17 Now, I know that many of you have  
18 talked about not having this happen. But the  
19 fact of the matter is when we cut to the  
20 quick, unless we have one vote from the other  
21 side, it's not going to happen. And, you  
22 know, I don't want to hear, anywhere out in  
23 the highways and byways of SUNY: Well, you  
24 know, I really wanted to support you. Because

1 in the end, you didn't support the State  
2 University.

3 You're not supporting the City  
4 University to do the good things that they  
5 have done. CUNY, I believe, is in a little  
6 better shape because they've had a steady hand  
7 at the helm in Chancellor Matt Goldstein,  
8 who's done an incredible job there.

9 The State University has not had a  
10 chancellor in 24 months. It has drifted.  
11 Yes, we do have a chancellor now, but it will  
12 take the new chancellor time to get up to  
13 speed to start moving that ship ahead.

14 Economically, our State University  
15 is the center of our economic system on Long  
16 Island. Again, I give you the statistics.  
17 State University at Stony Brook alone, alone,  
18 has an impact of \$4.65 billion in the economy,  
19 59,000 jobs on Long Island. And that's not  
20 including Nassau and Suffolk Community  
21 Colleges, Farmingdale, and Old Westbury.

22 UB, a billion and a half dollars,  
23 center of Western New York economy. The  
24 center. There's legislation to move -- I

1 think that Senator Stachowski is the sponsor  
2 of -- for UB to move them forward to a goal of  
3 being a preeminent institution by 2020, and  
4 similar legislation I will be sponsoring for  
5 State University at Stony Brook. And then I'm  
6 sure Senator Breslin will put in a bill for  
7 State University at Albany and Senator Libous  
8 for Binghamton.

9 Those four university centers we  
10 should be proud of. We should be proud  
11 because they not only educate our students,  
12 but they are the economic engines in our  
13 community, not to say in Brockport and  
14 Oneonta, Geneseo and on and on. These are the  
15 institutions that are providing jobs,  
16 stimulating the economy in our region.

17 And so, my colleagues, I ask for  
18 one vote, one vote on the other side to ensure  
19 that we will be able, in a bipartisan way, to  
20 say we support State University, City  
21 University. And I ask for your support here  
22 today.

23 ACTING PRESIDENT VALESKY: Thank  
24 you, Senator LaValle.

1                   Senator Fuschillo, on the  
2                   amendment.

3                   SENATOR FUSCHILLO:     Thank you  
4                   very much, Mr. President.

5                   And let me compliment my colleague,  
6                   the former chair of Higher Education for many  
7                   years in this body, for his leadership.

8                   When I first took office 11 years  
9                   ago and visited the SUNY school that's in my  
10                  district, SUNY Farmingdale, I remember walking  
11                  through the campus and thinking they were on a  
12                  break, but in fact they weren't. And I  
13                  remember SUNY officials visiting me with  
14                  Senator LaValle, asking my thoughts, should  
15                  SUNY Farmingdale be closed and merged. And he  
16                  said no, and I said no.

17                  And in a period of time of 11  
18                  years, that school has prospered. It's had  
19                  more new enrollees than any other SUNY school  
20                  during that period of time. We're on the cusp  
21                  of building a new business center there, a  
22                  business school, a new university center.

23                  The athletics department, Division  
24                  III, is thriving. In fact, the basketball

1 team had the winningest record in school  
2 history and made it to the Elite 8 in the  
3 NCAA's Division III. But for them, it was a  
4 tremendous accomplishment. Academically, it's  
5 rising every single day.

6 And for this body to continue on  
7 with Governor Paterson's mission of raiding  
8 the SUNY system is wrong.

9 Senator LaValle, I'm going to ask  
10 for two votes on the other side, not just one,  
11 two votes on the other side for this  
12 amendment. Because your amendment says we're  
13 going to continue the investment in SUNY  
14 schools -- he's fought for years for a  
15 rational tuition policy -- but the investment  
16 to go back into the schools.

17 Now, our SUNY system is rated the  
18 best in the country. And I always read, every  
19 year, Kiplinger's 100 Best Public Schools.  
20 Geneseo is number one, Stony Brook is in  
21 there, Binghamton, Brockport is in there,  
22 New Paltz is in there. And everybody's  
23 throwing out their SUNY schools that they  
24 represent.

1                   They're always in the top 100. And  
2 I believe it's because of the investment that  
3 that body has made over the years; that if  
4 tuition went up, it went back into the school  
5 system. It didn't go into the General Fund.  
6 It wasn't raided into the General Fund.

7                   Because our schools need a lot.  
8 They need more teachers, they need more  
9 capital, they need more infrastructure  
10 improvements to keep up with modern technology  
11 and the modern times, to provide our students  
12 that want to stay here in New York State and  
13 go to a college or a university or a state  
14 university here in New York State with the  
15 best academic tools that are possible to  
16 enable them to compete in this global world  
17 that is so competitive.

18                   Now, Stony Brook, I'll take that as  
19 an example, because of Senator LaValle's  
20 leadership is one of the premier medical  
21 schools in the country. Not only in this  
22 country, but in the entire world. And, you  
23 know, it's happening throughout our schools.

24                   You know, years ago when I was a

1 kid -- it was a long time ago -- the SUNY  
2 schools were always looked at as safe schools  
3 for kids to apply for college. You know what?  
4 The competitiveness and the bar for SAT scores  
5 and academic excellence has risen over the  
6 years that they're tough to get in, because  
7 we've demanded excellence.

8 And, Senator LaValle, that's  
9 because of your leadership as the chair of the  
10 Higher Ed for so many decades in this body.  
11 Senator Stavisky, I'm confident you'll follow  
12 in his leadership because of your interest and  
13 your husband's interest for so many years.

14 But we need your support. I know  
15 it's tough, but we need your support. You  
16 could be one of two to come over here and say,  
17 you know what, Governor, you're wrong. You're  
18 wrong. You want to raise tuition? If it fits  
19 in a rational tuition policy, then we'll  
20 accept that. But we won't accept you taking  
21 the money, as you did in the deficit reduction  
22 plan where you raised tuition, and you only  
23 allowed 10 percent to go to the schools and  
24 you took \$68 million out and you put it in the

1           General Fund.  Ninety/ten split.

2                         Now maybe you feel like you're  
3           giving us a bargain here to consider; it's an  
4           80/20 split.  But it's still tens of millions  
5           of dollars that hardworking families, parents,  
6           are struggling to pay their tuition on an  
7           annual basis.  And you're taking 80 percent of  
8           the increase of tuition, the tens of millions  
9           of dollars, once again, and you're putting it  
10          in the General Fund.

11                        Senator, I'll support your  
12          amendment, but I won't support the budget that  
13          takes away tens of millions of dollars again  
14          and puts it in the General Fund and takes it  
15          out of the SUNY system.

16                        So thank you very much, Senator  
17          LaValle, for this amendment.

18                        ACTING PRESIDENT VALESKY:     Thank  
19          you, Senator Fuschillo.

20                        The question is on the nonsponsor  
21          motion by Senator LaValle to amend Calendar  
22          Number 132.  Those Senators voting in support  
23          of the nonsponsor amendment please raise your  
24          hands.

1                   Announce the results.

2                   THE SECRETARY:     Ayes, 30.   Nays,  
3                   31.

4                   ACTING PRESIDENT VALESKY:     The  
5                   motion fails.

6                   At this time we are going to lay  
7                   continued debate of Calendar Number 132 aside  
8                   temporarily. We will be returning to motions  
9                   and resolutions in just a moment.

10                  But at this point in time I would  
11                  ask all Senators and visitors to rise as I  
12                  call on Lieutenant Colonel Matthew  
13                  Pawlikowski, who is the Catholic Community  
14                  Chaplain at Most Holy Trinity Chapel at  
15                  West Point, to offer an invocation.

16                  CHAPLAIN PAWLIKOWSKI:     Let us  
17                  pray.

18                  God of power, might, wisdom and  
19                  justice, You wish to see authority rightly  
20                  administered, human laws enacted in accord  
21                  with Your divine law, and just judgment  
22                  decreed. We ask today Your spirit of counsel  
23                  and fortitude upon the deliberations of this  
24                  Senate.

1                   We recognize in our prayer in a  
2                   special way Senator Larkin, who has been  
3                   instrumental for so many years in West Point  
4                   Day. We ask Your blessings upon Senator  
5                   Malcolm Smith, Majority Leader, and all the  
6                   members of this Senate.

7                   We ask You to shine forth in all  
8                   their proceedings. May they seek to preserve  
9                   peace, promote happiness, and continue to  
10                  bring us the blessings of liberty and  
11                  equality.

12                  Amen.

13                  ACTING PRESIDENT VALESKY:     You  
14                  may be seated.

15                  I'm going to recognize at this time  
16                  Senator Little, to speak on a resolution that  
17                  was previously passed by the Senate.

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

20                  It's an honor for me to join  
21                  Senator Roy McDonald and all of my colleagues  
22                  here today in honoring a very special group of  
23                  students. This is an event that has taken  
24                  place in the South Glens Falls Central School

1 District. But it is not just an event of  
2 students, it's an event that involves the  
3 entire school system -- the faculty, the  
4 administration, the board of directors, and  
5 the entire community -- to put on this dance  
6 marathon.

7 The dance marathon began in 1978,  
8 with about a dozen students who raised \$1,500  
9 for one recipient. This year, the 32nd year  
10 of the dance marathon, we had over 700  
11 students involved, over 200 volunteers, and  
12 the students raised \$260,200 for 23  
13 recipients. They broke all records this year,  
14 bringing their total in the 32 years that they  
15 have had this marathon, to \$1.8 million.

16 We are joined today in the chamber  
17 by the school superintendent, Superintendent  
18 Jim McCarthy; by Gus Carayiannis, who's  
19 president of the school board; by Jean  
20 Tedesco, assistant superintendent; Jody  
21 Sheldon, advisor, along with Tom Myott, who's  
22 also an advisor and teacher at the school; Dan  
23 Albert, the alumni coordinator, because the  
24 alumni returns and either volunteers or dances

1 at this event; and, more importantly, four  
2 students.

3 We have four students joining us  
4 here today who were chairmen of this event:  
5 Taylor Bulman, Kelly McFarlane, Nicole  
6 Valastro, and Brycen Waters. These students  
7 truly put their heart and soul into an event  
8 to raise this much money.

9 But I'd like to tell you two quick  
10 stories that are very special to this event.  
11 One of the co-chairmen, senior Taylor Bulman,  
12 raised over \$8,000 herself and raised the most  
13 money by a student this year. But she had a  
14 special reason for doing it. Her brother  
15 James, who had cardiac surgery several years  
16 ago, was once a recipient of the dance  
17 marathon. And Taylor wanted to raise as much  
18 money in her four years as a student at South  
19 Glens Falls as her brother received, and she  
20 did so this year.

21 A second story is about Mike Nolan,  
22 who is a South Glens Falls teacher and coach  
23 who is battling cancer. He's being treated at  
24 the MD Anderson Cancer Center in Houston, and

1           they have been the recipient of these  
2           students' efforts in the past marathons as  
3           well as this year. So much so is this  
4           appreciated that Dr. Edward Kim, from the  
5           MD Anderson Center, flew from Houston to join  
6           these students this year at the dance  
7           marathon.

8                         This event is something that is  
9           special to our whole area, and I really  
10          appreciate having the opportunity to recognize  
11          them with a legislative resolution, which I  
12          believe all are involved in, and just thank  
13          them for their efforts. Dancing with your  
14          feet is one thing; dancing with your heart is  
15          another thing. And these students truly  
16          danced with their heart to help other people.

17                        Senator McDonald also would like to  
18          recognize them.

19                        Thank you.

20                        ACTING PRESIDENT VALESKY:     Thank  
21          you, Senator Little.

22                        Senator McDonald.

23                        SENATOR McDONALD:     Thank you,  
24          Mr. President.

1                   Thank you, Senator Little. She  
2                   said it all. These are wonderful young men  
3                   and women who put their actions forth and  
4                   raised a substantial amount of money to help  
5                   people in need.

6                   They showed a lot of character, a  
7                   lot of love for their community, much like the  
8                   young men and women we have here from West  
9                   Point that represent our great country and our  
10                  great state. And maybe some of those young  
11                  men and women from South Glens Falls High  
12                  School will be considering our military  
13                  academies, because they seem to have a lot in  
14                  common.

15                  It's quite an honor to represent  
16                  these folks, along with Senator Little, and I  
17                  thank the Senate for this resolution.

18                  ACTING PRESIDENT VALESKY:       Thank  
19                  you, Senator McDonald.

20                  On behalf of Senator Little,  
21                  Senator McDonald, and all of the Senators,  
22                  congratulations to the administration, the  
23                  faculty, and most importantly the young men  
24                  and women who have made the 32nd Annual South

1           Glens Falls Dance Marathon such a success.

2                     Thank you for being here.

3                     (Applause.)

4                     ACTING PRESIDENT VALESKY:

5           Senator Smith.

6                     SENATOR SMITH:        Yes,

7           Mr. President.   Senator Larkin and I have a  
8           resolution at the desk.   I ask that the  
9           resolution be read in its entirety and move  
10          for immediate adoption.

11                    ACTING PRESIDENT VALESKY:        The  
12          Secretary will read.

13                    THE SECRETARY:        By Senators  
14          Larkin and Smith, Legislative Resolution  
15          Number 1157, memorializing Governor David A.  
16          Paterson to proclaim April 1, 2009, as West  
17          Point Day in New York State.

18                    "WHEREAS, This Legislative Body is  
19          justly proud to celebrate the establishment of  
20          the United States Military Academy at  
21          West Point, and to call upon Governor David A.  
22          Paterson to proclaim April 1, 2009, as  
23          West Point Day in the State of New York; and

24                    "WHEREAS, By an act of Congress on

1 March 16, 1802, the United States Military  
2 Academy was established within the borders of  
3 New York State, on the banks of the Hudson  
4 River; and

5 "WHEREAS, The Academy and its  
6 graduates are an integral part of the proud  
7 history of this state and nation; and

8 "WHEREAS, The leadership and  
9 sacrifices of the members of the Long Gray  
10 Line have helped this country withstand  
11 countless threats to our cherished democratic  
12 way of life; and

13 "WHEREAS, The alumni have excelled  
14 not only on the battlefield but in many fields  
15 of endeavor; and

16 "WHEREAS, The Academy continues to  
17 provide our country with able and dedicated  
18 future leaders; and

19 "WHEREAS, Its scenic campus is a  
20 mecca each year for thousands of visitors from  
21 across our state, continent, and other  
22 countries; and

23 "WHEREAS, The United States  
24 Military Academy is in the forefront of our

1 state's outstanding institutions of higher  
2 learning; and

3 "WHEREAS, 57 years ago, the late  
4 James T. McNamara, then a member of the  
5 New York State Assembly and a member of the  
6 Academy's Class of 1939, was the author of the  
7 Legislature's first 'West Point Day'  
8 resolution; and

9 "WHEREAS, For decades, our nation  
10 has enjoyed the legacy of freedom and the  
11 United States Military Academy at West Point  
12 has played a vitally significant role in the  
13 maintenance of peace and freedom; and

14 "WHEREAS, The members of this  
15 Legislative Body are proud to commemorate this  
16 event, marking April 1, 2009, as West Point  
17 Day in New York State; now, therefore, be it

18 "RESOLVED, That this Legislative  
19 Body pause in its deliberations to celebrate  
20 the establishment of the United States  
21 Military Academy at West Point and to  
22 memorialize Governor David A. Paterson to  
23 proclaim April 1, 2009, as West Point Day in  
24 New York State; and be it further

1                   "RESOLVED, That a copy of this  
2 resolution, suitably engrossed, be transmitted  
3 to the Honorable David A. Paterson, Governor  
4 of the State of New York."

5                   ACTING PRESIDENT VALESKY:  
6 Senator Smith, on the resolution.

7                   SENATOR SMITH:     Thank you very  
8 much, Mr. President.

9                   Let me first thank Colonel  
10 Pawlikowski for the invocation that he did  
11 earlier.

12                  And I want to thank my good friend  
13 Senator Larkin, who I know how important this  
14 particular day is to him. It's one that we  
15 have all celebrated for years, since even I  
16 was elected to the Senate in 2000.

17                  I also want to give a warm welcome  
18 to all the distinguished cadets. You look so  
19 good today. So good to see so many of you,  
20 young men, young women, all of which we are  
21 very proud of.

22                  Also today, First Cadet Benjamin  
23 Amsler, of Titusville, Pennsylvania; he is  
24 also one of the distinguished cadets who are

1 here.

2 And, colleagues, today is  
3 West Point Day. This is one of the finest  
4 traditions in the State Legislature. West  
5 Point is one of our most revered and respected  
6 institutions. We have been blessed by eight  
7 cadets who were born and raised in New York.  
8 We have some from Buffalo, Syracuse, the  
9 Bronx, and even from Queens, Senator Shirley  
10 Huntley.

11 It is great to be here with so many  
12 of them. I think we have cadet Brandon  
13 Dotson, who is a physics and chemistry double  
14 major from Senator Volker's district. Senator  
15 Volker, you produce intelligent people out of  
16 your district.

17 SENATOR VOLKER: We do.

18 SENATOR SMITH: That's a  
19 beautiful thing.

20 We also have Cadet Marin, who is  
21 from Senator Huntley's district in Queens, who  
22 is concentrating in foreign affairs. Good to  
23 see you; good to have you here.

24 We are tremendously inspired by

1       each and every one of you. I will tell you,  
2       as a young man growing up in Queens, I often  
3       said to myself I would have loved to go to  
4       West Point, but I am a scaredy cat.

5                       (Laughter.)

6                       SENATOR SMITH:       So I decided to  
7       go on to Christ the King and Fordham  
8       University. I didn't want to deal with any of  
9       that military pressure, Senator Larkin.  
10      Although I will tell you my family is riddled  
11      with individuals who have served in the  
12      military and armed forces, from the Air Force  
13      to the Marines.

14                      But, colleagues, this is a  
15      tremendous day. And I will tell you there is  
16      not many things that we pause to do our  
17      deliberation for on this floor. The fact that  
18      we are in the midst of a budget, a budget that  
19      is being dealt with in a crisis that we have  
20      not seen since the Depression. But yet and  
21      still, because of how much you inspire us, how  
22      much we respect the institutions, how much we  
23      respect the leadership of West Point, we felt  
24      it was fitting that we pause our budget

1           deliberations in order to honor each and every  
2           one of you.

3                         This is a wonderful day for the  
4           State of New York. West Point is an  
5           institution that has brought so many  
6           individuals into our armed forces that have  
7           led us to be the free country that we are  
8           today. And it's because of you that we are  
9           able to walk the streets of this state, of  
10          this country. We practice liberty and freedom  
11          and justice because individuals like you  
12          believe in this country and you serve us well  
13          to allow us and our children to have all that  
14          freedom.

15                        I know that your parents are very  
16          honored and excited about what you are doing.  
17          But I will tell you, as a parent myself, I am  
18          tremendously excited about each and every one  
19          of you. We are extremely pleased that you  
20          chose to go to West Point. You could have  
21          decided on any place. You could have decided  
22          to be a chemist, and you could have went on to  
23          a different institution.

24                        But you chose to go to West Point,

1       which means, for me, not only are you growing  
2       intellectually, but you are growing in a way  
3       that will serve this country and protect this  
4       country, and that is something that should  
5       never be forgotten or misunderstood.

6                We are very proud of each and every  
7       one of you. I know Senator Larkin is one who  
8       is extremely proud of you. And we are also  
9       proud of Senator Larkin.

10               So, colleagues, it is with distinct  
11       pleasure that I stand here on this floor today  
12       on behalf of this resolution, on behalf of the  
13       fine cadets from West Point and its  
14       leadership. And we look forward to you doing  
15       greater and better things for this state and  
16       this country.

17               Mr. President, now I'd like to send  
18       it back to you, and perhaps Senator Larkin,  
19       who I am honored and proud to serve in this  
20       body with, but also very proud to have him as  
21       one of our colleagues on the floor, and all  
22       that you have done for this body.

23               ACTING PRESIDENT VALESKY:     Thank  
24       you, Senator Smith.

1                   Senator Larkin, on the resolution.

2                   SENATOR LARKIN:     Thank you,  
3                   Mr. President.

4                   Welcome, West Point, to the capital  
5                   of the State of New York. We are proud of  
6                   you, one and all.

7                   You know, I want to welcome the  
8                   faculty, the staff that are here. You have  
9                   one gentleman hanging in the back. Where did  
10                  you go, Mike? County exec, Class of '61.  
11                  I've been calling him Class of '62 for years.  
12                  I just made him a year older this morning.  
13                  So, Breslin, don't tell me your brother is  
14                  younger than you.

15                  You know, this is an annual event.  
16                  You heard it started by a gentleman from the  
17                  Class of '39, and it's still going forward.  
18                  And what it really is is an opportunity for us  
19                  to let you come up here and see us. Now you  
20                  see us when you hear all this squabbling back  
21                  and forth. It's not been this quiet. Thank  
22                  you for coming.

23                  (Laughter.)

24                  SENATOR LARKIN:     But, you know,

1 West Point is something special. You know,  
2 those of us who are called Mustangs -- and we  
3 don't that have that ring knock -- we're  
4 blessed today.

5 Steve Saland came to me and said,  
6 "I see that the rabbi isn't coming, and I see  
7 you've got a Catholic priest and a Protestant  
8 minister. So I'll give you my blessing first,  
9 so now everybody will be covered" -- Catholic,  
10 Protestant and the Jewish faith from Steve  
11 Saland.

12 You know, a couple of things you  
13 should know about the Academy. The  
14 distinguished leader of the pack here today  
15 with us is Colonel John Cook. Colonel Cook is  
16 from the Class of '79. Class of '79 was the  
17 breaking point, right, General Swezey?  
18 General Swezey is Class of '80 -- '81? Oh, he  
19 came in in the big class.

20 But Colonel Cook went from being a  
21 combat arms officer, turned it around and  
22 decided to go to the seminary to become a  
23 minister, and he did.

24 Our invocator this morning, Colonel

1 Pawlikowski, is also a West Point grad. And  
2 he decided.

3 So I think we're really blessed and  
4 covered today. I hope your blessings come all  
5 day long. Yours too, Steve.

6 But, you know, just think about  
7 West Point. We've had two presidents. Class  
8 of '50 produced Bowman from the astronauts,  
9 some others. We've had ambassadors, we've had  
10 leaders. We've had individuals that went from  
11 the Academy to great, great military careers  
12 and then became something. General Omar  
13 Bradley set up the VA. Dwight Eisenhower  
14 became a great educator after being the SHAEF  
15 commander, and then became president for two  
16 terms.

17 You know, when you look at the  
18 Corps, we have 4400 cadets today. There's  
19 something I want you to think about for a  
20 minute. In this group, 98 of these cadets  
21 have already served in combat and decided that  
22 they wanted to go to West Point and carry on  
23 the mission that they started.

24 We are so indebted to each and

1 every one of you. Those in this class that  
2 have it, there's quite a few of the Class of  
3 '09 who will graduate on May the 23rd and then  
4 go from there, they'll go to a branch  
5 school -- infantry, artillery, armored,  
6 wherever it may be. And this time next year,  
7 95 percent of them will be in harm's way.

8 So, you know, we have a lot to be  
9 thankful for. You know, when I think of my  
10 own district, 4400 cadets, they pump a lot of  
11 money into the economy. My good friend John  
12 Bonacic said, "But we need to build a bigger  
13 tennis court." John, we're working on it.

14 We have over 4,000 employees at  
15 West Point. West Point has contractors  
16 totaling about 3,000. So West Point is a part  
17 of the economic engine for not only the  
18 mid-Hudson but the entire State of New York.

19 You know, today we're also here to  
20 welcome each one of you individually. First,  
21 Colonel Chaplain Cook, please. What a great  
22 leader he is, well-respected by the Corps of  
23 Cadets, everybody. I've had the privilege of  
24 attending a lot of meetings with Colonel Cook,

1           and I always looked at him and I got an  
2           impression: I'm here to serve you as you  
3           serve us. Thank you, and God bless you.

4                       The Cadet First Captain. You know,  
5           Pennsylvania is only down the street. But,  
6           you know, here's a man that becomes the  
7           First Captain. Somebody asked me this  
8           morning, "How does he do that? Do they vote  
9           on him?" I said: "No, they have a better  
10          procedure. It's called performance."

11                      This First Captain did everything.  
12          At Beast Barracks this summer, he ran the  
13          Command Sergeant Major, and he put all of  
14          these younger cadets coming in as plebes  
15          through the roughest grind they said they've  
16          ever had. And at the end of it, his  
17          colleagues, the staff and faculty said: You  
18          are the First Captain.

19                      He is the first captain of 4400  
20          cadets. He tells them when to get up, what to  
21          wear, when the next meeting is, and when his  
22          subordinates will report to him. A young  
23          man -- a great leader. Thank you very much.

24                      Now, for some of the others. Most

1 of you in this room call them -- Vince Leibell  
2 doesn't; he calls them the same as we do. You  
3 call them seniors, but at the Academy we call  
4 them firsties. That's when they get the  
5 privileges; right, Mike? The car up on the  
6 hill? Yeah, your brother told me about you.  
7 You didn't bring him his car.

8 Daniel Gluzko, from Rochester;  
9 Senator Jim Alesi's.

10 Leonidas Marin, from Kew Gardens;  
11 Senator Shirley Huntley.

12 Ashley Rowland, from Baldwinsville;  
13 John DeFrancisco.

14 Michael Schifferli, from  
15 Williamsville; Senator Mike Ranzenhofer.

16 Christopher Gaulin, from  
17 Hastings-on-Hudson; Andrea Stewart-Cousins.

18 Terence McElroy, from the Bronx;  
19 Jeffrey Klein.

20 Brandon Dotson, from Honeoye,  
21 New York; Dale Volker.

22 Mathew Walter, from Alden,  
23 New York; Dale Volker. He gave me no benefits  
24 by getting him two.

1 I'd like to get a round of applause  
2 for these cadets.

3 (Standing ovation.)

4 SENATOR LARKIN: We have two  
5 other individuals that are very important.  
6 They're very important to the Academy, they're  
7 important to the community. Our  
8 communications director, Colonel Hilferty.  
9 Thank you for coming, Bryan.

10 And we have a special guest here  
11 today. We have the Command Sergeant Major,  
12 Martin Wells, along with his wonderful wife,  
13 Gertrude. Will you please stand? Thank you  
14 very much, Sergeant Major.

15 (Applause.)

16 SENATOR LARKIN: You know, we  
17 have a long day ahead of us. But I would be  
18 remiss if I didn't say that my heart beats  
19 heavy when I think of the young cadets.

20 I had the distinct privilege of  
21 serving our country for 23 years, 23 years. I  
22 had some that I thought were the toughest --  
23 Chaplain, I won't say it, but they were tough.  
24 And I had some that I thought were the

1           greatest leaders in the world. I served with  
2           them as their peer, as their subordinate, and  
3           as their leader.

4                       And in 23 years, followed on by  
5           today, I have never met someone come out of  
6           the Academy that I wasn't proud to stand by  
7           and say "I will follow you to hell." Because  
8           you are the epitome of what a leader is.  
9           You're trained, you're educated, you have the  
10          spirit.

11                      People don't realize what you do in  
12          our communities. You go out there. You don't  
13          look for glory. You don't have a photographer  
14          with you. You know, it's not like the Marine  
15          Corps, you know, three riflemen and nine  
16          photographers. We have to work it ourself.

17                      (Laughter.)

18                      SENATOR LARKIN:       Johnson didn't  
19          like that.

20                      But, you know, when I think that in  
21          seven weeks the Class of '09 will hit the  
22          highways and the byways, on to schools and  
23          into combat, we really pray for you. Because  
24          we realize that you're our first line of

1 defense, whether it's in a combat situation or  
2 whatnot. Some of you will stay in the corps  
3 for years. Some of you will get out after  
4 five years. Of course, then you got that  
5 little Reserve time that General Swezey talked  
6 to you about before. And, you know, he's  
7 trying to steal you to the Guard. Not yet,  
8 sir.

9 But you are something that young  
10 people look up to. What an honor it is to  
11 have the privilege of you visiting with us  
12 today, a day when we're fighting -- we're not  
13 fighting as you think about it, we're fighting  
14 for what are our beliefs, the same things when  
15 you went to decide to go to West Point.

16 And you know, I hear people say  
17 they worry about young people going into  
18 combat and that. But just let me tell you  
19 something. The class that's coming in in July  
20 is one of the highest-attendance submissions,  
21 admission rosters we've had in five years. So  
22 yes, there is some harm's way out there. But  
23 aren't we a lucky nation to have young men and  
24 women say yes, there's a challenge out there,

1 and I want to be the solution.

2 Ladies and gentlemen of the corps,  
3 on behalf of my colleagues, I salute you. And  
4 God bless you.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Larkin.

7 Senator Skelos, on the resolution.

8 SENATOR SKELOS: Thank you very  
9 much, Mr. President, and Leader Smith.

10 And Colonel Larkin, this is a day  
11 we look forward to every year. And I want to  
12 thank you for keeping this tradition going, in  
13 our chamber, certainly in the State Capitol.

14 And, you know, there's been a lot  
15 of talk about heroes. Let me tell you, in  
16 this chamber you're our hero, Colonel Larkin.  
17 And we appreciate everything that you did for  
18 our country and that you continue to do in  
19 service to the people of State of New York as  
20 a State Senator.

21 You know, this is an opportunity  
22 for all of us to recognize the fact that you  
23 are our next generation of heroes. That you  
24 have made a decision to go through the

1 Academy, but also a decision, as Senator  
2 Larkin said, that perhaps in the next couple  
3 of years you will be in harm's way.

4 What you're seeing today in terms  
5 of the discussion we're having concerning our  
6 state budget -- and at times there will be  
7 vigorous debate. But our Constitution and the  
8 Constitution that we're sworn to defend and  
9 protect and that you will be sworn to and will  
10 defend in a different way -- although  
11 sometimes I think we're in more harm's way  
12 than perhaps you will be.

13 (Laughter.)

14 SENATOR SKELOS: But you will be  
15 serving our country in so many distant lands.  
16 And when people see the vigorous debate that  
17 occurs within this chamber and other chambers  
18 throughout the entire country, that's what our  
19 democracy is about.

20 There is supposed to be a vigorous  
21 exchange and debate of ideas. It's supposed  
22 to happen. It's supposed to be in the light  
23 of day. It's supposed to be transparent.  
24 It's supposed to be open. That's what our

1 democracy is about.

2 I have a young man that served with  
3 me as an intern, David Rockland, lives in  
4 Oceanside, Long Island, next to my community.  
5 And David graduated from West Point. He has  
6 served two tours in Iraq. And presently he  
7 continues to serve in Santa Barbara. He  
8 stopped by to see me a couple of weeks ago,  
9 and he assured me that Santa Barbara is a  
10 nicer place to be than Iraq. But he's ready  
11 to go back again if our country needs him to  
12 go back to Iraq or Afghanistan. And that's  
13 the character that he developed, needless to  
14 say, from his family first and then at  
15 West Point.

16 So as I started off saying is we  
17 thank you. We thank you for the sacrifice  
18 you're making right now, and we thank you for  
19 the sacrifice that you will be making on  
20 behalf of our nation. And our prayers are  
21 that each and every one of you will be able to  
22 look back at your career in the military with  
23 a self-satisfaction that you will have earned  
24 and that you deserve.

1                   We pray that God protects you. We  
2 pray that God gives you a long life. God  
3 bless you, and God bless our great country.  
4 Thank you.

5                   (Applause.)

6                   ACTING PRESIDENT VALESKY:     Thank  
7 you, Senator Skelos.

8                   Senator Adams, on the resolution.

9                   SENATOR ADAMS:     Thank you,  
10 Mr. President.

11                   I believe that a part of -- we have  
12 two men here in the Senate chamber. I believe  
13 Senator McDonald as well as Senator Larkin  
14 both served in our military service. And I  
15 want to thank Senator Larkin for each year  
16 of -- and Senator Diaz, I believe.

17                   I want to thank Senator Larkin for  
18 each year of inviting the young men and women  
19 from West Point, because it's important not  
20 only for them to see us, but it's important  
21 for us to see them, to constantly remind us  
22 that in here in this chamber we use terms and  
23 not threats, we use budgets and not bullets.

24                   There's an important reality when

1       you see these young men and women from West  
2       Point. Because it's a reminder that, as I say  
3       often, we stand in the cool shade of the tree  
4       of freedom because young men like this water  
5       that tree with their blood.

6                   And as they go on with their  
7       academic achievement, it reminds me of some  
8       years ago I was in Denver, Colorado, at a  
9       place called Pike's Peak. And when I exited  
10      my vehicle, the snowflakes fell down one at a  
11      time. And as soon as it touched your hand, it  
12      melted. But when you looked at the entire  
13      mountain, you were able to see that the  
14      snowflakes were able to cover the whole  
15      mountain, and because those flakes were no  
16      longer were loving as one flakes at a time.  
17      They combined together. And because they  
18      combined together, they were able to become a  
19      solid object.

20                   And that's what West Point is  
21      about. You go into the institution as a young  
22      person. As you go through the evolutions of  
23      being a boy or girl, a teen, puberty, you  
24      leave West Point not only as a graduate, but

1 as soldier, as a man, as a woman. And that's  
2 a solid entity.

3 And so some people may romanticize  
4 the academic achievement of a person who has  
5 stripes on their arm or stars on their neck as  
6 that's some mere insignificant period that you  
7 acquired. But it's more than that, as we  
8 talked about earlier inside the room.

9 Patriotism is not standing in this  
10 chamber merely reciting the Pledge of  
11 Allegiance. Patriotism is being able to give  
12 your all to this country. And that's what you  
13 do. I'm sure that based on your academic  
14 achievement, all of you can go to some of the  
15 prestigious institutions in our nation. But  
16 you stated: Instead of being a graduate of  
17 Harvard or Yale or some other place, I want to  
18 be a graduate of what's great about America.

19 And we really appreciate that a  
20 great deal as we stand here in the sterilized  
21 environments of these chambers. Many of are  
22 you are going to go on to difficult fields.  
23 You won't only walk the streets of Bed-Sty or  
24 Brownsville, but Baghdad and Afghanistan.

1           That's the reality. And I admire you for  
2           that. That is something not too many people  
3           are willing to do, not only in home America,  
4           but the entire globe. And you become the  
5           ambassadors of what we represent and what we  
6           believe in.

7                         And I never wore the gray uniform,  
8           but I wore the blue uniform. And I know that  
9           it takes something special. When others run  
10          from danger, you run to soothe danger. You  
11          run to bring peace to our country. And that  
12          means a lot. And you're representative of  
13          countless other men and women who went through  
14          West Point and went through other areas of  
15          great level of importance.

16                        So we must say thank you. We must  
17          say not only are you going to do great things  
18          in your military service, but we believe that  
19          you're going to go into the other parts of  
20          America and corporate America and ensure that  
21          the threads of patriotism continue to bind us  
22          together and realize that those terms in the  
23          Pledge of Allegiance are real. We pledge to  
24          the flag of the United States of America and

1 to the republic for which it stands, because  
2 we do believe in one nation, under God,  
3 indivisible, with liberty and justice for all.

4 You carry that out every day. And  
5 we thank you. And we pause in a moment from  
6 our decisions on what to do with the dollars  
7 in this country to realize that you should be  
8 worthy of praise. For what you do in the  
9 safety of this country, we will continue to  
10 sit in the soothing shades of freedom because  
11 you're there to make sure that tree is planted  
12 with your compassion, your commitment, and  
13 your blood.

14 And I thank you.

15 ACTING PRESIDENT VALESKY: Thank  
16 you, Senator Adams.

17 Senator Huntley, on the resolution.

18 SENATOR HUNTLEY: Yes, thank you,  
19 Mr. President.

20 It's certainly a pleasure to follow  
21 Senator Adams after he speaks. It is,  
22 definitely. Senator Adams, I must say you  
23 were excellent.

24 Let me just say first I want to

1           thank Senator Larkin, who he and I have often  
2           talked about West Point, talked about the  
3           cadets, talked about serving your country.  
4           And this is one of the good things that comes  
5           to this chamber.

6                         And I think this was a great day  
7           for it to come, because not only does it lift  
8           your spirits, but it really makes you think.  
9           And when you look at the young people who  
10          sacrifice their being, their lives -- because  
11          that's what they do. With all that West Point  
12          is, they go there for a purpose. And that  
13          purpose is they're giving of their lives to  
14          this country. That's what they're doing. And  
15          I think sometimes we kind of forget that.

16                        And we can hardly compare it to  
17          what we do in this chamber. We can hardly  
18          compare it to that. Because I think that they  
19          are some of the most outstanding young men,  
20          the bravest young men. And when you look at  
21          them, you see the courage and you know they're  
22          there because they want to be there.

23                        And maybe I have this feeling also  
24          because I do come from a military family. And

1 I just think it's so important and special  
2 when people serve their country. There is  
3 nothing like America when you see the cadets.  
4 That is America.

5 So I would like to congratulate my  
6 cadet from Kew Gardens, Cadet Marin, who is my  
7 constituent. And just stand up. A handsome  
8 young man.

9 And I'm sure his parents are so  
10 very proud. Because this is my first time  
11 meeting him, but when I met him and spoke to  
12 him, I too felt very, very proud that this  
13 young man is willing to sacrifice for our  
14 country.

15 Thank you.

16 ACTING PRESIDENT VALESKY: Thank  
17 you, Senator Huntley.

18 Senator Breslin, on the resolution.

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

21 As a follow-up to comments made by  
22 Senator Skelos, Senator Smith, Senator Larkin,  
23 Senator Huntley, Senator Adams, I really have  
24 a twofold purpose.

1                   It's first to commend the cadets.  
2           And when we think about that period after the  
3           Vietnam War for some 30 years without being in  
4           a war -- but these cadets have chosen to go to  
5           West Point when they knew that we were not in  
6           one war but two wars.

7                   And they don't face -- many of them  
8           don't face graduate school when they graduate,  
9           or a job within the United States, they face  
10          the dangers of war and the results of war and  
11          the sacrifices of war. And we all owe them a  
12          debt of gratitude. And I commend each and  
13          every one of you.

14                   My second purpose is one quite  
15          selfish. It's the one day of the year that I  
16          put away sibling rivalry. It's the one day of  
17          the year I really look up to my brother.

18                   And I was a freshman in high school  
19          when my brother went off to West Point on a  
20          football appointment. And it was a wonderful  
21          experience then. I don't think I've ever told  
22          him that until now. And he went through West  
23          Point and then went to Jump School, Rangers  
24          School, Jump Masters School, Air

1           Transportation School, Jump Masters School,  
2           and became a company commander with the  
3           82nd Airborne and went to Vietnam and became a  
4           major in the Airborne Infantry at 27. And  
5           came back from Vietnam with, among other  
6           things, the Bronze Star.

7                         And then went down, after learning  
8           Spanish, to teach South American officers  
9           counterinsurgency at the College of the  
10          Americas. Which was wonderful training to  
11          become county executive.

12                         (Laughter.)

13                         SENATOR BRESLIN:         And might have  
14          been wonderful training for each and every one  
15          of us to be here.

16                         But I really get the opportunity on  
17          this day of the year, and no other, to tell my  
18          brother Michael, my older brother Michael, how  
19          much I respect him and how much I love him and  
20          how much what he did you cadets are doing now.  
21          So you are sacrificing your lives for our  
22          country.

23                         Thank you, Mr. President.

24                         ACTING PRESIDENT VALESKY:         Thank

1           you, Senator Breslin.

2                           COUNTY EXECUTIVE BRESLIN:       Thank  
3           you.

4                           (Applause.)

5                           ACTING PRESIDENT VALESKY:  
6           Welcome, County Executive Breslin.

7                           Before we continue, let me just  
8           inform the members that we have nine Senators  
9           who wish to speak. The cadets are on a rather  
10          tight schedule, and we also are anxious to  
11          here from Colonel John Cook. So I would ask,  
12          as I call upon you, if you could try your best  
13          to restrain your remarks to about a minute in  
14          length. That would be much appreciated.

15                          Senator Bonacic, on the resolution.

16                          SENATOR BONACIC:       Thank you,  
17          Mr. President.

18                          I think all of the speakers who  
19          spoke before me spoke eloquently and expressed  
20          the feelings of every member in this  
21          Legislature.

22                          Senator Morahan, Senator Larkin,  
23          and I represent Orange County. We spend a lot  
24          of time at the Point. And your institution is

1 majestic and beautiful. But what we're most  
2 proud of is the men and women that are at that  
3 Academy.

4 We thank you for protecting our  
5 families, our way of life, and our democracy.  
6 You are the best of the best of the American  
7 people, and we thank you for your service.

8 Thank you, Mr. President.

9 ACTING PRESIDENT VALESKY: Thank  
10 you, Senator Bonacic.

11 Senator DeFrancisco, on the  
12 resolution.

13 SENATOR DeFRANCISCO: As an  
14 Air Force veteran, it's a pleasure to rise and  
15 recognize these wonderful cadets, and  
16 especially Ashley Rowland, who is a next-door  
17 neighbor of my former chief of staff in  
18 Syracuse. And she was able to survive that,  
19 so she could definitely survive the Academy.  
20 And we welcome you here and all of the cadets  
21 here.

22 What I want to say is maybe  
23 somewhat a little bit different. You know, we  
24 listen to the news, we see what's going on in

1       our country day in and day out, whether it's  
2       fraud from major people involved in stock  
3       transactions, irresponsible behavior by bank  
4       officials, whether it's bad conduct by  
5       individuals in the streets. Every spectrum of  
6       American life, you see this day in and day  
7       out. And you wonder, is there any hope? Is  
8       there any hope anymore for this country, in  
9       view of all of these people doing the wrong  
10      thing consistently, it seems.

11                And that's why this is one of, in  
12      my mind, the most important days that we have  
13      in the Senate. It's a reminder to all of us  
14      that we do have hope. We have good, sound,  
15      solid people coming after us that are going to  
16      make sure that the mistakes that our  
17      generation made hopefully will not be made in  
18      the future.

19                So all I can say is simply thank  
20      you.

21                ACTING PRESIDENT VALESKY:     Thank  
22      you, Senator DeFrancisco.

23                Senator Oppenheimer, on the  
24      resolution.

1                   SENATOR OPPENHEIMER:     Well, I'll  
2     be very brief.

3                   As the daughter of an Army colonel,  
4     I wish you all the same elevation.  And I wish  
5     you all good health and continued successes.  
6     You already are such successes to be where you  
7     are.

8                   And we thank you for what you're  
9     doing.

10                  ACTING PRESIDENT VALESKY:     Thank  
11     you, Senator Oppenheimer.

12                  Senator Little, on the resolution.

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

15                  I would like to join my colleagues  
16     certainly in expressing my admiration for the  
17     cadets who are joining us today, and for all  
18     the young men and women who attend military  
19     academies.

20                  As everyone here knows, I am the  
21     very proud mother of a commander in the United  
22     States Navy who is serving in Japan, but a  
23     1991 graduate of the military academy or --  
24     what am I trying to say?  The Naval Academy.

1 He would kill me for that, wouldn't he? But  
2 we do say "Go Navy" all the time.

3 (Laughter.)

4 SENATOR LITTLE: The Naval  
5 Academy at Annapolis. And through him, I  
6 certainly understand a great deal of what  
7 you've gone through.

8 It's very difficult to get into a  
9 military academy. Your commitment is there,  
10 the self-discipline you have to have is so  
11 much more difficult than to attend a college.

12 And you may relate to some of the  
13 things that happened with David. People would  
14 ask him, "Well, do you like it there?" And he  
15 would pause for a moment and say, "Well, I  
16 don't exactly like it there, but I will love  
17 being from there." And he truly has.

18 And I thank you for all that you  
19 have done, for your willingness to serve our  
20 country. And may God bless you as you go  
21 forward.

22 Thank you.

23 ACTING PRESIDENT VALESKY: Thank  
24 you, Senator Little.

1                   Senator Volker, on the resolution.

2                   SENATOR VOLKER:     Yeah, very  
3                   quickly. I'm proud that I am the only -- I  
4                   guess I'm the only one that has two people  
5                   from his district, and I want to especially  
6                   honor those two.

7                   Mathew Conrad Walter, who I happen  
8                   to know his parents, by the way, is from  
9                   Alden, New York. And I'm especially proud  
10                  because he happens to be a 2006 graduate of my  
11                  high school, St. Mary's High School in  
12                  Lancaster. His Assemblywoman, Jane Corwin,  
13                  and I congratulate him very much and wish you  
14                  the best of luck in the future.

15                  Secondly, Brandon Nicholas Dotson,  
16                  I congratulate you. He is a graduate of a  
17                  great high school, Honeoye High School in  
18                  Ontario County. I am amazed at what you've  
19                  accomplished. I'm always humbled because I  
20                  have two college professors in my family, and  
21                  I always say that they take after my wife.  
22                  But whoever you take after, it's great.

23                  Congratulations.

24                  ACTING PRESIDENT VALESKY:     Thank

1           you, Senator Volker.

2                         Senator Klein, on the resolution.

3                         SENATOR KLEIN:       Thank you,  
4           Mr. President.

5                         I want to thank our Majority  
6           Leader, Senator Smith, and of course Senator  
7           Larkin for bringing up this resolution today.

8                         Many years ago, when I was a young  
9           Congressional staffperson, one of my duties  
10          was to oversee our military academy  
11          appointment committee. And even though I was  
12          young and the students we were interviewing  
13          were even younger, I was always taken by the  
14          intelligence and just all-around greatness of  
15          these young people.

16                        They could have gone to any  
17          college, any Ivy League school, but they chose  
18          to serve their country in the military and get  
19          a great education at the same time. I'm glad  
20          there are still young people who believe in  
21          duty, honor and country.

22                        And I know today I'm very  
23          privileged to have one of my constituents,  
24          Terence James McElroy, who hails from the

1 Bronx, the Riverdale section of the Bronx. I  
2 would just like to say, James, that not only  
3 are all of us in the Bronx proud, but the  
4 state and our country as well. Good luck.

5 And thank you, Mr. President.

6 ACTING PRESIDENT VALESKY: Thank  
7 you, Senator Klein.

8 Senator Leibell, on the resolution.

9 SENATOR LEIBELL: Thank you,  
10 Mr. President.

11 As the senior naval officer in this  
12 body, I'd like to welcome you to Albany.

13 I have the opportunity frequently  
14 to go over to West Point. My district is just  
15 opposite Senator Larkin's, on the other side  
16 of the river. And, you know, if you read your  
17 history of West Point, many of our most famous  
18 generals used to swim the Hudson to get over  
19 to my district.

20 (Laughter.)

21 SENATOR LEIBELL: Everything you  
22 see here today, everything when you go over to  
23 the other house, the discussions, the  
24 deliberations -- which you will not see in

1           many parts of the world where you will  
2           serve -- all those discussions and debates we  
3           have are made possible because we have an  
4           armed forces that is willing to go out and  
5           defend this country and what it stands for.

6                         We are truly blessed to have the  
7           Long Gray Line in this country and in  
8           particular in the State of New York. So we  
9           all salute you, and we wish you Godspeed.

10                        Thank you.

11                        ACTING PRESIDENT VALESKY:     Thank  
12           you, Senator Leibell.

13                        Senator McDonald, on the  
14           resolution.

15                        SENATOR McDONALD:     Thank you,  
16           Mr. President.

17                        I'm speaking on behalf of a  
18           different group of people from a different  
19           perspective. I want to thank these men and  
20           women, these young men and women and their  
21           officers and noncoms, I want to thank them on  
22           behalf of their future soldiers.

23                        Years ago I was a young man in  
24           Vietnam, on my first patrol with a bunch of

1 other young men, scared, thousands of miles  
2 away from home, in the middle of the jungle.  
3 Our commanding officer was a captain, a  
4 West Point graduate. We went into the jungle,  
5 we went into combat, and he brought us back.  
6 It was the most frightening period of time in  
7 my life. The other men with me from all over  
8 the country, all different colors, races,  
9 religions and backgrounds, we were one that  
10 day.

11 That captain not only showed  
12 courage, he showed some other things that were  
13 amazing. He showed compassion and love for  
14 the men.

15 You folks are going to be in a very  
16 responsible position in the very near future.  
17 You're going to have a lot of people like me,  
18 young grunts, in your platoons. You're going  
19 to have them in the palm of your life. And I  
20 know that you will be like my captain, Captain  
21 Beale, West Point. You'll have the affection,  
22 the love, the discipline, the character to  
23 lead them through the worst times of their  
24 life.

1                   So on behalf of the grunts of the  
2 world, the people who are actually with you in  
3 those battles, God bless you. And think of  
4 those men and women, and think of all of us,  
5 and look at them.

6                   I love watching television at night  
7 and seeing those Marine units and Army units  
8 in Iraq and Afghanistan. That's what America  
9 is. We're all on the same team. And as was  
10 mentioned by my colleagues, it's not about one  
11 color, one race, one religion, no ethnic  
12 groups, it's nothing like that. It's about us  
13 as Americans. We stand for a way of life, all  
14 of us, and everyone in this room thanks you  
15 because that's what you're doing for us.

16                   And don't forget those grunts. God  
17 bless you.

18                   ACTING PRESIDENT VALESKY:     Thank  
19 you, Senator McDonald.

20                   Senator Diaz, on the resolution.

21                   SENATOR DIAZ:     Thank you,  
22 Mr. President.

23                   I just was trying to recognize that  
24 the great county of the Bronx was represented

1 here by Cadet McElroy, but already Senator  
2 Klein recognized him. He's from the great  
3 City of Riverdale in Bronx County.

4 And I just want to acknowledge that  
5 all of you, ladies and gentlemen, when you're  
6 finished, you will become lieutenants,  
7 captains, you will be officers. And we are  
8 calling you heroes, and you are. But you will  
9 become officers. You will be in charge of  
10 leading people like me from the Bronx, from  
11 Harlem, black and white, black and Hispanic,  
12 people that don't have the grade that you  
13 have, officers. People that love your country  
14 just as much as you do.

15 And you are in charge, you're going  
16 to be in charge of them. People that will  
17 volunteer to give their life for their  
18 country, you will be their bosses. You will  
19 be the one in charge of making them men and  
20 women. Because from the bottom of their  
21 heart, they're going to be trying to do what  
22 they know is best for their country. But you  
23 are in charge, because you will be their  
24 officer.

1                   Don't ever forget that you will be  
2                   an officer. But the way that the  
3                   responsibility that is put upon you guys to  
4                   lead, the black and the Hispanic and the poor  
5                   and others that will not be officers like you,  
6                   they will be dependent on you.

7                   So you, Mr. McElroy from the Bronx,  
8                   always remember the South Bronx.

9                   And let me tell you about this  
10                  place here. See, let me tell you about two  
11                  armies, the red army and the blue army. The  
12                  red army has its general, and the blue army  
13                  has their general. This is a colony here, a  
14                  colony run by the red army for 43 years, and  
15                  that was taken away from them by the blue army  
16                  for the last three months.

17                  You will hear the fighting here and  
18                  the red army shooting, trying to recapture the  
19                  colony, and the blue army and its general,  
20                  holding tight.

21                  Yesterday, yesterday the red army  
22                  didn't want to come out of barracks. They  
23                  holed in the barracks. And then when they  
24                  came out, they came out shooting,

1 chi-chi-chi-chi-cho: "No transparency, no  
2 transparency, no transparency." But they  
3 never said that for 43 years they ran the  
4 colony with no transparency.

5 So this is the army here, this is  
6 the fight that we're fighting, our own war for  
7 the people of the State of New York.

8 Congratulations, ladies and  
9 gentlemen. Go out there, protect our country,  
10 and teach our young men and women from our  
11 boroughs. Teach them. Teach them. Don't  
12 just yell at them, teach them. Love them and  
13 be sure that they become also men and women.  
14 And that they also, when they come out, they  
15 don't come out like me, hating that time that  
16 went in. That they come out like you will  
17 come out, loving the Army, loving the country.

18 I was an Army man, 1960. I was an  
19 Army man, 35th Quartermaster Battalion. And I  
20 salute you. (Saluting.)

21 Thank you.

22 ACTING PRESIDENT VALESKY: Thank  
23 you, Senator Diaz.

24 Before I call the question on the

1 amendment, I am going to suggest, Senator  
2 Smith and Senator Libous, that without  
3 objection we waive the rules of the house so  
4 that I may call forward at this time Colonel  
5 John Cook, as the representative of Lieutenant  
6 General Buster Hagenbeck, the Superintendent  
7 of the United States Military Academy, to  
8 offer each of us and the 19 million Americans  
9 that we represent a message today.

10 Colonel.

11 COLONEL COOK: Senator Smith,  
12 thank you for your very warm welcome.

13 Senator Larkin, thank you for your  
14 phenomenal support of West Point over the  
15 years.

16 Members of this distinguished  
17 Senate, on behalf of our Superintendent,  
18 Lieutenant General Buster Hagenbeck, I bring  
19 you warm greetings from West Point.

20 We are delighted to be here with  
21 you today and appreciate the recognition that  
22 you give to West Point here in Albany every  
23 year since 1951 but, more importantly, the  
24 support you and your constituents give to the

1 Academy throughout the year.

2 Any time I travel with cadets, I  
3 wonder what the folks who see them might be  
4 thinking then when they show up in their  
5 uniforms. I've gotten a taste of that here  
6 listening to your remarks this morning.

7 I suppose it makes a difference  
8 what exposure they might have had with cadets  
9 before, or what they might know about West  
10 Point. These nine cadets, eight from New York  
11 State, accompanied by the Cadet First Captain  
12 Ben Amsler from Titusville, Pennsylvania,  
13 represent what is good about America and about  
14 the State of New York.

15 When we think about all the  
16 challenges that we face as a nation and as a  
17 state, we have reason to have hope. Our  
18 future is very bright.

19 West Point currently has over 4400  
20 cadets from all 50 states, and a total of 57  
21 international cadets from 36 different  
22 countries. They are without question some of  
23 the brightest, most talented, physically fit,  
24 wholesome young people our nation has to

1 offer. They bring all of their raw and  
2 unlimited potential to arguably the best  
3 leadership development institution in the  
4 world, located only two hours from here, along  
5 the west bank of the Hudson River -- the same  
6 river Henry Hudson first explored 400 years  
7 ago this year. And we look forward to  
8 participating in New York State's  
9 quadricentennial celebration.

10 For over 207 years now, West Point  
11 has been a faithful steward of the sons and  
12 daughters our country has sent to us. Cadets  
13 from New York represents a large percentage of  
14 the Corps of Cadets. Three hundred six  
15 New York cadets in a population of 4456, or  
16 7 percent of the Corps, are from this great  
17 state.

18 One of those cadets is a cadet  
19 named Jackie Uhorchak, a second-generation  
20 West Pointer and a senior who currently serves  
21 as one of the four regimental commanders in  
22 the Corps of Cadets, in charge of over 1100  
23 cadets. I've known Jackie since she was in  
24 middle school, a competitive sprinter then

1 with lightning speed. I don't think I ever  
2 saw her lose a race in middle school.

3 I have watched her experience the  
4 transformation all cadets experience during  
5 their four years at West Point, as she has  
6 blossomed into the exceptional leader of  
7 character that she is today.

8 Her dad graduated from West Point  
9 in 1975 and is now retired. Her older brother  
10 Nick graduated last year, and 10 months after  
11 his graduation is already deployed in Iraq  
12 with the First Cavalry Division. Her younger  
13 brother Andy is two years ago behind her and  
14 will graduate with the Class of 2011. One New  
15 York family producing four leaders of  
16 character to serve our nation in uniform.

17 All of our cadets are equally  
18 significant. Every one of them is committed  
19 to values of duty and honor and country. They  
20 are all preparing themselves for one of the  
21 greatest privileges our country could ever  
22 afford any citizen of this nation, leading our  
23 great soldiers, many from the State of  
24 New York -- in fact, I looked up the

1 statistics; from last year alone, 9,375  
2 New York young people enlisted in the regular  
3 Army, U.S. Army Reserve, and the Army National  
4 Guard -- who continue to answer the call to  
5 serve their nation when we need them the most.

6 I graduated from West Point  
7 30 years ago this June, and I will retire from  
8 active duty in the next few months. My four  
9 years at West Point were literally  
10 life-changing. I would not be the man that I  
11 am today had I not gone there. And I will be  
12 forever grateful to Congressman Goodling from  
13 the 19th Congressional district in  
14 Pennsylvania, who gave me my appointment.

15 Your contributions to our nation's  
16 future and to the individual lives of every  
17 young man or woman who enters West Point from  
18 your districts is no less significant. The  
19 West Point experience is life-changing. And  
20 the end result is an Army that is well-led by  
21 leaders of character, many of whom are  
22 citizens of this great state.

23 The Academy could not accomplish  
24 its mission without the continued support of

1 the New York Legislature and the surrounding  
2 communities of New York that are outside our  
3 gates. If you've never visited West Point, I  
4 hope you will do so in the near future.

5 If you're ever attempted to be  
6 discouraged about the future, come and spend  
7 time with our cadets. You will be inspired  
8 and encouraged by their values, their  
9 commitment, their potential. We are extremely  
10 proud of these young men and women, all of  
11 whom have signed up to serve while our country  
12 is at war. The future of this state and our  
13 nation is in great hands.

14 Thank you for your support of West  
15 Point. Thank you once again for having us  
16 here and affirming the importance of the  
17 critical relationship between West Point and  
18 New York. May God bless each of you as you  
19 continue your public service to this state and  
20 to our nation.

21 God bless you.

22 (Standing ovation.)

23 ACTING PRESIDENT VALESKY: The  
24 question, then, before the Senate is on the

1 resolution. All in favor signify by saying  
2 aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT VALESKY:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT VALESKY: The  
8 resolution is adopted.

9 To the cadets of the United States  
10 Military Academy, you have our sincere and  
11 heartfelt thanks for your commitment to duty,  
12 honor, and country. Thank you for being with  
13 us.

14 SENATOR LIBOUS: Mr. President.

15 ACTING PRESIDENT VALESKY:

16 Senator Libous.

17 SENATOR LIBOUS: Could I ask that  
18 all members be on that resolution unless  
19 someone objects to it.

20 ACTING PRESIDENT VALESKY: The  
21 resolution is open for cosponsorship by all  
22 members of the Senate. Any member wishing not  
23 to cosponsor the resolution should so inform  
24 the desk.

1                   SENATOR LIBOUS:     Thank you,  
2     Mr. President.

3                   ACTING PRESIDENT VALESKY:     The  
4     Senate will stand at ease momentarily.

5                   (Whereupon, the Senate stood at  
6     ease at 12:11 p.m.)

7                   (Whereupon, the Senate reconvened  
8     at 12:16 p.m.)

9                   ACTING PRESIDENT VALESKY:  
10     Senator Klein.

11                   SENATOR KLEIN:     Mr. President,  
12     Senator DeFrancisco has a resolution at the  
13     desk. I ask that the title of the resolution  
14     be read and move for its immediate adoption  
15     and allow Senator DeFrancisco to speak on his  
16     resolution.

17                   ACTING PRESIDENT VALESKY:     The  
18     Secretary will read.

19                   THE SECRETARY:     By Senator  
20     DeFrancisco, Legislative Resolution Number  
21     1156, saluting the Vera House White Ribbon  
22     Campaign March 27 through April 5, 2009.

23                   ACTING PRESIDENT VALESKY:  
24     Senator DeFrancisco, on the resolution.

1                   SENATOR DeFRANCISCO:     Yes, I  
2     would like to present this resolution to all  
3     for cosponsorship unless you choose not to be  
4     on the resolution.

5                   For the last 15 years the Vera  
6     House --

7                   ACTING PRESIDENT VALESKY:     Excuse  
8     me, Senator DeFrancisco.

9                   Could we please keep the noise down  
10    so we can hear the Senator speak on his  
11    resolution. Thank you.

12                  SENATOR DeFRANCISCO:     For the  
13    last 15 years Vera House, an organization to  
14    help victims of domestic violence, has been  
15    having a white ribbon campaign. And I've got  
16    my white ribbon on today. I think just about  
17    all those years I've brought a resolution to  
18    raise awareness to this very serious problem  
19    of domestic violence.

20                  And the goals of this campaign are  
21    very simple, to get men involved in working to  
22    end men's violence against women, to raise  
23    awareness of the problem in the community, and  
24    to support organizations that deal with the

1 consequences men's violence against women.

2 And it's an important goal for all  
3 of us, and it's an important resolution, and  
4 it's a wonderful organization. And I urge  
5 everyone to support it and everyone to  
6 cosponsor this resolution.

7 Thank you.

8 ACTING PRESIDENT VALESKY: Thank  
9 you, Senator DeFrancisco.

10 All in favor of the resolution  
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT VALESKY:  
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT VALESKY: The  
17 resolution is adopted.

18 Senator DeFrancisco has requested  
19 that it be open for cosponsorship. Anyone  
20 wishing not to cosponsor the resolution should  
21 notify the desk.

22 Senator Klein.

23 SENATOR KLEIN: Mr. President,  
24 can we ask the members of the Senate to return

1 to the chamber, because we're going to start  
2 our order of business and start debating the  
3 budget bill where we left off.

4 ACTING PRESIDENT VALESKY: We'll  
5 ask the Secretary to ring the bells.

6 I ask all Senators to return to the  
7 chamber. We will resume on the controversial  
8 calendar, with Calendar Number 132.

9 We will now return to the debate of  
10 Calendar Number 132, Senate Print 53C, the  
11 Education, Labor and Family Assistance  
12 appropriation budget bill.

13 Senator Klein.

14 SENATOR KLEIN: Mr. President, if  
15 we could return to the normal order of  
16 business, I move that we return to the  
17 controversial calendar and continue debate on  
18 Calendar Number 132.

19 ACTING PRESIDENT VALESKY: I  
20 remind all members to return to the chamber so  
21 that we can continue debate on Calendar 132.

22 Senator Oppenheimer, on the bill.

23 SENATOR OPPENHEIMER: Thank you,  
24 Mr. President.

1           I would like to make just a couple  
2 of personal observations. Since I have the  
3 floor, I'd like to make some observations on  
4 yesterday, and then I will get to the bill.

5           Yesterday it was suggested on the  
6 other side of the aisle here that this side  
7 was under the control of New York City. And I  
8 wanted to point out that actually the last  
9 chair of the Education Committee, Senator  
10 Saland, he and I share many common concerns,  
11 as residents of the Hudson Valley area -- such  
12 things as a concern about the Board of  
13 Cooperative Education, about our escalating  
14 property taxes, about reduced paperwork, about  
15 relief from unfunded mandate mandates.

16           And I've followed some of the  
17 practices of Senator Saland, in that I concur  
18 there should be no unfunded mandates brought  
19 before the Education Committee. And indeed, I  
20 followed his kind advice and I hired his  
21 committee clerk. And I have been very, very  
22 happy with her wise counsel and her very  
23 pleasant demeanor.

24           After less than three months as

1 chair, I can't expect to be as knowledgeable  
2 as he is after many years in that position.  
3 So I may ask and have asked Senator Saland to  
4 help me out sometimes. Indeed, I begged him  
5 to be my ranker. But I can understand why he  
6 made other choices.

7 But I don't think that the new  
8 Senate Education Committee will look that very  
9 different from the old Senate Education  
10 Committee, as many of Senator Saland's  
11 concerns are also my concerns.

12 On another issue, yesterday Senator  
13 Flanagan thought that it was rude to have sent  
14 him the letter that I did send. And I want  
15 you to know, Senator Flanagan, that was not my  
16 intention. I don't think I have ever been  
17 intentionally rude to anyone. And therefore,  
18 I would like to apologize if you viewed it  
19 that way. I just wanted to get that said  
20 before I started to talk about the bill.

21 Okay, in this bill, the aid to  
22 local schools, in this budget debate where  
23 many sentences have begun with "cuts and  
24 increased costs," education has been protected

1 while the pressure to raise property or school  
2 taxes has been reduced. Faced with the  
3 greatest economic crisis and the toughest  
4 budget I think in the history of the state,  
5 this Legislature used the federal State Fiscal  
6 Stabilization Fund to Education -- that's a  
7 big mouthful -- to restore all education cuts  
8 that were proposed by the Governor and to  
9 increase by \$1.22 billion school aid over the  
10 levels that were in last year's budget.

11 In a year when nearly all other  
12 programs in the budget were cut, the numbers  
13 and amounts allocated for education proved  
14 that our number-one priority was and is  
15 educating children and reducing the pressure  
16 on the rising property and school taxes.  
17 Simply put, the promise that the Majority made  
18 to put children and property taxpayers first  
19 is no longer just a promise, but it is a legal  
20 reality.

21 This fully restores the cuts  
22 imposed by the Governor's deficit reduction  
23 assessment, as requested by school districts  
24 across the state and by Democrats and

1 Republican members of this Legislature.

2 Senator Flanagan, the ranker on the  
3 Senate Education Committee, made it clear when  
4 we had Commissioner Mills come in to speak to  
5 our committee, made it clear that he wanted  
6 the DRA cuts to be restored before any added  
7 funds went to the third year of the CFE  
8 commitment. And actually we accepted this  
9 wise counsel, and we did restore the aid.

10 Also Senator Robach had a hearing  
11 where his constituents heard that their  
12 highest priority was regulatory DRA and  
13 rejecting the cost shift of pre-K special ed  
14 services from the state to the school  
15 districts. And this also was wise advice, and  
16 we have followed that.

17 The Senate also found an additional  
18 \$15 million in additional aid for other  
19 purposes. And these include -- and these are  
20 just a few -- 1.3 million for state Special  
21 Act school districts which serve high-needs  
22 special ed students. And we will be having a  
23 freestanding bill coming in the next couple of  
24 months concerning this, helping our state

1 Special Act school districts further.

2 There's also a half million dollars  
3 for the Center for Autism and Disabilities at  
4 SUNY. I also have one just outside of my  
5 Senate district. They do a very valuable job,  
6 the regional centers on autism.

7 There's also \$175,000 for the  
8 Center for Rural Schools at Cornell  
9 University, \$400,000 for in-school suspension  
10 pilot program, which will be I believe in  
11 Mount Vernon.

12 This budget demonstrates our  
13 commitment to phase in more increases in  
14 foundation aid by the 2013-2014 school year.  
15 Unfortunately, the moral promise of CFE will  
16 be met a little later than we would have  
17 liked, and it will take a little longer than  
18 we anticipated prior to the national and state  
19 fiscal and economic crisis -- indeed, the  
20 global crisis. It is not just an American  
21 crisis. But we will fulfill the moral promise  
22 of CFE, even though it will take us a few  
23 years longer.

24 The Legislature, under Special Act

1 funding, protected local school districts and  
2 local taxpayers from the Governor's plan to  
3 require them to pay \$136 million in pre-school  
4 special ed funding. As pre-school special ed  
5 is growing faster than other educational  
6 costs, this would have been a particularly  
7 taxing -- sorry about the pun -- cost shift.  
8 Had this proposal been allowed to stand, it  
9 would have created greater local budget  
10 problems by driving up costs for property  
11 taxpayers in school districts all across our  
12 state.

13 The Legislature also kept the  
14 current payment structure for the special ed  
15 teachers intact, ensuring that the valuable  
16 services that these instructors provide will  
17 remain available to our kids.

18 On STAR rebate, although the budget  
19 eliminates the STAR rebate check, we will  
20 continue the STAR program, which provides  
21 \$3.3 billion in benefits to seniors, who get a  
22 larger rebate, and those who face high  
23 property taxes.

24 In addition, we have actually

1       resisted the Governor's efforts to raise and  
2       thereby narrow the STAR eligibility limits by  
3       raising the floor from 11 percent to  
4       18 percent. And thereby, we have preserved  
5       the current standards of eligibility for the  
6       original STAR.

7                 In library aid, the budget includes  
8       additional support for public libraries by  
9       restoring \$10 billion across the system. And  
10      we understand that the libraries are being  
11      utilized more and more, almost 30 percent more  
12      utilization, by not only our young and our  
13      elderly but now by our unemployed.

14                This increased aid is especially  
15      needed in our rural and upstate areas, some of  
16      which have been chronically underserved in  
17      library services. We understand that it was  
18      \$102 million last year. And this year, the  
19      Governor had put in \$81 million and we, the  
20      Legislature, brought it up to \$91 million.

21                Would we have liked to increase the  
22      total amount to libraries? Unquestionably.  
23      As you have heard me say many times on the  
24      floor of the Senate, I think I live in

1 libraries. But we have to face the fiscal  
2 realities. You know, the economy is just  
3 falling faster than we can keep up with.

4 Under private schools, we have  
5 restored the funding for mandated expenses.  
6 And I have done a stand-alone bill, but I  
7 think in the long run all we can say is that  
8 we will have discussions. Because we do plan  
9 to fully pay for their expenses. That has not  
10 been the question. The question is what are  
11 those expenses. And we have said that we will  
12 sit down and discuss this. So we will see  
13 that they get their full formula funding. It  
14 may be next year, but they will get it.

15 Teacher centers. We restored  
16 \$40 million in cuts for the New York State  
17 Teacher Centers. These centers are critical  
18 to ensure students are taught by well-trained  
19 teachers with up-to-date information in their  
20 fields. And this is exceedingly important to  
21 the teachers.

22 On public broadcasting, one of the  
23 increased stresses on our society is the lack  
24 of educational media for children and

1 families. For those that because of the  
2 economic crisis are cutting back on cable  
3 television, high-quality programming by the  
4 broadcast networks, especially for children,  
5 is becoming harder and harder to find. The  
6 Legislature has restored 50 percent of the  
7 Governor's proposed cuts for public  
8 television, adding around \$5.5 million. And  
9 as a fan of PBS, I'm happy to report that.

10 Well, we haven't passed this yet,  
11 but the Senate fought for and did not achieve  
12 passage of many of the Governor's mandate  
13 relief provisions, prohibiting unfunded  
14 mandates from taking effect mid-school year,  
15 eliminating unnecessary regulations, which I  
16 personally think achieve nothing, eliminating  
17 outdated and counterproductive reporting and  
18 tracking requirements, some of which are  
19 overlapping each other.

20 But the Senate has obtained  
21 commitments from the Assembly to pursue  
22 mandate relief after this budget has been  
23 passed. And we do anticipate that we will  
24 have a strong mandate relief bill before this

1 house within the next two to three months.

2 And as I mentioned, I will also  
3 have a bill on the Special Act school  
4 districts. I will also have a bill on --  
5 well, I mentioned duplicative reporting,  
6 mandate relief, and several other things which  
7 I know are of special interest to many of us,  
8 like healthy schools, community schools, and  
9 the like.

10 Okay. Now, just in summation, the  
11 frozen formulas are as follows: Foundation  
12 aid, high tax aid, universal pre-K. Those are  
13 all frozen at last year's levels. The  
14 expense-based aids are going to move ahead.  
15 They are being reimbursed, we owe it to them,  
16 and we are continuing our commitment to  
17 reimburse where money has been spent.

18 I think I'll end there, and I'll  
19 answer any questions.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank  
22 you, Senator Oppenheimer.

23 Senator Flanagan.

24 SENATOR FLANAGAN: Thank you,

1 Mr. President. Would Senator Oppenheimer  
2 yield?

3 ACTING PRESIDENT VALESKY:

4 Senator Oppenheimer, do you yield?

5 SENATOR OPPENHEIMER: Yes.

6 ACTING PRESIDENT VALESKY: The  
7 Senator yields.

8 SENATOR FLANAGAN: First, Senator  
9 Oppenheimer, you are never intentionally rude  
10 to anybody. You don't need to apologize to  
11 me. I appreciate what you said.

12 But I do have a series of questions  
13 that I would hope you could answer relative to  
14 the education portion of the budget. And I  
15 realize that we have two separate bills.  
16 We're going to have the language bill, and  
17 some of that will relate to mandates. But  
18 inasmuch as you brought up some of it now,  
19 maybe it's a good point to engage in some of  
20 that discussion. But I want to start by  
21 inquiring about the federal stimulus money.

22 How much federal stimulus money is  
23 in this overall budget for education, and what  
24 are the sources of those funds?

1                   SENATOR OPPENHEIMER:     Well,  
2                   everybody calls it the stimulus money.  But as  
3                   far as education, you and I know it is the  
4                   State Fiscal Stabilization Fund to Education.  
5                   That's the piece that was dedicated to  
6                   education.

7                   And it's got funding for two years,  
8                   and that comes to \$2.72 billion, of which this  
9                   year we will spend \$1.19 billion.

10                  SENATOR FLANAGAN:     On the  
11                  2.72 billion -- Mr. President, if Senator  
12                  Oppenheimer would continue to yield.

13                  ACTING PRESIDENT VALESKY:     Do you  
14                  continue to yield?

15                  SENATOR OPPENHEIMER:     Yes, I do.

16                  ACTING PRESIDENT VALESKY:     The  
17                  Senator yields.

18                  SENATOR FLANAGAN:     On the  
19                  \$2.72 billion, is there more than one source  
20                  of funds for that money?

21                  SENATOR OPPENHEIMER:     No, that  
22                  all is coming through the stabilization  
23                  monies.

24                  SENATOR FLANAGAN:     Does it come

1 from one pot in the stabilization money?

2 SENATOR OPPENHEIMER: There's  
3 also money that is available that we have  
4 not -- 200 to 300 -- 240 million, I'm getting  
5 the exact number, 240 million -- right, is  
6 that the exact number? -- of this extra fund.  
7 That actually could be used for other  
8 governmental services, but it has been  
9 utilized to fill in the cuts in the education  
10 budget.

11 SENATOR FLANAGAN: Mr. President,  
12 if Senator Oppenheimer would continue to  
13 yield.

14 ACTING PRESIDENT VALESKY:  
15 Senator Oppenheimer, do you continue to yield?

16 SENATOR OPPENHEIMER: Yes, sure.

17 ACTING PRESIDENT VALESKY: The  
18 Senator yields.

19 SENATOR FLANAGAN: I certainly  
20 don't mean to belabor these points, but I  
21 think that the point in asking these questions  
22 is to get the details. Because it is going to  
23 be exceedingly important to our local school  
24 districts and our property taxpayers to know

1 where the money is coming from now, because  
2 it's going to have a real effect two and three  
3 years from now.

4 So it is my understanding -- and I  
5 have the federal legislation right in front of  
6 me, and it is referred to as the State Fiscal  
7 Stabilization Fund. And there are two  
8 components therein. One is the educational  
9 funding that you had referenced, and then  
10 there is a catch-all that is loosely described  
11 as general purpose aid that does not have to  
12 be exclusively used for education, and it  
13 specifically references that it can be used  
14 for things like public safety.

15 So you mentioned that there was  
16 \$2.72 billion. How much of that is the  
17 general purpose, and how much of that is the  
18 education pot itself?

19 SENATOR OPPENHEIMER: The amount  
20 that I believe is from the general -- in other  
21 words, it didn't have to be, as you said,  
22 specifically for education. But I believe we  
23 are using \$240 million of that for education.

24 SENATOR FLANAGAN: Of the

1 general-purpose money?

2 SENATOR OPPENHEIMER: It is what  
3 I said. \$240 million is being used from that  
4 general fund, which can be used for education  
5 or something else. But we're taking  
6 \$240 million, as I said earlier, for  
7 education.

8 SENATOR FLANAGAN: Okay. 240 out  
9 of what available funds?

10 SENATOR OPPENHEIMER: It is as I  
11 just said. I'll repeat it again.

12 The State Fiscal Stabilization Fund  
13 is, as I said, \$1.19 billion will be used this  
14 year. It is larger than that, but it's a  
15 two-year approp that we're getting the federal  
16 funds, the stabilization funds.

17 Then there is \$240 million which we  
18 will be using this year also for education.  
19 It doesn't have to be for education, but we  
20 are going to use \$240 million of that money  
21 for education.

22 SENATOR FLANAGAN: Mr. President,  
23 if Senator Oppenheimer would continue to  
24 yield, through you.

1                   ACTING PRESIDENT VALESKY:  
2       Senator Oppenheimer, do you continue to yield?  
3                   SENATOR OPPENHEIMER:     Yes, I do.  
4                   ACTING PRESIDENT VALESKY:     The  
5       Senator yields.  
6                   SENATOR FLANAGAN:     Let me  
7       differentiate.  It is my understanding, based  
8       on information that we've been provided, that  
9       the money that is specifically allocated for  
10      education in the Fiscal Stabilization Fund is  
11      approximately \$2.35 billion over two years.  
12                  SENATOR OPPENHEIMER:     Two years,  
13      correct.  
14                  SENATOR FLANAGAN:     And then a  
15      general-purpose allotment of about  
16      \$550 million.  
17                  SENATOR OPPENHEIMER:     Right.  
18                  SENATOR FLANAGAN:     So we're  
19      talking slightly over \$3 billion over two  
20      years.  
21                  SENATOR OPPENHEIMER:     Okay, yes.  
22      Correct.  
23                  SENATOR FLANAGAN:     Do you agree  
24      with that?

1                   SENATOR OPPENHEIMER:     Correct.

2           I'm with you.

3                   SENATOR FLANAGAN:     Okay.  So then  
4           I want to go back to something you said  
5           before, that there is \$2.72 billion.  Somehow  
6           we're about \$300 million apart.

7                   So you referenced the total of  
8           \$2.72 billion.  There's over 3 billion.  So  
9           what is your understanding of what the number  
10          is?

11                   SENATOR OPPENHEIMER:     When I said  
12          2.72 -- well, we have to figure out.  There's,  
13          according to me, a \$200 million -- what I  
14          think has happened here is we've combined the  
15          two for the first year.  And for the second  
16          year, take away 1.19 from the figure I gave  
17          you earlier, and that's what we'll have  
18          available for next year.

19                   SENATOR FLANAGAN:     Right.  But I  
20          don't know what we'll have available next year  
21          until we can agree what's available in total.

22                   So what I'm trying to gather is  
23          since you have negotiated this, and this is  
24          now coming before us, and we are now going to

1 go back to our school districts and say this  
2 is where the money came from, what is the  
3 total amount available? Is it the over  
4 \$3 billion, or is it the \$2.7 billion that  
5 you're referencing? Because \$300 million is a  
6 substantial discrepancy.

7 SENATOR OPPENHEIMER: Okay, I was  
8 adding the two together.

9 So put down for this year from  
10 stabilization, from the federal government,  
11 but not all utilized within this one year, put  
12 down \$2.5 billion. The general fund, that can  
13 be utilized for a variety of purposes, put  
14 down at \$550 million. So you add them both  
15 together -- but you see, you can't do that.

16 Through you, Mr. President. The  
17 reason you can't do that is because you don't  
18 know how it will be utilized next year. This  
19 year, yes, we utilize part of that general  
20 money for education. I'm not certain it will  
21 be there for education next year.

22 SENATOR FLANAGAN: Well, thank  
23 you very much. Because let me follow up on  
24 that point. Mr. President, through you.

1                   You mentioned \$1.19 billion for  
2 this year that is in this budget.

3                   SENATOR OPPENHEIMER:     Right.

4                   SENATOR FLANAGAN:     Where does  
5 that money come from?

6                   SENATOR OPPENHEIMER:     It comes  
7 from the stabilization fund.

8                   SENATOR FLANAGAN:     Okay. Which  
9 part? The educational part, or the  
10 general-purpose part? Because you said  
11 there's \$240 million used from the general  
12 purpose. So if I'm following your logic, that  
13 means we're spending less, certainly  
14 considerable less than a billion of the  
15 educational money that's been specifically  
16 allocated.

17                  SENATOR OPPENHEIMER:     The  
18 stabilization fund, the \$1.19 billion that  
19 we're using this year, was specific to replace  
20 cuts that had been made in the education  
21 budget of the state. It was to maintain  
22 teacher jobs. It was to maintain classroom  
23 size. It had specific pieces of our budget  
24 that we were told to fill in.

1                   That is what the stabilization  
2 money -- it's called stabilization,  
3 stabilization so that we would be able to fill  
4 the holes that we had created in our budget.

5                   SENATOR FLANAGAN:     Mr. President,  
6 if Senator Oppenheimer would continue to  
7 yield.

8                   ACTING PRESIDENT VALESKY:  
9 Senator Oppenheimer, do you continue to yield?

10                  SENATOR OPPENHEIMER:     Yes, I do.

11                  ACTING PRESIDENT VALESKY:     The  
12 Senator yields.

13                  SENATOR FLANAGAN:     Senator  
14 Oppenheimer, this is extremely important for  
15 our school districts, so I am going back to  
16 this. I understand what you're saying about  
17 the \$1.19 billion. What I'm trying to figure  
18 out, because this is going to be a problem now  
19 and next year, is how are we getting the  
20 money. And I'll ask you a separate but  
21 related question right at this point.

22                  I have the federal legislation  
23 right in front of me and have read it time and  
24 time again. Has the State of New York applied

1 for that federal money?

2 SENATOR OPPENHEIMER: We have not  
3 applied yet. The answer is no, we have not  
4 yet applied.

5 SENATOR FLANAGAN: Okay. And can  
6 you explain why the Governor, on behalf of  
7 New York State, has not applied for that  
8 funding?

9 SENATOR OPPENHEIMER: Well,  
10 actually, we needed to have -- through you,  
11 Mr. President, we had to have a budget passed  
12 in order to go to the federal government and  
13 say, This is what we have passed and this is  
14 going to be our request to you. We hope we  
15 can do that sometime today.

16 SENATOR FLANAGAN: Mr. President,  
17 if Senator Oppenheimer would continue to  
18 yield.

19 ACTING PRESIDENT VALESKY: Do you  
20 continue to yield, Senator Oppenheimer?

21 SENATOR OPPENHEIMER: Of course.

22 ACTING PRESIDENT VALESKY: The  
23 Senator yields.

24 SENATOR FLANAGAN: Senator

1 Oppenheimer, I have the federal legislation  
2 right in front of me. It doesn't say anything  
3 about passing a budget. It says that the  
4 Governor has to make an application on behalf  
5 of the State of New York.

6 So the contingency of whether or  
7 not we pass this budget -- and I agree with  
8 you, we should pass it. I want to pass it --  
9 is irrelevant to the application process.

10 So what I'm trying to know is when  
11 the Governor is supposed to make that  
12 application to the federal government, what  
13 exactly is he going to be asking for? And  
14 that's why those numbers are so important. Is  
15 the Governor going in asking for all the  
16 general-purpose money or some of it? Because  
17 now we're setting up the issue for this year  
18 as well as next year.

19 So your understanding, I'm  
20 assuming, is that the Governor will ultimately  
21 make an application based on the numbers that  
22 are represented here.

23 SENATOR OPPENHEIMER: Through  
24 you, Mr. President. Okay, I'll lay it out as

1 clearly and as simply as I can.

2 The \$1.19 billion that we are  
3 spending was totally to remove the DRA, the  
4 deficit reduction assessment, that was put on  
5 all the schools. Once we pass this budget,  
6 then there is knowledge of what we are going  
7 to need, what we are going to request, number  
8 one.

9 Number two, the other piece, which  
10 is this general fund for which we're taking  
11 \$240 million this year for education, those  
12 monies are much more specific. We can go  
13 through them. It's monies to restore teacher  
14 centers, pre-school, special ed cost shift,  
15 public libraries, all these other things that  
16 we needed the additional funds to restore. So  
17 we're going to tell specifically what we need  
18 it for, and then we are going to make the  
19 application.

20 And as I said, the Governor is  
21 going to ask for what we have appropriated,  
22 and that I think we will be doing today. And  
23 hopefully we can get the state plan up to him,  
24 up to our federal government as soon as we

1 finish our budget, and then we can go and  
2 apply.

3 SENATOR FLANAGAN: Okay.

4 Mr. President, if Senator Oppenheimer would  
5 continue to yield.

6 ACTING PRESIDENT VALESKY:

7 Senator Oppenheimer, do you yield?

8 SENATOR OPPENHEIMER: Sure.

9 ACTING PRESIDENT VALESKY: The  
10 Senator continues to yield.

11 SENATOR FLANAGAN: That was more  
12 clarity. We're spending all the education  
13 money and \$240 million on top of that. So  
14 over a two-year program, approximately half of  
15 it is being spent right now.

16 Moving ahead to next year, your  
17 representation is that you can't tell us  
18 whether or not the balance of that  
19 general-purpose money will be available for  
20 education.

21 SENATOR OPPENHEIMER: Through  
22 you, that would be \$310 million, if my math is  
23 correct, that is to be put into next year's  
24 budget. And no, I cannot tell you if it is

1 going to be put in education or into other  
2 areas that are in dire need.

3 SENATOR FLANAGAN: Okay. On your  
4 comments relative to the budget. You  
5 referenced a \$1.22 billion increase in this  
6 year's budget. Can you break that out in  
7 terms of where those increases come from?  
8 Roughly.

9 SENATOR OPPENHEIMER: Would you  
10 repeat? I'm not certain I heard.

11 SENATOR FLANAGAN: When you were  
12 explaining the education portion of the  
13 budget, you said there's a \$1.22 billion  
14 increase. Certainly some of that is allocated  
15 towards expense-driven aids. How is it broken  
16 out?

17 SENATOR OPPENHEIMER: Through  
18 you, Mr. President, I think Senator Flanagan  
19 is going to need a pen for this.

20 Okay, here goes some numbers. The  
21 \$166,851,638, this money is going to what I  
22 discussed, the formula-based aids that I  
23 mentioned earlier. You know, the foundation  
24 aid, the high-tax aid. Then we have

1           \$204,400,795, and that's going to building  
2           aid, building reorganization. So now we're  
3           close to 300.

4                         Then we have the two that, you  
5           know, are simply passed through, IDEA and  
6           Title 1. We pass them through to the  
7           districts immediately. So we have to add that  
8           in. So IDEA is \$393,964,044. And then we  
9           have Title 1-A, and that will be \$423,364,927.

10                        And if you add that all together,  
11           you get to the federal aid estimate of  
12           \$1,221,119,253.

13                        SENATOR FLANAGAN:     Thank you,  
14           Mr. President. If Senator Oppenheimer would  
15           just continue to yield for a couple questions.

16                        ACTING PRESIDENT VALESKY:  
17           Senator Oppenheimer, do you continue to yield?

18                        SENATOR OPPENHEIMER:     Sure thing,  
19           yes.

20                        ACTING PRESIDENT VALESKY:     The  
21           Senator yields.

22                        SENATOR FLANAGAN:     Senator  
23           Oppenheimer, in looking at this budget I think  
24           one of the things that the public is

1 completely unaware of and will become aware of  
2 after the fact, and I think is going to be  
3 very problematic for our school districts, is  
4 that this is in essence a two-year plan.

5 And you and the Assembly Democrats  
6 and the Governor have come up with a plan that  
7 is already telling school districts for next  
8 year that all your base aids are frozen, there  
9 will be no increases of any kind. And that  
10 anything relative to foundation aid or  
11 high-tax aid or anything like that, the  
12 earliest we're going to deal with it is two  
13 years from now.

14 When we're looking at the problems  
15 that we're facing, I find it extremely hard to  
16 understand, frankly difficult to fathom, why  
17 you would advocate for a two-year plan that  
18 freezes -- when we don't know what's going to  
19 happen six months from now or nine months from  
20 now, why are we locking ourselves into a plan  
21 that is telling school districts you should  
22 expect no more money this year and next year?

23 SENATOR OPPENHEIMER: Through  
24 you, Mr. President, I was just handed some

1 newspaper articles that say that the schools  
2 cheered the restoration of state aid. I think  
3 they're very thankful that in this very dire  
4 economic straits that we're in now that we  
5 have come forth with some help for them.

6 Here is "The restoration of state  
7 aid will enable the district to lessen some of  
8 the 51 staff reductions the Poughkeepsie  
9 school board was contemplating." I mean, we  
10 have a lot of very positive statements from  
11 across the whole state. Here's one --

12 SENATOR FLANAGAN: Well, Senator  
13 Oppenheimer, let me offer to you, if you are  
14 so inclined to offer media clips for our  
15 consideration, I would be more than happy to  
16 regale you with the probably 100 to 200  
17 articles that think this budget is an  
18 unmitigated disaster and does nothing to  
19 protect the taxpayers.

20 What I'm asking you is a direct  
21 question, inasmuch as you are chair of the  
22 Education Committee and negotiated on behalf  
23 of the Senate, why this plan that freezes base  
24 aid for two years? Why not do it one year, as

1 we generally do, and set ourselves up for next  
2 year? You're already sending a message that  
3 forget next year. Who made that decision, and  
4 why was that reached?

5 SENATOR OPPENHEIMER: We will  
6 have money for next year. As you know, we are  
7 only spending a little less than half of our  
8 stabilization funds, the federal stabilization  
9 funds. And who knows, maybe that general pot  
10 of \$550 million, of which we've only spent  
11 \$240 million, maybe that will be available to  
12 us also.

13 The only things that were frozen  
14 were the operating aids, the three that I  
15 mentioned to you earlier.

16 SENATOR FLANAGAN: Right, which  
17 comprises the overwhelming majority of the  
18 budget.

19 ACTING PRESIDENT VALESKY:  
20 Senator Flanagan, are you continuing to ask  
21 Senator Oppenheimer to yield?

22 SENATOR FLANAGAN: Yes, I am.

23 ACTING PRESIDENT VALESKY:  
24 Senator Oppenheimer, do you yield?

1                   SENATOR OPPENHEIMER:     Yes.

2                   ACTING PRESIDENT VALESKY:     The  
3     Senator continues to yield.

4                   SENATOR FLANAGAN:     My question,  
5     again, is why was that conclusion reached.  
6     Who negotiated that? Did you negotiate that?  
7     Did Senator Kruger negotiate it? Because when  
8     we go back, we're going to be asked the same  
9     questions. The school business officials, the  
10    superintendents, yes, are they happy about  
11    certain components? But they haven't even, I  
12    think, been truly made aware of what's been  
13    set up for next year already.

14                  So my question is, again, why was  
15    that negotiation reached in that fashion?  
16    Because we're going to be asked the question,  
17    and I want to be able to give an appropriate  
18    answer.

19                  SENATOR OPPENHEIMER:     Through  
20    you, Mr. President, I can only tell you what  
21    my superintendents of schools said to me.  
22    They said: "If you can get rid of that  
23    horrible DRA, we can live with the rest."

24                  What we did is we froze, we did not

1 cut. The thing that had my superintendents so  
2 upset was the DRA, not the freeze. They just  
3 didn't want to see the cuts. And I think they  
4 are relatively relieved that they didn't see  
5 cuts.

6 And I don't know how your districts  
7 fared, but none of mine -- well, my personal  
8 one in Mamaroneck got cut, but it was the only  
9 one in my whole Senate district that got cut.

10 You know, we're all aware that we  
11 have no clear definitive line of when this  
12 economy is going to start to pick up again.  
13 We get little glimmers and that. Last week  
14 Wall Street seemed to be a little happier.  
15 But that doesn't change the whole economy.

16 And I think if we want our school  
17 districts to plan, and that is what they have  
18 asked us time and again: Give us some figures  
19 so we have some concept of what's going to be  
20 ahead for us. And if you have more money, I  
21 am sure that we can fill in some holes locally  
22 in our school districts.

23 The idea is we want them to be able  
24 to have some parameters. And by leaving this

1 flat and telling them we're not going to cut,  
2 this is going to be frozen at this level -- if  
3 we had more money, we'd be delighted to share  
4 it with you. All of us in this room, every  
5 one of us wants to be able to give more money  
6 to school districts, wants to be able to make  
7 libraries whole, wants to make PBS whole. You  
8 know, but we need money. And we're in a  
9 drastic spot right now.

10 And we're not alone. I mean, we  
11 know almost every other state in the union is  
12 in the same position we're in. You think  
13 we're bad, you should look at Connecticut.

14 So, I mean, we have to face the  
15 reality. Budget-making is a real reality  
16 task. And that's what we're trying to do.  
17 We're trying to help the school districts for  
18 next year to budget around what we're calling  
19 a frozen level of foundation aid.

20 SENATOR FLANAGAN: Thank you,  
21 Mr. President. Senator Oppenheimer, I  
22 appreciate your graciousness and courtesy.

23 Mr. President, on the bill.

24 ACTING PRESIDENT VALESKY:

1 Senator Flanagan, on the bill.

2 SENATOR FLANAGAN: I certainly  
3 don't mean to belabor some of these points.  
4 But I think it's important because when we all  
5 go back to our local school districts, whether  
6 it's in upstate or the City of New York or out  
7 on Long Island, we're going to be asked a lot  
8 of questions.

9 And yes, the deficit reduction  
10 assessment, we were very clear on that, that's  
11 a positive step forward. But I think one of  
12 the things that really needs to be underscored  
13 is the fact that we are very fortunate that  
14 the federal government came in with roughly  
15 \$3 billion over the next two years.

16 My concern is prospective, present  
17 and prospective. Prospective in the sense  
18 that we were able to fill a hole this year.  
19 We will probably be able to fill a hole next  
20 year, but we have plateaued now. We have  
21 plateaued this year; it seems already that the  
22 groundwork has been laid so that we will  
23 plateau next year.

24 And then if you follow what we are

1       supposed to do, according to the blueprint  
2       that you have given us, foundation aid will  
3       come back in in that third year to the tune of  
4       \$1.2 billion. Arguably, that's a good thing.  
5       But before we get to put in that \$1.2 billion,  
6       we're going to have to continue to make up  
7       that \$1.1 billion. And the problem we're  
8       going to have is that there's no federal money  
9       to fill that hole. So I think in many  
10      respects, at best, we're doing a Band-Aid  
11      here.

12                   Now, Senator Oppenheimer also  
13      referenced that there are full restorations.  
14      I would respectfully disagree. The deficit  
15      reduction assessment, yes. Nonpublic schools,  
16      no. Libraries, no. And in the overall scheme  
17      of the money we're spending, it seems  
18      inconsistent that we could find \$1.19 billion  
19      to fill the deficit reduction assessment but,  
20      as Senator DeFrancisco said, we couldn't come  
21      up with approximately \$7 million more to make  
22      the libraries whole.

23                   Now, one of the challenges that  
24      we're having, frankly, is that this is the

1 first real opportunity that we've had to  
2 engage and will engage relative to the  
3 educational policy and budgetary  
4 considerations in this state. Again, I would  
5 reiterate, we didn't have any conference  
6 committees. We had no public discussions. We  
7 had no debate about mandate relief. We had no  
8 debate about foundation aid. We had no debate  
9 about charter schools. We had no debate about  
10 anything.

11 So what we're being presented --  
12 and I'm sure it is frustrating for my  
13 colleagues on the other side to have to endure  
14 this. But the reality is that this is the  
15 first time that we're going to have this type  
16 of exchange. So when we inquire and we ask  
17 and we offer comments and suggestions, I truly  
18 believe that it's in good faith.

19 And you referenced protecting the  
20 property taxpayers. I'll speak for the  
21 communities that I represent. People really  
22 like that STAR rebate check. People  
23 understand that that's a check to them from  
24 the government that will help them out.

1           Personally, I completely disagree with the  
2           fact that that has been removed from this  
3           budget, and I think that's something we're  
4           probably going to hear about more than  
5           anything else in relation to the education  
6           portion of the budget.

7                         And we will have further discussion  
8           on mandate relief, but I just want to focus in  
9           on what Senator Oppenheimer said. You know,  
10          in a time when we do have to deal with fiscal  
11          realities, one of the things we should be able  
12          to try and do is find ways to alleviate  
13          burdens, to reduce regulations, to mitigate  
14          some of the concerns that are out there -- not  
15          only in the small business community, but in  
16          our public entities. Local governments.  
17          School districts in particular.

18                        I am frustrated because mandate  
19          relief has been around forever. The Governor  
20          had a couple of very basic mandate relief  
21          provisions in his budget: Paperwork Reduction  
22          Act, no mandates during the school year. And  
23          an additional thing which I've discussed at  
24          length with Senator Fuschillo was a

1 recommendation based on an audit done by the  
2 State Comptroller of our state saying that  
3 school districts should be able to use excess  
4 funds in certain reserves that they have,  
5 which could help mitigate the property tax  
6 burden in every community in the State of  
7 New York.

8 That's like a softball coming right  
9 over the plate. Who could be against getting  
10 rid of paperwork that's unnecessary, that  
11 doesn't do anything to educate kids? Who  
12 could be against saying that we don't want to  
13 have mandates instituted in the middle of a  
14 school year? It's common sense.

15 So you're going to have to explain  
16 this -- and I'm not asking you to yield,  
17 Senator Oppenheimer. But as we leave here and  
18 we go back, all of us, but those particularly  
19 in the Majority, are going to have to explain  
20 why there is such a glaring failure on mandate  
21 relief. It's a way to help school districts  
22 out, and we can focus in in a laserlike way  
23 and say as long as it doesn't do anything to  
24 educate kids, why do we have it?

1                   We have in here, and we will  
2                   discuss it again, but no unfunded mandates.  
3                   And just for the life of me, it's hard to be  
4                   able to explain that and go back and say the  
5                   Governor had it in. And if the Senate  
6                   Democrats supported it, what I'm now going to  
7                   do, based on what you're saying, I'm just  
8                   going to go back and say the Assembly  
9                   Democrats are completely the ones responsible  
10                  for relieving the mandate. And I guarantee  
11                  you, when I go to a public meeting, they are  
12                  going to turn around and say it was you, the  
13                  Senate Democrats.

14                  So when it's the Governor and the  
15                  Senate Democrats advocating for mandate  
16                  relief, it should have happened.

17                  Thank you, Mr. President.

18                  ACTING PRESIDENT VALESKY:       Thank  
19                  you, Senator Flanagan.

20                  I'm going to return -- Senator  
21                  Libous began this debate by asking for an  
22                  explanation of the bill. Senator Stavisky  
23                  would like an opportunity to explain the  
24                  higher education portion of this budget.

1                   Senator Stavisky.

2                   SENATOR STAVISKY:     Thank you.  I  
3                   will do so very briefly.

4                   The higher education portion of the  
5                   budget just continues the investment in higher  
6                   education.  We have restored almost all of the  
7                   programs involving the cuts to the tuition  
8                   programs, to TAP.  We have restored  
9                   university-wide cuts that had been initiated  
10                  such as the restoration of the \$270 cut in  
11                  full-time equivalents for the community  
12                  colleges.

13                  We are continuing many of the  
14                  programs back to the -- unfortunately, but  
15                  back to the 2008 level.  We have restored the  
16                  funding to the SUNY University hospitals;  
17                  there are three of them.  And there are many  
18                  other programs where higher education  
19                  continues the theme that it's got to be  
20                  available and affordable and of high quality.  
21                  And this budget attempts to do that in  
22                  difficult economic times.

23                  Thank you, Mr. President.

24                  ACTING PRESIDENT VALESKY:     Thank

1           you, Senator Stavisky.

2                        To continue to explain the bill,  
3           Senator Squadron.

4                        SENATOR SQUADRON:       Thank you very  
5           much for bearing with me as I come back to my  
6           seat, Mr. President.

7                        I'm rising on the part of this bill  
8           that deals with some of the human services,  
9           especially those that deal with adults who  
10          need government's help the most.  As we  
11          address this part of the budget, it was very,  
12          very important that we protected the poorest  
13          and the most vulnerable in the community.  
14          Even in a terrible economy -- in fact,  
15          particularly in a terrible economy -- you want  
16          to make sure that your safety net is real and  
17          is effective.

18                       We also want to make sure, though,  
19          that while we do that we invest in the future.  
20          And with this budget, we really will do that.  
21          Obviously, with this bill overall there's a  
22          lot of pain and a lot of hardship.  With this  
23          piece of it, we were sure to invest not just  
24          in protecting people now but in helping people

1 be more self-sufficient and more successful  
2 over time.

3 And of course it's critical,  
4 whenever you spend this money, that you do it  
5 in an accountable way. And we did that very  
6 seriously.

7 This bill has money to prevent  
8 homelessness. This is an issue that came up  
9 yesterday. There are some in this chamber who  
10 wonder why preventing homelessness is  
11 important, wonder why those programs are  
12 significant. The fact is across this state,  
13 in New York City but elsewhere too, in an  
14 economy like this, families too often become  
15 vulnerable to losing their homes. And we have  
16 services here that will help keep them in  
17 their homes.

18 We were able, the Article VII  
19 portion of this in the other bill, to preserve  
20 the SSI grant for people with disabilities who  
21 are on public assistance.

22 And I'm most proud that we actually  
23 have some new programs here that are funded  
24 over 90 percent with federal TANF dollars that

1 aren't General Fund dollars that are coming to  
2 us largely through the stimulus bill and  
3 through the great work of some of the social  
4 services agencies in this state, which have  
5 increased the number of eligible folks who get  
6 food stamps, the TANF contingency fund and  
7 then the stimulus bill's TANF emergency  
8 contingency fund.

9 I think it's worth for a moment to  
10 list what these programs are. The  
11 Transitional Jobs Program. Green Jobs Corps  
12 subsidies. Healthcare job subsidies. And a  
13 number of transportation programs that will  
14 help people get to work. The point here is to  
15 train people for jobs that will sustain them  
16 over time and help get them into those jobs  
17 now.

18 There's also another program here  
19 that's never been a state program before in  
20 New York State but has been proven in study  
21 after study to change people's lives. It's  
22 called the Nurse/Family Partnership. Five  
23 million dollars, all federal TANF money, every  
24 single dollar of it.

1                   And what it does is it partners  
2                   high-risk mothers from pregnancy through the  
3                   time their first child is two years old. And  
4                   it has been found over five years and 10 years  
5                   that you have more stable homes, safer homes,  
6                   and children who actually do better on their  
7                   math and reading tests.

8                   So these are good programs and in  
9                   fact necessary programs in a time like this.  
10                  As I said at the beginning, this is a tough  
11                  budget in a terrible, terrible year. And with  
12                  this piece of it, the State Senate is proud,  
13                  the New York State Senate is proud to be  
14                  investing in our future, investing in making  
15                  sure that as we come out of this terrible  
16                  economy we do it with a workforce and with  
17                  folks who have been protected through the  
18                  tough times and are more able to succeed and  
19                  live out their dreams in good times.

20                  So thank you very much for the  
21                  opportunity.

22                  ACTING PRESIDENT VALESKY:     Thank  
23                  you, Senator Squadron.

24                  Senator LaValle.

1                   SENATOR LaVALLE:       Thank you,  
2                   Mr. President.

3                   I'd like to first say that on this  
4                   budgeting in higher education --

5                   ACTING PRESIDENT VALESKY:  
6                   Senator LaValle, are you speaking on the bill?

7                   SENATOR LaVALLE:       On the bill.  
8                   Yes, I'm sorry.

9                   ACTING PRESIDENT VALESKY:  
10                  Senator LaValle, on the bill.

11                  SENATOR LaVALLE:       I just wanted  
12                  to say that the input and partnership that  
13                  Senator Stavisky and I have had has continued.  
14                  And I think as two colleagues and two  
15                  individuals, we do the best we can within the  
16                  system.

17                  But the system, when I was  
18                  chairman, I was a conduit to input from my  
19                  members. And I'm sure Senator Stavisky does  
20                  that. And just to give you one example in the  
21                  budget -- and I wrote something down when  
22                  Senator Oppenheimer spoke about, you know, the  
23                  collegiality and input and so forth.

24                  But I was going through the budget

1 last night, and I saw a provision that for my  
2 colleague Senator Young, our colleague Senator  
3 Young, an amount was taken out that had been  
4 put in in prior years for the School of  
5 Ceramics. So that's not a good thing for --  
6 you know, I'm the ranking member and I look at  
7 this, and I say how could this happen.

8 Then I look at the budget and I  
9 see -- and I know for a number of years there  
10 was a provision put in for Medgar Evers within  
11 the CUNY system that would allow them to  
12 receive 100 percent state support for their  
13 capital programs. And that's not a bad thing.  
14 But what that will do is -- and all of us know  
15 when you have a number of people, children, at  
16 your table and you now have added another  
17 child, the eight senior colleges now have  
18 another child at the table for their capital  
19 programs. And what that will do is it will  
20 increase the intensity for capital between  
21 City University and the State University.

22 And so there are things that have  
23 to do with the dynamics of representation and  
24 where the majority is and where the minority

1 is. And that will never change. And that  
2 goes beyond individuals. It goes beyond me,  
3 goes beyond my colleague Senator Stavisky.  
4 Because we are, as I said, conduits for the  
5 members that we represent.

6 I was kind of jubilant when I saw  
7 that we were getting, our state was getting a  
8 good amount of stimulus dollars. And I felt  
9 that while the dollars for education -- the  
10 primary thrust was going to be K to 12. And  
11 we did receive some money in higher education.

12 But just to not belabor a point  
13 that I made when I talked about the amendment,  
14 is that I thought that we would be able,  
15 within the greater scheme of things, beyond  
16 the dollars for education, that we would find  
17 dollars to support and be able to build,  
18 continue to build a vibrant public university  
19 system.

20 And again, I think Chancellor  
21 Goldstein has done a wonderful job in moving  
22 that forward. But the State University,  
23 again, has been without leadership for  
24 24 months. And we have a lot of needs. And

1 simply put, State University is hurting. It  
2 is hurting. And so I felt more stimulus  
3 dollars should have gone, should have been  
4 invested in the State University, invested in  
5 our students. And it wasn't.

6 Senator Stavisky talked about one  
7 of the good things was the Tuition Assistance  
8 Program, maintaining those dollars. But one  
9 of the things -- and you've heard me talk  
10 about this for a long time. New York State  
11 has been a leader in student financial aid.  
12 But what has been happening, as "middle class"  
13 has moved up and earned more money, bracket  
14 creep has literally pushed away many  
15 middle-income taxpayers.

16 So we don't have the money to  
17 accept our students who want to turn to the  
18 State University or City University because of  
19 affordability, because we don't have the  
20 dollars to be able to meet those needs.  
21 Letters are going out, and students are  
22 receiving them. And one of the things that  
23 State University letters are saying is "Due to  
24 an increased number of applicants, we are

1           sorry that we have to reject you."

2                       Many of these students in any other  
3           time would have been accepted, because there  
4           would have been money and spots for them to  
5           attend. And so this budget really hurts  
6           individuals in spite of the things that we've  
7           done.

8                       Another positive thing -- and I  
9           know that everyone worked very hard, the chair  
10          worked hard, other members, to protect our  
11          community colleges. That is critical. But  
12          even they have numbers that I am told from the  
13          presidents that they don't know how they're  
14          going to meet the demand. And at Suffolk  
15          Community College, they have classes early in  
16          the morning till very, very late at night. So  
17          I don't know how they accept more students.

18                      Lastly, I hope -- and we saw there  
19          are a list of capital projects. But if the  
20          Division of the Budget has their thumb on the  
21          capital projects, they will never go out the  
22          door. Can you think of a better stimulus  
23          program than building across the state more  
24          than one project? That's what the Division of

1 the Budget said: Campus Geneseo, you have one  
2 project. One project.

3 We need to ensure that we allow  
4 money to go out the door across the state for  
5 both CUNY and SUNY to have the greatest  
6 stimulus program -- you talk about jobs?  
7 There would be loads of jobs for people if we  
8 allow even three per campus. Three per  
9 campus. Not one little project.

10 Lastly, I want to talk about  
11 something, and I don't want to steal the  
12 thunder of my colleague when we get in and  
13 talk about health. This is so important that  
14 I want to take this time, because it involves  
15 specifically Stony Brook Medical Center and  
16 the impact that this budget has on one of our  
17 higher education institutions.

18 And I read: The total negative  
19 impact from this budget will be \$4.8 million  
20 in the fiscal year 2009-2010. There is also a  
21 permanent \$28 million reduction in base state  
22 support. The proposed budget eliminates  
23 \$13.2 million in Graduate Medical Education,  
24 GME payments to Stony Brook University

1 Hospital -- and that's a permanent loss.  
2 Permanently cuts \$10.5 million in state  
3 support, reneging on a 2001 agreement where  
4 the state would cover the cost of  
5 state-negotiated Stony Brook University  
6 Hospital employee benefits versus the market  
7 rate and, in parentheses, 18 percent higher.  
8 Since 2001, Stony Brook University Hospital  
9 has had to absorb more than \$54 million of  
10 these costs.

11 It continues: Negative Medicaid  
12 changes through the DRP that will cost Stony  
13 Brook University Hospital \$2.7 million.  
14 Despite the vigorous cost-reduction efforts,  
15 Stony Brook University Hospital will be unable  
16 to afford above-market salary increases,  
17 including a retroactive unbudgeted pay  
18 increase, without adequate state support, as  
19 agreed in the year 2001.

20 The infusion of federal and  
21 Medicaid health information technology  
22 investment this year, and the acceleration of  
23 the disproportionate share of the hospital DSH  
24 payment this year, are projected to barely

1 keep Stony Brook University Hospital in the  
2 black in the year 2009-2010.

3           However, in fiscal year 2010-2011,  
4 Stony Brook University Hospital is forecast to  
5 slip into the red, forcing the hospital to  
6 consider further staff reductions and  
7 potential closure -- closure -- of programs  
8 and services to balance its budget.

9           One of those services and one of  
10 those programs happens to be something near  
11 and dear to my heart, and that's the Burn  
12 Center, a regional burn center that was  
13 founded basically by the volunteer fire  
14 service. That could be on the chopping block,  
15 and no one on Long Island would have a burn  
16 center to treat the most severe burns.

17           So I wanted to mention that, and I  
18 know my colleague will amplify because of his  
19 expertise.

20           Lastly, on the education piece.  
21 Senator Oppenheimer, this is a train wreck for  
22 the school districts. Senator Flanagan  
23 pointed it out. There is no way, there is no  
24 way that these school districts will be able

1 to recoup a hole in our budget that's \$1.2  
2 when that happens. And we haven't even talked  
3 about next year.

4 The formula for the suburban  
5 districts, because we basically went to an  
6 enrollment-based formula, is a disaster. And  
7 when I look at the share that Long Island  
8 should be receiving, going from 13 percent  
9 share to 5 percent, it's horrific. It's  
10 horrific. And who's going to make up that  
11 difference? The taxpayer, when they get their  
12 property tax bill, in spite of everything that  
13 the school districts are doing.

14 So we repaired the DRA in the  
15 formula, deficit reduction assessment. But  
16 beyond that, we're giving them money, we're  
17 reimbursing them money that they should be  
18 entitled to, with building aid, BOCES aid and  
19 transportation aid.

20 So I know my colleague Senator  
21 Flanagan hit the nail right on the head in his  
22 comments. I just wanted to reinforce them and  
23 say you did a good job, Senator, in  
24 articulating that position.

1 I thank you, Madam Chairman.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator.

4 To complete the explanation of the  
5 bill, Senator Montgomery.

6 SENATOR MONTGOMERY: Thank you,  
7 Madam President. I rise to speak on the part  
8 of the budget for children and family  
9 services.

10 I am pleased to note and announce  
11 that we have been able to exact savings and to  
12 prevent drastic cuts in services to families,  
13 children and youth in this budget. And we  
14 were able to do that to a large extent because  
15 of the fact that, one, we have agreed that  
16 some of the facilities that we have funded, to  
17 the tune of between \$140,000 and \$200,000 per  
18 young person per year, will be closed or, in  
19 other cases, consolidated. And some of the  
20 programs that are tremendously underutilized  
21 will be consolidated in some of the parts of  
22 the state where in fact judges are not  
23 actually placing children any longer.

24 And part of that savings will be

1 plowed back into localities for the purpose of  
2 preventive services. We are very, very  
3 pleased about that.

4 We're also pleased to note that the  
5 Governor's proposal to combine funding for  
6 detention, which is a mandated service, with  
7 those programs that are preventive and not  
8 mandated, into a youth block grant. And it  
9 threatened to essentially wipe out many of the  
10 youth bureaus around the state. And certainly  
11 for New York City, we don't have a youth  
12 bureau, but we were looking at the possibility  
13 of losing preventive services for young  
14 people.

15 We denied that. That is not going  
16 to happen. And in fact we were able to save  
17 the funding for those programs, minus a  
18 10 percent cut, which we consider a victory,  
19 actually.

20 We were able to add funding to some  
21 of the programs that are specifically designed  
22 to prevent children from going into foster  
23 care, one of those in particular being the  
24 COPS program, which is used around the state

1 in many different ways, but primarily as a  
2 funding stream to support young people, to  
3 support families. And in fact, one of the  
4 premier programs that is funded out of that is  
5 the Visiting Nurse Program for young mothers.

6 In addition, we were able to add a  
7 little bit of funding for a program, Kinship  
8 Care. And we know that it's much more  
9 cost-effective and it's much more culturally  
10 correct and it's appropriate and provides a  
11 much better option when young people can be  
12 cared for by members of their own family. And  
13 so we have added some funding there, and of  
14 course we will be looking to work closely with  
15 the Executive in terms of what we need to be  
16 doing to strengthen our kinship program. And  
17 that will be another way of reducing the cost  
18 of foster care in our state.

19 I just want to note, I'm sure that  
20 some people will be concerned that the  
21 facilities that are being closed. We did  
22 eliminate, for this particular budget, the  
23 12-month notification requirement. I know  
24 that was of some concern. However, this is

1           only a one-time exception, so it does not  
2           apply to decisions going forward. And we  
3           wanted to do that because of the nature of our  
4           fiscal situation. We have such dire needs,  
5           immediate needs, and we would like to be able  
6           to capture the savings as quickly as possible.

7                         But moreover, Madam President, we  
8           have been talking about the need to close some  
9           facilities that are in fact empty. Some of  
10          them have no children, some of them have maybe  
11          two or three children. And so this is a  
12          tremendous burden on the state's fiscal  
13          situation.

14                        So those were the main aspects of  
15          the children and families budget. And we feel  
16          very, very pleased that we were able to in  
17          fact -- along with I want to thank my  
18          colleague Senator Squadron in particular.  
19          He's worked on the social services side, and  
20          I've worked on the children and families side.  
21          Senator McDonald is the champion on the  
22          Republican side. And we've all spoken quite a  
23          bit about the issue that we've had to deal  
24          with in terms of the budget. And I'm happy

1 and pleased to say that we have a consensus at  
2 it relates to what we've done for young people  
3 and families in our state.

4 So thank you, Madam President.

5 ACTING PRESIDENT STEWART-COUSINS:

6 Thank you, Senator.

7 Senator Saland.

8 SENATOR SALAND: Thank you, Madam  
9 President. Madam President, would Senator  
10 Oppenheimer yield, please?

11 ACTING PRESIDENT STEWART-COUSINS:

12 Senator Oppenheimer, will you yield?

13 SENATOR OPPENHEIMER: Of course.

14 SENATOR SALAND: Thank you,  
15 Senator Oppenheimer.

16 Senator Oppenheimer, I'd like to  
17 revisit, if I might, some of the things that I  
18 heard you discuss in your exchange with  
19 Senator Flanagan. And please correct me if I  
20 didn't hear you correctly, because quite  
21 candidly I was having a difficult time  
22 hearing.

23 Did you say that of the two federal  
24 pots, what I'll call the stimulus pot and what

1       you also termed the general-purpose pot, that  
2       we were using \$1.19 billion from the stimulus  
3       pot and \$240 million from the general-purpose  
4       pot?

5                    SENATOR OPPENHEIMER:     I believe  
6       that's true.  I have seen -- instead of 1.19,  
7       I have seen 1.21.  So we're talking . . .

8                    SENATOR SALAND:        Thank you.  
9       Thank you.  If I may continue, Madam  
10      President.

11                   ACTING PRESIDENT STEWART-COUSINS:  
12      Senator Oppenheimer, do you continue to yield?

13                   SENATOR OPPENHEIMER:     Yes, I do.

14                   SENATOR SALAND:        You were kind  
15      enough to express some of our shared visions  
16      and concerns for the Education Committee.  And  
17      in your comments you said something to the  
18      effect of the Senate having obtained  
19      commitments from the Assembly to do mandate  
20      relief in two or three months.

21                   Permit me to counsel you that that  
22      will be something like capturing fog.  Or you  
23      might want to wait to see if hell freezes  
24      over.  Because that is a very familiar refrain

1 from the Assembly. They never saw a mandate  
2 relief bill that they couldn't kill, delay,  
3 obfuscate, or not want to do.

4 So the bottom line here is that in  
5 a severe recession with little that we can  
6 offer by way of benefit to our school  
7 districts, the least that we could have  
8 offered was the mandate relief offered in the  
9 Governor's budget, some if not much of which  
10 were pieces that this house had done in prior  
11 years.

12 So let me wish you well in your  
13 quest and tell you not to get your hopes too  
14 high in expecting any kind of cooperation from  
15 the Assembly majority.

16 Senator, I'm looking at the last  
17 page of the school runs. Do you happen to  
18 have those handy?

19 SENATOR OPPENHEIMER: Yes, I'm  
20 ready.

21 SENATOR SALAND: Now, there's a  
22 new line, and perhaps rightfully so, at the  
23 bottom: Changes with federal aids. And we  
24 show, statewide, \$1.221 billion in additional

1 monies. And I believe in your earlier  
2 comments you had said something to the effect  
3 of having managed to benefit our local school  
4 districts.

5 When we look at that, can you tell  
6 me, of those dollars, which dollars are  
7 federal dollars as distinguished from state  
8 dollars?

9 SENATOR OPPENHEIMER: Through  
10 you, Madam President. You know, it isn't  
11 broken out, so I cannot tell you which part is  
12 federal of that amount and which part is  
13 state.

14 SENATOR SALAND: Well, let me  
15 suggest to you that if you go up several  
16 lines --

17 SENATOR OPPENHEIMER: To the  
18 state, right.

19 SENATOR SALAND: -- you'll see  
20 2009-2010 IDEA, 2009-2010 Title 1. The IDEA  
21 is nearly \$394 million, and the Title 1 is a  
22 little over \$423 million. So the combination  
23 of the two is approximately \$817 million.  
24 Would we agree on that?

1                   SENATOR OPPENHEIMER:     Through  
2     you, Madam President, that's building IDEA,  
3     Title 1, EXCEL, and building reorganization.

4                   SENATOR SALAND:        If the Senator  
5     will continue to yield.

6                   ACTING PRESIDENT STEWART-COUSINS:  
7     Senator, do you continue to yield?

8                   SENATOR OPPENHEIMER:     Yes.

9                   SENATOR SALAND:        I'm looking at  
10    the far right column.  And, oh, six lines up,  
11    you will see 2009-2010 IDEA.  And immediately  
12    below that, you will see 2009-2010, Title 1  
13    aid -- I'm looking at the amounts --  
14    \$393,964,000, in the case of IDEA;  
15    \$423,463,000 in the case of Title 1.

16                  SENATOR OPPENHEIMER:     I'm with  
17    you.

18                  SENATOR SALAND:        Thank you.  And  
19    as we both know, those are federally driven  
20    funds over which we have absolutely zero  
21    discretion or authority.  Those funds go by  
22    federal formula, and we are at best a conduit  
23    through which they pass on their way to our  
24    local school districts.

1                   Now I'd like to -- if I could ask  
2                   you to look at pages 84, 85, and 86 of the  
3                   budget bill currently before us. And under  
4                   State Fiscal Stabilization Fund on page 84,  
5                   line 46, we see \$1.235 billion. And if we  
6                   continue on pages 85 and 86, we see several  
7                   more amounts, which I believe are the amounts  
8                   that you are referring to as part of the  
9                   general-purpose fund. And there we see  
10                  \$132.8 million, \$40 million, and several other  
11                  smaller amounts comprising less than  
12                  \$10 million.

13                  Now, if my math is correct, that's  
14                  probably somewhere in the area of about  
15                  \$2.25 billion in federal funds that are  
16                  contained in this budget. And the  
17                  stabilization money, as we know, requires us  
18                  to fund at the '08-'09 level, which is the  
19                  higher of the two choices.

20                  So when we say that we have done so  
21                  much for schools, it's really the federal  
22                  money that is driving our ability to do  
23                  whatever it is that we're claiming to do for  
24                  schools, is it not?

1                   SENATOR OPPENHEIMER:     (Nodding.)

2                   SENATOR SALAND:     I'd ask you one  
3 more question, if the Senator would continue  
4 to yield.

5                   SENATOR OPPENHEIMER:     Indeed.

6                   ACTING PRESIDENT STEWART-COUSINS:  
7 The Senator continues to yield.

8                   SENATOR SALAND:     The amounts that  
9 are listed on pages 85 and 86 in what we've  
10 termed general-purpose funds, those amounts  
11 total approximately \$170 million. Is there  
12 another \$70 million that you've identified  
13 that have been used for education purposes?  
14 And if so, could you tell me what those  
15 purposes are?

16                   SENATOR OPPENHEIMER:     We have  
17 different requirements. Like some of them,  
18 for instance, the school lunch program, we  
19 have to -- the food program, we need to have  
20 support for. Some are dry appropriations.  
21 Just a variety of different costs that we  
22 have.

23                   SENATOR SALAND:     Thank you,  
24 Senator Oppenheimer. On the bill.

1                   ACTING PRESIDENT STEWART-COUSINS:  
2           Senator Saland, on the bill.

3                   SENATOR SALAND:       Madam President,  
4           certainly there are a number of school  
5           districts, as was referred to by Senator  
6           Oppenheimer, that are relieved that they were  
7           not in fact cut as deeply as they had  
8           anticipated.  But this by no means is an  
9           answer to their prayers.

10                   I will hold up, for example, an  
11           article, since we're all referring to articles  
12           today, or some of us are:  "47 jobs cut in  
13           \$185.8 million White Plains school budget."  
14           Jobs will be lost.  People, whether they be  
15           teachers, whether they be administrators,  
16           whether they be maintenance people, they are  
17           going to be losing their jobs when our day is  
18           done.

19                   I think it's disingenuous at best  
20           to somehow or other claim that we've rescued  
21           schools.  Some of you may recall last night  
22           the exchanges between myself and Senator  
23           Kruger, Senator Flanagan and Senator Kruger.  
24           At that time it certainly should have been

1 clear to all that there was some \$6 billion in  
2 new General Fund spending, according to  
3 Senator Kruger, that was provided after  
4 eliminating a similar amount from the  
5 Governor's budget.

6 Well, if you take that \$6 billion  
7 and you add \$11 billion in additional  
8 All Funds spending -- which, as we discussed  
9 yesterday, is the difference between the  
10 Governor's 121 and your approximate 132 -- if  
11 you take out somewhere in the area that we  
12 believe to be in excess of \$7 billion in  
13 stimulus funds, there's close to \$10 billion  
14 in non-stimulus-fund spending in this budget.  
15 That is a staggeringly large amount of  
16 spending at any time, in any economy, but  
17 particularly in a deep recession.

18 And yet with all of that spending,  
19 with all of that spending -- \$17 billion in  
20 new spending and somewhere in the area of  
21 \$10 billion in General Fund spending -- we  
22 were not able to find, as was pointed out  
23 earlier by Senator Flanagan, less than  
24 \$40 million to restore mandated services to

1           our private schools or to fulfill our promise  
2           to libraries to the tune of some additional  
3           \$7.2 million. I mean, \$7.2 million in the  
4           scheme of \$132 billion probably doesn't  
5           qualify as petty cash.

6                         Where are we going, what are we  
7           doing, where are we placing our priorities?  
8           Certainly we could have done better for  
9           education if we were spreading this money  
10          around hither and yon. Taxpayers are going to  
11          pay the price. There will not be a budget in  
12          my district that will not be jeopardized, and  
13          that will be after dozens and dozens if not  
14          hundreds of people will have lost jobs.

15                        Madam President, there's much more  
16          that I will have the opportunity to say and  
17          questions that I will raise in the context of  
18          the language bill which we will see later.  
19          Thank you.

20                        ACTING PRESIDENT STEWART-COUSINS:  
21          Senator Fuschillo.

22                        SENATOR FUSCHILLO:       Thank you  
23          very much, Madam President. I'd like to ask  
24          Senator Oppenheimer a question -- but, before

1           that, Senator Stavisky a question on higher  
2           education. Would the Senator yield?

3                    ACTING PRESIDENT STEWART-COUSINS:  
4           Senator Stavisky, will you yield for a  
5           question?

6                    SENATOR STAVISKY:        Yes, sir, I  
7           will yield.

8                    SENATOR FUSCHILLO:        Thank you,  
9           Senator. Just a few questions.

10                   The tuition for SUNY and CUNY is  
11           being increased in this budget?

12                   SENATOR STAVISKY:        Yes.

13                   SENATOR FUSCHILLO:        Will the  
14           Senator continue to yield.

15                   ACTING PRESIDENT STEWART-COUSINS:  
16           Do you continue to yield, Senator?

17                   SENATOR STAVISKY:        Yes.

18                   SENATOR FUSCHILLO:        What is the  
19           total amount that the increase will generate?

20                   SENATOR STAVISKY:        The tuition  
21           for SUNY is being increased by \$620 per year,  
22           and the tuition for CUNY is being increased by  
23           \$600 a year.

24                   SENATOR FUSCHILLO:        Would the

1 Senator continue to yield?

2 ACTING PRESIDENT STEWART-COUSINS:

3 Do you continue to yield, Senator?

4 SENATOR STAVISKY: The total is  
5 \$164 million for SUNY and \$110 million for  
6 CUNY.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Do you continue to yield, Senator?

9 SENATOR STAVISKY: Yes.

10 SENATOR FUSCHILLO: Thank you for  
11 that.

12 And what amount is being taken out  
13 of that revenue and being put back into the  
14 SUNY system and being put into the General  
15 Fund out of that \$164 million?

16 SENATOR STAVISKY: I'm glad you  
17 asked that question. Because if we could take  
18 a couple of steps back, we increased tuition  
19 in 1998 and again in 2003. And at that time,  
20 the entire increase in tuition went into the  
21 General Fund. And that has been the tradition  
22 in terms of increasing tuition at both the  
23 City University and the State University.

24 In the 2008 deficit reduction plan,

1           90 percent went to the -- instead of 100  
2           percent, the General Fund received 90 percent.  
3           In other words, it was agreed to have SUNY and  
4           CUNY both receive an additional 10 percent  
5           that they had never received before.

6                         SENATOR FUSCHILLO:        Would the  
7           Senator continue to yield.

8                         ACTING PRESIDENT STEWART-COUSINS:  
9           Senator, do you continue to yield?

10                        SENATOR STAVISKY:        Yes.

11                        SENATOR FUSCHILLO:        Senator, the  
12           deficit reduction plan, it is my understanding  
13           that you voted to increase SUNY tuition only,  
14           not CUNY, and that 90 percent of that revenue  
15           went to the General Fund. Is that correct?

16                        SENATOR STAVISKY:        No, not  
17           completely. The trustees of SUNY decided back  
18           in December to increase tuition at the SUNY  
19           schools by \$310 for that semester, starting  
20           with the January semester. CUNY decided to  
21           wait. So that is not totally accurate. The  
22           CUNY trustees decided to wait and not raise  
23           tuition in midyear.

24                        But I did vote for the increase in

1 the DRP, yes.

2 SENATOR FUSCHILLO: Will the  
3 Senator continue to yield?

4 ACTING PRESIDENT STEWART-COUSINS:  
5 Senator, do you continue to yield?

6 SENATOR STAVISKY: Yes.

7 SENATOR FUSCHILLO: So in the  
8 deficit reduction plan CUNY tuition did not  
9 increase, it was the SUNY tuition that  
10 increased, and 90 percent of that went to the  
11 General Fund. Correct?

12 SENATOR STAVISKY: Yes, that's  
13 correct.

14 SENATOR FUSCHILLO: Okay. Would  
15 the Senator continue to yield?

16 ACTING PRESIDENT STEWART-COUSINS:  
17 Senator, do you continue to yield?

18 SENATOR STAVISKY: Yes.

19 SENATOR FUSCHILLO: Now, in the  
20 bill before us, you are once again increasing  
21 SUNY tuition for the fall semester, and now  
22 you're increasing CUNY tuition for the year.  
23 And what percentage of that is going back to  
24 the schools?

1                   SENATOR STAVISKY:     Twenty percent  
2                   this year.

3                   SENATOR FUSCHILLO:     Okay.  Would  
4                   the Senator continue to yield?

5                   ACTING PRESIDENT STEWART-COUSINS:  
6                   Senator, do you continue to yield?

7                   SENATOR STAVISKY:     Yes.

8                   SENATOR FUSCHILLO:     So what is  
9                   the total amount of revenue generated from the  
10                  additional increase in this budget for SUNY  
11                  and CUNY?

12                  SENATOR STAVISKY:     CUNY is  
13                  \$110 million, and SUNY is \$88 million.

14                  But let me also add, in response to  
15                  that question, that the budget for SUNY this  
16                  year is \$2.5 billion, approximately, with  
17                  \$118 million of new money.  And the CUNY  
18                  budget is \$1.9 billion, with \$144 million of  
19                  new money.  In other words, an increase.

20                  SENATOR FUSCHILLO:     Okay, thank  
21                  you.

22                  Madam President, will the Senator  
23                  continue to yield?

24                  ACTING PRESIDENT STEWART-COUSINS:

1 Do you continue to yield, Senator?

2 SENATOR STAVISKY: Yes.

3 SENATOR FUSCHILLO: So, Senator,  
4 based on your figures, the parents will be  
5 paying, total in the state, \$198 million more  
6 in tuition. Of that \$198 million for CUNY and  
7 SUNY, what dollar amount is going back to SUNY  
8 and CUNY?

9 SENATOR STAVISKY: For SUNY, it's  
10 \$32 million, and for CUNY \$22 million.

11 SENATOR FUSCHILLO: Thank you  
12 very much, Senator.

13 Madam President, would Senator  
14 Oppenheimer yield for a question?

15 ACTING PRESIDENT STEWART-COUSINS:  
16 Senator Oppenheimer, do you yield for a  
17 question?

18 SENATOR OPPENHEIMER: Yes,  
19 indeed.

20 SENATOR FUSCHILLO: Senator, can  
21 you hear me? Thank you.

22 Senator, back in October of this  
23 year, Comptroller Tom DiNapoli issued a  
24 report, and it was an audit of --

1                   SENATOR MARCELLINO:     Madam  
2     President, I can barely hear the Senator.

3                   SENATOR FUSCHILLO:     Well, there  
4     must be something wrong with my microphone,  
5     then. You have me on? You're not turning me  
6     off, are you? Okay.

7                   ACTING PRESIDENT STEWART-COUSINS:  
8     We can hear you.

9                   SENATOR OPPENHEIMER:     It isn't my  
10    hearing.

11                  SENATOR FUSCHILLO:     Senator, back  
12    in October -- in fact, on October 21st of  
13    2008 -- Comptroller Tom DiNapoli issued a  
14    report of an audit he had done in school  
15    districts throughout the state, and his audit  
16    stated that \$407 million in taxpayer money is  
17    stranded in school reserve funds statewide.  
18    And he cited this as an opportunity for  
19    property tax relief.

20                  He also issued recommendations for  
21    the Legislature. Number one, that we should  
22    consider enacting state legislation that would  
23    require school districts to remove excess  
24    funds from the accounts and allow them to be

1 used to provide a clear benefit to taxpayers  
2 by mitigating the impact of potentially  
3 lowering state aid payments providing property  
4 tax relief.

5 Now, the Governor had recommended  
6 that, Senator. Is that in this budget? Are  
7 the Comptroller's recommendations or the  
8 Governor's recommendations in language in the  
9 budget?

10 SENATOR OPPENHEIMER: As I  
11 believe -- as I understand it, the Comptroller  
12 was doing a spot check. And we felt that it  
13 was not sufficient, that we needed more  
14 information.

15 So by 2012, in three years, he is  
16 supposed to have done all the school districts  
17 in the state. Then we will be remediating  
18 what needs to be remediated. We should all be  
19 well.

20 SENATOR FUSCHILLO: Would the  
21 Senator continue to yield?

22 ACTING PRESIDENT STEWART-COUSINS:  
23 Senator Oppenheimer, do you continue to yield?

24 SENATOR OPPENHEIMER: Yes.

1                   SENATOR FUSCHILLO:     So the  
2     Governor's recommendations or the  
3     Comptroller's recommendations to allow the  
4     school districts to utilize this money other  
5     than for purposes intended for -- because he's  
6     saying there's more than \$400 million in  
7     excess in those accounts -- that language is  
8     not in the budget?

9                   SENATOR OPPENHEIMER:     Again, as I  
10    understand it, the Comptroller said that he  
11    was unable or could not go along with the  
12    Governor's request because -- for the reason I  
13    said earlier, the limited amount of research  
14    that had been done was too limited, and he  
15    felt he had to be more secure by looking at  
16    all of the districts and not just spot-check  
17    these few.

18                  SENATOR FUSCHILLO:     Would the  
19    Senator continue to yield.

20                  ACTING PRESIDENT STEWART-COUSINS:  
21    Senator Oppenheimer, do you continue to yield?

22                  SENATOR OPPENHEIMER:     Of course.

23                  SENATOR FUSCHILLO:     Let me just  
24    preface my question by reading a little bit of

1 the report, because I don't think you're  
2 correct in your statement, what your counsel  
3 is telling you.

4 This is from the Comptroller's  
5 report: School districts must file with the  
6 State Education Department and the State  
7 Comptroller. For the end of the year June 30,  
8 2007, 421 school districts statewide reported  
9 a balance in this account, Employee Benefit  
10 Accrued Liability Reserve Account, EBALR, a  
11 balance totaling \$837 million.

12 Four hundred twenty-one school  
13 districts. Do you think that's not sufficient  
14 enough to make a decision based on the  
15 Comptroller's recommendations? Let me finish  
16 the question before somebody tells you the  
17 answer. Do you think that's not sufficient,  
18 and based on that -- and I'll go through the  
19 whole report; I mean, I think we've still got  
20 a couple of hours here -- that that's not a  
21 fair sampling?

22 SENATOR OPPENHEIMER: Senator  
23 Fuschillo, that's even more than your salary.  
24 So I think it's a substantial amount of money.

1           And, you know, what you're getting at is  
2           exactly what I would be getting at and what I  
3           hope to be able to move on.

4                        But it is felt by the Comptroller's  
5           office that he does need more. And I'm  
6           willing to wait. Maybe we can urge him to do  
7           it in less than two years.

8                        I couldn't agree more with you that  
9           I think this is something that is a reserve of  
10          money that we could be utilizing to hold down  
11          our school property taxes. I know you and I  
12          have grave concerns about the escalating  
13          school property tax. And I'm on the same page  
14          with you. So I think perhaps we can get this  
15          moved along a little more quickly and we can  
16          work together on that.

17                        SENATOR FUSCHILLO:     Good.

18                        Senator, let me just ask you one  
19          final question and then I'll talk on the bill.

20                        You keep talking about the  
21          Comptroller wanting more information -- I'm  
22          sorry, would the Senator continue to yield,  
23          Madam President?

24                        ACTING PRESIDENT STEWART-COUSINS:

1 Senator Oppenheimer, do you continue to yield?

2 SENATOR OPPENHEIMER: Of course I  
3 will. Would you please speak louder?

4 SENATOR FUSCHILLO: We have to  
5 get my microphone fixed. I'll be happy to  
6 speak louder.

7 In the Comptroller's report which  
8 he issued, he makes recommendations. And the  
9 first recommendation is "Recommendation to  
10 State Policymakers" -- that's this body here,  
11 to you. "State policymakers should consider  
12 enacting state legislation that would require  
13 districts to remove excess funds from the  
14 EBALR funds, transfer them, and they should be  
15 used to provide a clear benefit to taxpayers  
16 by mitigating the impact of potentially lower  
17 state aid payments by providing property tax  
18 relief."

19 This is a -- it doesn't say at the  
20 end of this recommendation that I should wait  
21 to 2012. It doesn't -- I'll wait until  
22 somebody's not whispering in your ear, so you  
23 can hear me. It doesn't say there's not  
24 enough information in this extensive report

1           that is 31 pages -- cites the regional  
2           offices, cites the school districts, cites  
3           over 400 school districts, the dollar amounts.  
4           It cites the comments back from the school  
5           districts as far as the report. I mean, it  
6           goes from Bay Shore, Brentwood, Horseheads,  
7           North Collins, Queensbury, Whitesville -- it's  
8           all over the state. It talks about the  
9           increases versus tax levy. It's pretty  
10          extensive. And I think he's pretty concrete  
11          in his recommendations.

12                        So, I mean, do you have another  
13          piece of paper that says we should wait that I  
14          haven't seen, as an addendum to this  
15          Comptroller's report, that says we shouldn't  
16          do it now?

17                        SENATOR OPPENHEIMER:        Through  
18          you, Madam Chair. Actually, that's lumped  
19          information from 400 and some different school  
20          districts. We don't know -- I don't  
21          believe -- we can certainly go and approach  
22          the Comptroller on this, but I don't believe  
23          that we have the specifics for each district.  
24          And I think that is what is necessary before

1 we can act on it.

2 That money was put into this  
3 account because they had no other place to  
4 park the money that was to go to GASB. So  
5 that's why it's in the account. But in order  
6 to deliver it to individual districts, we have  
7 to know the specifics.

8 SENATOR FUSCHILLO: Thank you  
9 very much, Senator.

10 SENATOR OPPENHEIMER: You're  
11 welcome, Senator Fuschillo.

12 SENATOR FUSCHILLO: Madam  
13 President, on the bill.

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Senator Fuschillo, on the bill.

16 SENATOR FUSCHILLO: First of all,  
17 my comments on higher education.

18 Senator Stavisky, when she talked  
19 about higher education, started off by "it  
20 continues our investment in higher education."  
21 I don't know how asking residents to pay  
22 \$110 million more or \$198 million more in SUNY  
23 and CUNY tuition, and only allocating  
24 \$54 million out of the \$198 million to the

1           SUNY and CUNY schools, is an investment in  
2           higher education.

3                         And with respect to our education  
4           portion of the budget, Comptroller Tom  
5           DiNapoli, a former member of the Legislature,  
6           makes his recommendations clear in this report  
7           that his office had done over an extensive  
8           period of time. And it says that school  
9           districts have in excess of \$400 million in a  
10          liability reserve account.

11                        And he stated very clearly in this  
12          report to the Legislature, for the world to  
13          see, all the school districts, that we should  
14          be giving them the opportunity to put this  
15          money back and use it to mitigate high  
16          property taxes. It's that simple. He didn't  
17          say wait three years. I mean, we're probably  
18          going to have a billion dollars in those  
19          accounts, because he shows in a very short  
20          period of time how those accounts have grown  
21          over a hundred million dollars.

22                        I have school districts that have  
23          asked for this to be in there. They were  
24          applauding the Comptroller when he issued this

1 report that allowed them to utilize these  
2 funds to mitigate high property taxes. They  
3 were applauding Governor Paterson -- probably  
4 the only time in this budget that they would  
5 applaud him -- that he had the language in  
6 there. And the Senate Democrats and the  
7 Assembly Democrats rejected that language. To  
8 wait three years is wrong.

9 With respect to education, it  
10 concerns me greatly with the education funding  
11 that the traditional regional balances have  
12 been taken away. In my region on Long Island,  
13 we're being shortchanged, definitely being  
14 shortchanged. The agreement leaves foundation  
15 aid at a frozen amount, meaning our schools on  
16 Long Island will not receive a statutory  
17 \$129 million increase in unrestricted aid for  
18 2009 and 2010.

19 This will translate into obviously  
20 a significant increase in property taxes. In  
21 addition to taking away the STAR rebate  
22 checks, Long Island will lose another  
23 \$370 million, totaling nearly \$500 million  
24 that we will be losing by freezing that

1 account and by taking away the STAR rebate  
2 checks.

3 It simply isn't fair, Governor.  
4 You're not fair to Long Island. I mean, a  
5 simple message: Move out, drop dead, Long  
6 Island; we don't care.

7 You came to Long Island, the  
8 Governor came to the Long Island, to the LIA  
9 Association, the largest business association,  
10 and told a group of business leaders that Long  
11 Island gets too much school aid. He was in  
12 upstate New York a few weeks ago, touting an  
13 economic project, and said "People from Long  
14 Island need jobs? Move to upstate."

15 Come on, Governor. Over 2 million  
16 people live on Long Island. We're dependent  
17 on this aid. You and the Democrats in the  
18 Senate and the Assembly are shortchanging us.  
19 And when they raise property taxes, it's  
20 because of this state budget.

21 Thank you very much, Madam  
22 President.

23 ACTING PRESIDENT STEWART-COUSINS:  
24 Senator Parker.

1                   SENATOR PARKER:     Thank you, Madam  
2                   President.   On the bill.

3                   ACTING PRESIDENT STEWART-COUSINS:  
4                   Senator Parker, on the bill.

5                   SENATOR PARKER:     First let me  
6                   begin by thanking all my colleagues on both  
7                   sides of the aisle for their work on this  
8                   budget and for a very vigorous debate.

9                   I particularly also want to thank  
10                  the Governor for being kind of out in front of  
11                  this crisis that we find ourselves in, and the  
12                  cooperation that we found on the other side of  
13                  the building with our Assembly colleagues.

14                  This is quite a feat that we've  
15                  gotten accomplished this year, quite a feat.  
16                  It is only about 84 days that the Democratic  
17                  Majority has been in place.   And I want to  
18                  applaud you all for the hard work and your  
19                  expertise that you've brought to this process.

20                  This is not a great budget.   But  
21                  these are hard times, and hard times demand  
22                  hard choices.   And you've made those hard  
23                  choices.   But yet this is a budget we still  
24                  can be proud of because there's still much in

1           this budget that we have done that is  
2           important for the people of the State of  
3           New York and for the individual districts  
4           which we all represent.

5                         In education, we've kept it flat.  
6           And we've had to do that, and we've maintained  
7           our commitment to making sure that there is in  
8           fact enough money in the budget, but also  
9           understand that in recessionary times your  
10          cost of living is not going up, your cost of  
11          living is going down. And so maintaining our  
12          commitment to education is critical.

13                        We have provided for job training.  
14          You know, again in a recession when people are  
15          losing jobs and jobs are transforming and the  
16          economic opportunities are morphing  
17          themselves, it's important to be able to have  
18          reinforces to train people for what the next  
19          job is, not for what their last job was. And  
20          so we've done that in this budget.

21                        We've secured the safety net.  
22          We've made sure that people who need  
23          unemployment insurance, people who need access  
24          to food, and people who need all kinds of

1 relief -- mothers with children, daycare --  
2 have all been increased in this budget. We  
3 should be proud of that, because we've made  
4 sure that those who are going to be hurt the  
5 worst in these hard economic times are being  
6 secured.

7 As relates to CUNY and SUNY, which  
8 is very, very dear to my heart because  
9 Brooklyn College -- I represent Flatbush and  
10 East Flatbush, Millwood, Ditmas Park,  
11 Kensington, Borough Park. The biggest  
12 institution in my district -- point blank,  
13 period -- the largest employer is Brooklyn  
14 College. And so there is no one here,  
15 frankly, who probably has an institution where  
16 that is as important. Except for Senator  
17 Libous and Senator LaValle and Senator -- in  
18 other words, we all have the same issue. We  
19 all think that CUNY and SUNY is important.

20 And certainly no one on this side  
21 of the aisle would have certainly voted for a  
22 budget that we thought shortchanged CUNY or  
23 SUNY. But we also thought it was important to  
24 provide some parity. We thought it was

1           important to make sure that TAP and the  
2           Opportunity Programs were restored and  
3           increased to in fact address the needs with  
4           rising tuition. So as a student who comes  
5           into a situation where they're receiving full  
6           TAP even after the increase, based on this  
7           budget, they will continue to receive the full  
8           amount of TAP and be able to cover all their  
9           expenses. We're doing that today in this  
10          budget, right here and right now.

11                        And, you know, despite all the  
12          rhetoric today, we're adding money to support  
13          libraries. So, you know, I don't know even  
14          what budget people are reading. I know it's  
15          pretty thick; you might want to turn to the  
16          appropriate pages and make sure you count all  
17          the numbers right. But we're actually  
18          increasing funding for libraries. And again,  
19          that's important for both education and to  
20          make sure that our young people are getting  
21          access to the resources they need in this new  
22          information age that we all live.

23                        Look, let's get the record straight  
24          around here. We just came off a change

1 election. And what was that change about?  
2 That change was eight years of a Republican  
3 administration in the federal government, over  
4 43 years of Senate domination of the  
5 Republicans in this house right here, and  
6 after 12 years of Governor Pataki's despotic  
7 rule over the budget that has left us in over  
8 40 percent more debt than we were the day he  
9 came into office.

10 Let's get the record straight. If  
11 problems exist upstate and problems exist on  
12 Long Island, you had 43 years to deal with  
13 those issues --

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Senator DeFrancisco. Senator --

16 SENATOR PARKER: -- and now is  
17 not the time to start critiquing a budget  
18 based on us trying to deal with a contracting  
19 economy.

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Senator DeFrancisco, why do you rise?

22 SENATOR DeFRANCISCO: Would  
23 Senator Parker yield to a question?

24 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Parker, do you yield?

2 SENATOR PARKER: I will be  
3 pleased to yield after I finish my comments.

4 SENATOR DeFRANCISCO: Thank you.

5 SENATOR PARKER: So as we're  
6 getting the record straight today, let's be  
7 clear that we're in the greatest contraction  
8 of our economy in 70 years. And let's be  
9 clear, we've been here 84 days. So it  
10 certainly wasn't us who got us in there.  
11 We're all just trying to clean up some other  
12 people's mess.

13 Let's be clear. Let's get the  
14 record straight. This is the worst economy  
15 we've dealt with since the Great Depression,  
16 and you know how bad it was in the Great  
17 Depression. My father used to say, Eric, it  
18 was so bad in 1932 that rats was kicking over  
19 garbage cans, eating onions, and crying like  
20 babies. And that's what we're dealing with  
21 right now.

22 There are people hurting. We can't  
23 afford to spend the money that we used to  
24 spend. We can't afford to just ignore, you

1 know, what the budget realities are in this  
2 state and say, Well, yeah, Governor, I know  
3 you told us we were going to have a  
4 \$13 billion budget deficit that grew to a  
5 \$14 billion budget deficit that as of  
6 yesterday was \$17.5 billion. But yeah, forget  
7 all of that. Let's, you know, securitize  
8 whatever we think we're going to get and  
9 let's, you know, bond out the rest of it and  
10 let's just spend money, you know, like there's  
11 no tomorrow.

12 As Senator Kruger indicated to us  
13 yesterday, you know, the days of wine and  
14 roses are over. And now we have a party that  
15 is committed to fiscal discipline that in fact  
16 has decided that we are not going to continue  
17 to spend all the money that we spent, you  
18 know, willy-nilly.

19 Let's get the record straight on  
20 some other things. Yesterday somebody used  
21 this budget and called it chutzpah. Well, I  
22 represent, you know, the largest orthodox  
23 community in New York City, and one or  
24 probably the largest in the state. So I know

1 a little bit about chutzpah. And it is the  
2 height of chutzpah to have control of this  
3 body for 43 years -- really, 70 years -- and  
4 then to complain about how bad your  
5 communities are. Well, if you couldn't fix  
6 them in 43 years, give us a couple of years to  
7 show you how it's done.

8 And then with this first budget, we  
9 are in fact taking those first steps of fiscal  
10 discipline and not continuing to just spend,  
11 spend, spend on things that make no sense.

12 There were a lot of conversations  
13 about Empire Zones, and we certainly need to  
14 have a whole conversation on Empire Zones,  
15 Madam President, and the kind of corruption  
16 and graft that they have been noted for. And  
17 let's make sure that we also, you know, as we  
18 have those conversations, talk about the jobs  
19 that were promised and not delivered. If in  
20 fact the Empire Zone program was so wonderful,  
21 we would not be in this contraction of our  
22 economy in the state as we stand here.

23 Let's get the record straight. And  
24 you talk about transparency? For real? Are

1       you serious? I mean, you know, we came  
2       into -- when I came into this body in 2003,  
3       there had been 22 straight years -- I'm sorry,  
4       actually at that point 21 straight years of  
5       late budgets where, you know, people were  
6       talking about the three men in a room being a  
7       constitutional directive.

8               A budget that was done this year  
9       with frankly as many hearings as we had,  
10      access to the Internet, hotlines,  
11      conversations -- I know my ranker and myself,  
12      Senator Nozzolio, met more than once to talk  
13      about the issues related to energy and  
14      telecommunications in this budget. And I know  
15      many of you were contacted by the chairs of  
16      your respective committees to talk about the  
17      problems in this budget. So let's not act  
18      like there was no opportunity to discuss the  
19      budget or the issues in the budget that you  
20      were concerned with.

21              Let's get this record straight  
22      about education. And particularly as we start  
23      talking about Medgar Evers College, the only  
24      historically black college founded in the CUNY

1 system. And we turned that college around in  
2 very short order. And it was really the  
3 Republican majority in this house that stopped  
4 us from making it a four-year institution and  
5 making sure that it got the economic parity it  
6 needs and deserves.

7 And I think that every single CUNY  
8 and SUNY college deserves economic parity.  
9 And I don't think that because students at a  
10 particular school are primarily black and  
11 Latino that they deserve less funding. And so  
12 we are now today righting a wrong that should  
13 have been righted several years ago.

14 Let's get the record straight about  
15 what's going on here as relates to education  
16 funding and the Campaign for Fiscal Equity  
17 lawsuit. I mean, we suffered under the boot  
18 of tyranny in the Republican majority in this  
19 house for years, where people laughed at us  
20 about getting the Campaign for Fiscal Equity  
21 lawsuit. I had to get arrested out in front  
22 of the building blocking the doors in protest  
23 to get anybody to even pay attention to the  
24 issue. In 2006, I took 10 no votes on this

1 exact -- on a budget that didn't in fact deal  
2 with CFE even after we got two Supreme Court  
3 rulings from the state. Where people said  
4 essentially, in this chamber: You got a  
5 judgment, now try to get the money.

6 And so to come here today and to  
7 talk about the problems in this budget and  
8 talk about chutzpah and talk about  
9 transparency and talk about the process is  
10 frankly amazing to me.

11 And, you know, I'm hoping that my  
12 colleagues will continue to work alongside one  
13 another in a collegial manner and work through  
14 our differences. This budget is far from  
15 perfect, far from perfect. But if we were  
16 able to get a perfect budget in a contracting  
17 economy, with the kind of layoffs that we're  
18 looking at not just in the public sector but  
19 also in the private sector, I would love to  
20 see the wizardry that somebody was doing with  
21 the numbers.

22 The reality is we had very little  
23 choice. And if you really want to get the  
24 record straight, what we all ought to be doing

1 is writing thank-you letters to President  
2 Barack Obama. Because if wasn't for his  
3 stimulus package, we in fact would be looking  
4 at a budget that was far, far, far worse than  
5 the one we're about to vote on right now.

6 And so I ask people for their  
7 indulgence in a process that has not been  
8 perfect, in a budget that is far from perfect  
9 but is certainly a good budget, and one that  
10 takes the people of the State of New York into  
11 next year with hope and opportunity that  
12 brighter days are coming for this state.

13 Thank you, Madam President.

14 ACTING PRESIDENT STEWART-COUSINS:

15 Thank you, Senator.

16 Senator DeFrancisco, do you still  
17 request Senator Parker to yield?

18 SENATOR DeFRANCISCO: No. But  
19 I'd like to address the bill in 30 seconds or  
20 less, as opposed to asking a question.

21 ACTING PRESIDENT STEWART-COUSINS:

22 Well, might we add your name to a list? I  
23 believe Senator Padavan is --

24 SENATOR DeFRANCISCO: Then I will

1 ask him a question.

2 (Laughter.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Parker, do you yield?

5 SENATOR PARKER: Absolutely.

6 SENATOR DeFRANCISCO: Senator  
7 Parker, since you're interested in keeping the  
8 record straight and lauding your ability to  
9 have such fiscal discipline, I just want to  
10 ask you whether or not you agree with this  
11 statement of the Democrat Comptroller of the  
12 State of New York.

13 "New York faced an extraordinary  
14 challenge" -- dated today, by the way -- "to  
15 adopt a 2009-2010 state budget in the context  
16 of daunting recession. My preliminary view of  
17 the budget indicates it does not adequately  
18 respond to today's economic realities. The  
19 budget is not a long-term solution to  
20 New York's prosperity to spend more than the  
21 state can afford. While the budget proposes  
22 to close an unprecedented gap, it does so by  
23 overreliance on nonrecurring federal stimulus  
24 funds and new tax revenues projected to

1 materialize at a time of declining tax  
2 receipts. This is essentially a buy-time  
3 budget based on hope that the economy recovers  
4 quickly. It's a very fragile basket to place  
5 all of the taxpayers' eggs in." Pretty strong  
6 language.

7 "Instead of using the federal  
8 stimulus money to restructure the financial  
9 plan and match projected revenues to long-term  
10 growth and spending, the budget uses stimulus  
11 funds as a short-term fix. The danger is  
12 New York could end up right back where we  
13 started with huge budget gaps and an  
14 unsustainable level of spending. I will  
15 provide a more detailed review of the enacted  
16 budget shortly."

17 Do you disagree with the Democrat  
18 Comptroller of the State of New York as to  
19 what the record is from his disinterested post  
20 as a separately elected body to keep an eye on  
21 what's going on in the budget?

22 SENATOR PARKER: Madam President,  
23 through you. I have a great deal of respect  
24 for Comptroller DiNapoli, who actually is a

1 former Assembly member and actually for many  
2 years voted on these same budgets alongside of  
3 us.

4 In this particular case I think  
5 that his view is an interesting one. I don't  
6 necessarily agree with all of it. I think  
7 that he has maybe some points that we ought to  
8 be discussing, and that's frankly why we're  
9 here.

10 The reality is this. We are in  
11 fact hoping that things will turn around. No  
12 one knows whether this stimulus money is in  
13 fact going to work. They've said that even on  
14 the federal level. Some people are saying  
15 that we need triple the amount of money that  
16 we've allocated. But the reality is we don't  
17 have that. We've gotten about \$25 billion for  
18 the next two years. That's what we have.

19 We have decided to take some  
20 portion of that this year and spend it to in  
21 fact make sure that schools from Brookhaven to  
22 Brooklyn to Buffalo are in fact adequately  
23 funded. We have taken that money to make sure  
24 that hospitals, again, from, you know,

1 Riverhead to Rochester have enough staffing  
2 and enough beds in them. We have made sure  
3 that housing all over the state is being taken  
4 care of, from Staten Island to Syracuse. And  
5 so that's what we've done with our stimulus  
6 money.

7 Other parts of that stimulus money  
8 is going to be actually used to stimulate the  
9 economy. We took pieces of it to work on the  
10 budget this time and make sure that we didn't  
11 have to have layoffs, make sure that we, as  
12 Governor Paterson put, kept our commitment to  
13 the core philosophies and principles of our  
14 departments and to make sure that housing and  
15 education and transportation and public  
16 protection are in fact being served in their  
17 core respective areas.

18 But we will also take some of that  
19 money and say, all right, business community,  
20 all right, public utilities -- in the case of  
21 my committee -- let's find projects that in  
22 fact produce jobs, that are shovel-ready, that  
23 are in fact going to increase economic  
24 opportunities across this state. And that's

1           what we've done with it.

2                           And so I look forward to seeing  
3           Comptroller DiNapoli's full report. I think  
4           that we should look at what he's said today.  
5           But we have to go forward with the budget now.  
6           The people can't wait. If we don't pass this  
7           budget today, you are talking about your  
8           taxpayers and my taxpayers paying upwards of  
9           \$130 million per day in debt service when this  
10          budget is late. That's not a burden I want to  
11          put on my taxpayers. Surely, Senator  
12          DeFrancisco, that's not something that you  
13          want to put on yours.

14                          We are going to have opportunities  
15          to come back, as we always have, and make  
16          corrections. But today we must pass this  
17          budget because it's our next best opportunity  
18          to create a safety net and economic  
19          opportunities for the people of this state.

20                          ACTING PRESIDENT STEWART-COUSINS:  
21          Senator Flanagan, why do you rise?

22                          SENATOR FLANAGAN:        Would Senator  
23          Parker yield.

24                          ACTING PRESIDENT STEWART-COUSINS:

1 Senator Parker, will you yield?

2 SENATOR PARKER: Absolutely.

3 SENATOR FLANAGAN: Senator  
4 Parker, two questions, I could.

5 Relative to the transparency of  
6 this process, do you agree with the statement  
7 that was made by Speaker Silver that we didn't  
8 have any need for public conference committees  
9 because, after all, we're all Democrats and we  
10 don't have to worry about things like that?

11 SENATOR PARKER: Madam President,  
12 through you. I don't serve under the Speaker.  
13 So what the Speaker says is up to the Speaker.

14 Let me just say this, that we have,  
15 in this conference and in this body, always  
16 maintained that there needs to be transparency  
17 and there needs to be a process that's open.  
18 We in fact tried to do that under very hard  
19 circumstances, both with taking over a new  
20 majority and in the context of having to  
21 negotiate with both the Assembly and the  
22 Governor.

23 We did that several ways. There  
24 were joint -- and Senator Kruger talked about

1       this yesterday. There were several joint  
2       hearings. There was for the first time a  
3       hotline set up where people could call in and  
4       give us input in that request. There were  
5       lots of ways that we gave opportunities and to  
6       talk about what's happening with the budget  
7       process. And for the first time in at least  
8       43 years, the Senate majority reached out to  
9       the Senate minority and actually spoke to them  
10      about their concerns on the budget.

11               And so as we start talking about  
12      transparency, I'm all for transparency. In  
13      fact, I serve alongside of Senator Bonacic and  
14      Senator David Valesky, who are the co-chairs  
15      of the Temporary Committee on Rules and  
16      Administrative Reform that's going to in fact  
17      make this body even more transparent and more  
18      open and accountable to the public than it's  
19      ever been before. And so I have a commitment  
20      to that, and I think we all do.

21               And I think that again, you know,  
22      what the Speaker does is the Speaker's  
23      prerogative. But we're here serving in this  
24      body. And in this body we believe in

1 transparency and are going to continue to  
2 fight for that.

3 SENATOR FLANAGAN: Well, I'm glad  
4 to hear that. And let me follow up with the  
5 next question in relation to what you just  
6 said.

7 ACTING PRESIDENT STEWART-COUSINS:  
8 Do you continue to yield?

9 SENATOR FLANAGAN: I apologize,  
10 Madam President. Does Senator Parker continue  
11 to yield?

12 SENATOR PARKER: Yes, I continue  
13 to yield.

14 SENATOR FLANAGAN: Thank you,  
15 Madam President.

16 We didn't have conference  
17 committees. And the Senate Democrats are in  
18 charge and certainly are entitled to do things  
19 the way you want. But we actually have a law,  
20 the Budget Reform Act of 2007, and prior to  
21 that we actually did have conference  
22 committees where there was participation by  
23 the Senate Democrats and the Senate  
24 Republicans. So to suggest that for 43 years

1 the Senate minority was not invited is just a  
2 complete misstatement of the truth and of the  
3 facts, because we did have public conference  
4 committees.

5 There were actual public leaders'  
6 meetings where Lieutenant Governor or now  
7 Governor David Paterson, as the Senate  
8 minority leader, was there. So the Senate  
9 minority participated in a public, meaningful,  
10 open way. And in fact, the Senate minority  
11 and the Assembly minority were involved in  
12 five-way negotiations. And that's a fact. So  
13 to suggest for 43 years that somehow we didn't  
14 do that is, again, just a complete  
15 misstatement of fact.

16 But my question to you is Senator  
17 DeFrancisco and Senator Kruger had a  
18 discussion last night about the level of  
19 spending and the increase in spending. Last  
20 year's All Funds number was \$119.6 billion.  
21 This year's All Funds number is  
22 \$131.8 billion, an increase of \$12.2 billion,  
23 or a 10.2 increase in spending.

24 I listened to your comments about

1       fiscal discipline. Do you believe that a  
2       10.2 percent increase in spending represents  
3       fiscal discipline?

4                   SENATOR PARKER:       Madam President,  
5       through you. I think your characterization of  
6       the \$10.2 billion is, frankly, a  
7       mischaracterization. I think as you start  
8       talking about the numbers, again, you have to  
9       understand the numbers in the context.

10                   Part of the numbers you're counting  
11       is in fact the stimulus money. And that  
12       stimulus money doesn't necessarily come out of  
13       our pot. And so when you add it as increased  
14       spending, it's actually supposed to be  
15       increased spending, because that's how the  
16       federal government set it up, that's how  
17       President Barack Obama set it up. It's  
18       supposed to be additional money to stimulate  
19       the economy, and that's why it's called  
20       "stimulus."

21                   Now, that being said -- and when  
22       you take that away and you start doing the  
23       math, the percentage of increase that it is is  
24       not significant at all, actually less than

1       1 percent. And so I think that when you start  
2       talking about fiscal discipline, we've done a  
3       lot better this year than we've done in  
4       several, several other Republican budgets.

5                But that also being said is that  
6       I'm going to disagree with you about your  
7       characterization about conference committees.  
8       Conference committees are a fairly new thing  
9       around here. And I know we did them for about  
10      three or four years, mostly under Democratic  
11      governors, who in fact insisted that the  
12      minority were brought to the table, and most  
13      of the time kicking and screaming.

14             And so, you know, let's not act  
15      like for 43 years there were conference  
16      committees. For 43 years there weren't  
17      conference committees, which is part of we why  
18      have been dubbed the most dysfunctional  
19      legislature in the country, because in part we  
20      had for a long time a very closed process.

21             Was the process perfect this year?  
22      No. Will it be better next year? Yes. But  
23      it's certainly better this year than it had  
24      been any other time, you know, in the last

1 40 years at minimum.

2 SENATOR FLANAGAN: Senator  
3 Parker, I just -- would Senator Parker  
4 continue to yield?

5 ACTING PRESIDENT STEWART-COUSINS:  
6 Senator Parker, do you continue to yield?

7 SENATOR PARKER: Absolutely.

8 SENATOR FLANAGAN: I'll make  
9 something crystal-clear. I never said that  
10 there were conference committees for 43 years.

11 What I was responding to was your  
12 characterization that there had been no  
13 outreach by the Senate majority to the Senate  
14 minority. I can recall instances serving in  
15 this body and in the Assembly where the Senate  
16 actually showed up, Senator Bruno, and the  
17 Assembly refused to appear at public meetings  
18 for public discourse.

19 So did we do it perfectly?  
20 Absolutely not. But if we're going to be  
21 talking about factual characterizations, we  
22 should at least get the facts straight.

23 And I would respectfully offer to  
24 you that a 10.2 percent increase in spending,

1 ultimately all that money -- federal, state,  
2 local, county, village, wherever it comes  
3 from -- it comes from the taxpayers. And  
4 they're going to believe the 10.2 percent  
5 increase in spending is anything but fiscal  
6 discipline.

7 Thank you, Madam President.

8 SENATOR PARKER: May I respond?

9 ACTING PRESIDENT STEWART-COUSINS:

10 Senator Parker.

11 SENATOR PARKER: Madam President,  
12 just so we can again get the record clear, I  
13 refuse to take responsibility for something I  
14 had no authority over. The Assembly members  
15 or the Speaker not appearing for a meeting has  
16 no relevance or bearing on this Senate  
17 majority or the former Senate minority and our  
18 ability to control the Speaker and what they  
19 do in that part of the house.

20 And we will see what the voters  
21 think about the spending plan, particularly  
22 after a we secure the safety net under them  
23 and give them more opportunities for job  
24 training and opportunities to seek higher

1 education during this fiscal recession.

2 Thank you.

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Saland, why do you rise?

5 Senator Lanza, why do you rise?

6 SENATOR SALAND: Would Senator  
7 Parker yield?

8 ACTING PRESIDENT STEWART-COUSINS:

9 Senator Saland first, then Senator Lanza.

10 Senator Parker, will you yield?

11 SENATOR PARKER: Absolutely.

12 SENATOR SALAND: Thank you,  
13 Senator Parker.

14 Senator Parker, I refrained from  
15 rising on a point of personal privilege with  
16 your characterization of my use of the term  
17 "chutzpah." You may recall at the time  
18 Senator Kruger was speaking in the most  
19 platitudinous of terms about the historic  
20 moment that this budget represented. To which  
21 I said, and I think rightfully so, that it  
22 took enormous chutzpah for one to make that  
23 claim.

24 Would you disagree with the

1 definition of "chutzpah"? Would you agree  
2 that it takes enormous nerve to term this  
3 historic, something that we should be beating  
4 our chest about with great pride, after you  
5 yourself said that this budget in effect  
6 leaves a lot to be desired but it's the best  
7 we can do under the circumstances?

8 SENATOR PARKER: Madam President,  
9 through you. As someone who's spent a great  
10 deal of my time as a college professor, and  
11 somewhat, you know, of a historian myself, I  
12 think that the use of the word "history" and  
13 "historical" is nonpejorative. That is, it  
14 does not in fact innately or inherently have  
15 any value to it. That is, "historical" does  
16 not mean historically good or historically  
17 bad, but in fact something to note.

18 When you look at a budget that has  
19 in fact been based on numbers going down, and  
20 saying that we're in, again, the greatest  
21 contraction in our nation's history, that's  
22 historical. Just like, you know, during the  
23 Democratic reign of Bill Clinton as president  
24 we had the greatest explosion in our economy

1 and the most jobs created in our economy, that  
2 was historic.

3 So historic within the context of  
4 the word itself and using the lexicon, doesn't  
5 in fact have a pejorative meaning. And so I  
6 thought that Senator Kruger's use of the word  
7 "historic" was in fact appropriate and  
8 necessary.

9 SENATOR SALAND: I'm not going to  
10 engage in a semantic exercise with you. But  
11 if you'll continue to yield.

12 ACTING PRESIDENT STEWART-COUSINS:  
13 Senator Parker, do you continue to yield?

14 SENATOR PARKER: Yes, ma'am.

15 SENATOR SALAND: In your comments  
16 you said you were hoping to turn this economy  
17 around.

18 Do you subscribe to the theory that  
19 we could tax our way out of a recession?

20 SENATOR PARKER: Madam President,  
21 through you. I subscribe to the theory that  
22 we have to provide economic opportunity for  
23 people. And I think that we've gotten that  
24 opportunity vis-a-vis President Barack Obama

1 and the stimulus package that he's provided  
2 us, \$25 billion to this state. And that's  
3 just the money we've gotten directly. That  
4 doesn't even count the other dollars that we  
5 can compete for.

6 So for instance, as chair of the  
7 Energy and Telecommunications Committee, I  
8 know there's about \$14.5 billion available for  
9 smart-grid technology that organizations like  
10 the MTA could apply for, National Grid could  
11 apply for, and get that. So, you know, we  
12 could go really, technically, 30, maybe even  
13 \$40 billion worth of dollars vis-a-vis this  
14 stimulus package.

15 So I certainly believe that through  
16 that stimulus package and some of the measures  
17 we're taking in this budget that we in fact  
18 can provide opportunity vis-a-vis two things.

19 One, creating a safety net.  
20 Because there's going to be lots of people in  
21 all of our districts across the state who are  
22 going to have problems over the next few  
23 months between losing their jobs, daycare, you  
24 know, not having enough to eat, you know,

1           being foreclosed on, renters who are going to  
2           be losing their homes. And I think that this  
3           budget, and particularly this part of the  
4           budget that we're voting on now, provides a  
5           securitization of that safety net.

6                         The second piece is economic  
7           development, where you're in fact doing job  
8           creation. And again, this part of the budget  
9           provides for job training and particularly  
10          green-collar jobs, which we know is going to  
11          be our next best opportunity to provide jobs  
12          in this economy.

13                        SENATOR SALAND:       Well, I would  
14          beg to differ with your reference to this  
15          budget creating jobs. But could you tell me  
16          how much of the --

17                        ACTING PRESIDENT STEWART-COUSINS:  
18          Senator Saland, are you asking Senator Parker  
19          to continue to yield?

20                        SENATOR SALAND:       Yes, if he would  
21          continue to yield.

22                        -- how much federal stimulus  
23          money --

24                        SENATOR PARKER:       Yes, ma'am, I'll

1 yield.

2 SENATOR SALAND: Would you be  
3 able to tell me how much federal stimulus  
4 money is included in this nearly \$132 billion  
5 budget?

6 SENATOR PARKER: My understanding  
7 is that there's approximately \$7.2 billion in  
8 stimulus money provided.

9 SENATOR SALAND: That certainly  
10 is consistent with page 2 of the Senate  
11 Finance Committee.

12 SENATOR PARKER: I try.

13 SENATOR SALAND: Will you  
14 continue to yield, please?

15 ACTING PRESIDENT STEWART-COUSINS:  
16 Do you continue to yield, Senator Parker?

17 SENATOR PARKER: Absolutely.

18 SENATOR SALAND: Do you recall --  
19 or if you don't recall the debate that ensued  
20 last night over last year's budget, the amount  
21 of money in the 2008-2009 financial plan as it  
22 was closed out was \$119.74 billion. Would you  
23 accept that as a given, or would you care to  
24 challenge that number?

1                   SENATOR PARKER:     Madam President,  
2                   through you, it depends on what numbers you're  
3                   using. But I won't debate the fact that that  
4                   may in fact be the number.

5                   SENATOR SALAND:     Thank you.  
6                   Would Senator Parker continue to  
7                   yield?

8                   ACTING PRESIDENT STEWART-COUSINS:  
9                   Do you continue to yield, Senator Parker?

10                  SENATOR PARKER:     Yes.

11                  SENATOR SALAND:     My source is the  
12                  Division of the Budget, by the way.

13                  And if you will recall the exchange  
14                  again between Senator Kruger and Senator  
15                  Flanagan that occurred last night, Senator  
16                  Kruger, the chairman of the Finance Committee,  
17                  acknowledged that there was some \$6 billion in  
18                  cuts from the General Fund from that base  
19                  amount. Do you recall that exchange?

20                  SENATOR PARKER:     I don't  
21                  recall -- Madam President, through you, I  
22                  don't necessarily recall that. But again, I'm  
23                  not going to argue if you in fact -- you know,  
24                  I trust you. At least on that.

1                   SENATOR SALAND:     I'm sorry?

2                   SENATOR PARKER:     I'll trust your  
3 numbers on this.

4                   SENATOR SALAND:     Thank you. I  
5 appreciate that. It is a matter of record.

6                   If you then take that 119-plus  
7 billion, it approaches 120, and you subtract  
8 6 billion, which is the amount that was cut,  
9 you now have \$114 billion left -- 113.75 would  
10 be a more accurate amount. We have gone from  
11 \$113.75 billion in spending to \$131.8 billion  
12 in spending, which is a difference of  
13 approximately 18 billion -- I used the number  
14 \$17 billion last night -- of which, according  
15 to your comments and this Senate Finance  
16 budget fact sheet, includes \$7.2 billion in  
17 stimulus money.

18                   Now, if I take \$7.2 billion from  
19 nearly \$18 billion, it leaves somewhere in the  
20 area of \$11 billion, give or take a few modest  
21 hundred million or so. That's more than a  
22 10 percent increase, that's more like a  
23 13 percent increase.

24                   And it brings me back to the

1 question that I had asked earlier. Do you  
2 believe, in a severe recession, where we're  
3 now taking \$11 billion of nonfederal money,  
4 according to your own Senate document -- and I  
5 believe you're a member of the Finance  
6 Committee, are you not?

7 SENATOR PARKER: I am. Is that a  
8 separate question?

9 SENATOR SALAND: Do you believe  
10 that it's wise public policy to try and tax  
11 your way out of a recession by increasing your  
12 spending by close to 13 percent or close to  
13 \$18 billion?

14 SENATOR PARKER: Madam President,  
15 through you. Senator Saland, first of all,  
16 thank you for your close observation of the  
17 numbers. And I think that you in fact make  
18 some points that are valid given the set of  
19 assumptions that you're working off of.

20 The set of numbers that the Senate  
21 work of in our negotiations with the Assembly  
22 and the Governor actually were based on the  
23 Governor's Executive Budget. So quickly -- I  
24 know some of you are familiar with this, maybe

1           some of you are not -- how the budget process  
2           works in the State of New York is the  
3           following. The Governor comes out with an  
4           Executive Budget. We in fact --

5                        SENATOR SALAND:        Would you suffer  
6           an interruption, Senator? If you want to use  
7           that number, I'll use -- if you'll suffer an  
8           interruption --

9                        ACTING PRESIDENT STEWART-COUSINS:  
10          Senator -- Senator Adams, why do you rise?

11                       SENATOR ADAMS:        I think the chair  
12          should be respected. A question was asked,  
13          the Senator was answering it. If there's  
14          other questions that should be asked, they  
15          should come through you. This is not in the  
16          street, where we're just arguing with each  
17          other. There's a point of decorum that's  
18          expected.

19                       SENATOR SALAND:        I merely asked  
20          the Senator if he would suffer an interruption  
21          so I could concede, for purposes of this  
22          argument, the Governor's number, which is  
23          121.3. So that is a difference of less than a  
24          billion and a half. So let us say we're not

1 talking about an \$18 billion increase, we're  
2 talking about a mere 16.5 billion increase.

3 Take out the \$7.2 billion, and it  
4 leaves us with a modest \$9.5 billion increase  
5 in state General Funds. I'll use your number.  
6 It's not an accurate year of year number, but  
7 I'll save the argument. I will use your  
8 number, 121.3.

9 ACTING PRESIDENT STEWART-COUSINS:  
10 Excuse me. Senator Parker, do you yield to  
11 Senator Saland's question?

12 SENATOR PARKER: Yes, ma'am, I'll  
13 yield for a question.

14 SENATOR SALAND: I merely said  
15 that --

16 SENATOR PARKER: Senator Saland,  
17 I do.

18 But there's other assumptions that  
19 you're making that I don't necessarily agree  
20 with, in the way that you calculate the  
21 deficit. So the way that you calculate the  
22 deficit, you know, part of what we do when you  
23 fill a deficit, and that was part of what we  
24 did, is you take the number back up. And so

1       when you're starting at that number, right,  
2       once you've filled the deficit and then take  
3       yourself from 121 and add the rest of the  
4       money, that's really where you should start.

5               So really the 121 is the beginning  
6       of the conversation about where we're going,  
7       not the 6 billion that we're cutting off.  
8       Because our numbers, again, are based on the  
9       Governor's numbers, and the Governor assumes  
10      121. And what he attempts to do is actually  
11      get us to that level of spending because he  
12      feels like that level of spending is what we  
13      need to do to maintain core services.

14             But to answer your question  
15      directly, as relates to taxing your way out of  
16      a deficit, I agree with you, we shouldn't tax  
17      our way out of a deficit. And you need to  
18      remember that in this budget that we're going  
19      to pass today, 96 percent of New Yorkers do  
20      not pay higher taxes. So 96 percent of the  
21      people in the State of New York, and most of  
22      them are middle-class and lower-income  
23      New Yorkers, don't pay higher taxes. They  
24      don't pay higher taxes.

1                   And as I do know that we have in  
2                   fact done some Fair Share, I think that  
3                   schoolteachers who teach at P.S. 193, where I  
4                   went to elementary school, and CC Sabathia,  
5                   who is the new pitcher for the Yankees, should  
6                   not be paying in the same tax bracket. And I  
7                   think that we took some steps in this budget  
8                   this year to in fact correct that injustice  
9                   and did that at the same time as protecting  
10                  lower-income and middle-class New Yorkers.

11                  SENATOR SALAND:        If the Senator  
12                  will continue to yield.

13                  ACTING PRESIDENT STEWART-COUSINS:  
14                  Senator Parker, do you continue to yield?

15                  SENATOR PARKER:        Yes, ma'am.

16                  SENATOR SALAND:        Senator Parker,  
17                  I can return to my district and tell people  
18                  that their utility bills will not go up, that  
19                  they will not pay for more for wine or beer; I  
20                  can tell them that their health premiums will  
21                  not go up -- you're going to assure me that I  
22                  can tell them that; I can also tell them their  
23                  property taxes won't go up, because there are  
24                  no increases that impact anybody but that

1 small percentage that you cited.

2 So I can tell them with confidence  
3 that Senator Parker has assured me that  
4 whatever may be on your utility bill, whatever  
5 may be on your tax bill, whatever you may pay  
6 more at the store, it's illusory, don't  
7 believe it, it didn't go up.

8 SENATOR PARKER: Madam President,  
9 through you. I think that you're fine to tell  
10 your constituents whatever you'd like to tell  
11 them.

12 I think, again, if we're going to  
13 get the record straight, utility bills are not  
14 taxes. I'm not responsible necessarily  
15 directly for what utility bills go out by  
16 National Grid or whoever people's power  
17 providers are.

18 The reality is this. If you're  
19 going to talk about what we're passing today,  
20 what we're going up or down on is this budget  
21 bill here. This budget bill -- sorry, these  
22 sets of budget bills, when we pass them, will  
23 not raise the taxes of 96 percent of  
24 New Yorkers. If you're talking about people's

1 fees and rates that may in fact fluctuate  
2 based on a number of dynamics in the economy,  
3 that's a different conversation. And we can  
4 have that conversation, but those are not in  
5 fact taxes.

6 SENATOR SALAND: If Senator  
7 Parker will continue to yield.

8 ACTING PRESIDENT STEWART-COUSINS:  
9 Senator Parker, do you continue to yield?

10 SENATOR PARKER: Yes, ma'am.

11 SENATOR SALAND: Senator Parker,  
12 I believe you chair the Energy Committee.

13 SENATOR PARKER: Yes, sir, I do.

14 SENATOR SALAND: Is there no  
15 energy tax increase associated with this  
16 budget? I'm not involved with that. I've  
17 never served on the committee. I thought,  
18 perhaps I'm wrong, there is a \$600 million  
19 increase on utility companies.

20 SENATOR PARKER: Madam President,  
21 through you. There are no direct taxes to  
22 ratepayers in this budget as relates to  
23 energy.

24 SENATOR SALAND: Thank you,

1 Senator Parker.

2 Just on the bill, if I may.

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Saland, on the bill.

5 SENATOR SALAND: Regardless of  
6 how you massage the numbers, this is, I'm  
7 sure, the largest spending increase that  
8 New York has ever witnessed. Budgets are very  
9 difficult in good times. We all know that.  
10 They're far more difficult in bad times. And  
11 this is the baddest of bad times. Certainly  
12 within my lifetime, and I'm older than most of  
13 the people in this chamber, this is as bad as  
14 I have seen, and there's no close second.

15 And to increase taxes, whether they  
16 be personal income taxes -- and we can get to  
17 that I'm sure at another time. But to say  
18 that utility companies are not going to pass  
19 through a \$600 million increase is beyond the  
20 pale of anything remotely realistic.

21 And there's just a list of fees.  
22 People in my district are going to pay  
23 thousands of dollars more. I got phone calls  
24 yesterday based upon some New York City radio

1 station that people are listening to, it was a  
2 call-in show. My phone rang off the hook in  
3 my district office and in Albany. I got calls  
4 from people including a teacher, who said: "I  
5 didn't know this. How do they expect us to  
6 pay for all this?"

7 I got a call from a 70-year-old  
8 woman who told my office she hadn't even taken  
9 her coat off yet, she just put her groceries  
10 on the table, who said: "What's going on?  
11 Who are these three people in a room? Why am  
12 I going to wind up paying more? And how did  
13 this all happen?"

14 So it's real, people know about it,  
15 there's no escaping it. This budget is an  
16 absolute fiasco. And if I may draw on Winston  
17 Churchill -- and I don't remember the exact  
18 quote, but words to the effect of "Trying to  
19 tax your way out of a recession is like a man  
20 standing in a bucket and trying to lift  
21 himself."

22 ACTING PRESIDENT STEWART-COUSINS:  
23 Senator Lanza, you rose previously?

24 SENATOR LANZA: Yes, thank you,

1 Madam President. Would Senator Parker yield  
2 for a series of questions?

3 ACTING PRESIDENT STEWART-COUSINS:  
4 Senator Parker, will you yield?

5 SENATOR PARKER: I will.

6 SENATOR LANZA: Thank you, Madam  
7 President. Thank you, Senator Parker.

8 I'm going to make a run at trying  
9 to put something to bed here and get a  
10 clarification. I listened to Senator Kruger  
11 last night discuss this in response to  
12 questions from Senator Saland and Senator  
13 DeFrancisco and Senator Fuschillo. And now in  
14 listening to you in your discussion with  
15 Senator Flanagan, when Senator Flanagan -- and  
16 what I mean is I'm trying to see whether or  
17 not you can finally help us understand why  
18 spending \$132 billion is in actuality spending  
19 less than \$120 billion, and we're just trying  
20 to reconcile that.

21 Senator Flanagan said that there  
22 was a 10 percent increase in spending this  
23 year, and you said that that was a  
24 miscalculation. So I'm asking you whether or

1 not in this budget we in the State of New York  
2 are spending more this year, spending more  
3 this year than was spent last year.

4 SENATOR PARKER: Madam President,  
5 through you. Thank you, Senator Lanza, for  
6 your question. And I understand how some of  
7 these numbers are tricky, and some of this  
8 philosophy, because some of it is  
9 understanding the nature of government.

10 Our job in government is to protect  
11 those people who cannot protect themselves, is  
12 to take care of the least of those in our  
13 communities. In the economic downturn that we  
14 have now, we have more people who are losing  
15 their jobs, losing their health benefits.  
16 They are losing their homes, they're losing  
17 their apartments.

18 When you take away the \$7.2 billion  
19 of stimulus money, Madam President, you get a  
20 modest increase in what we're doing. And when  
21 you even add in the places where we've in fact  
22 done Fair Share, in fact 96 percent of the  
23 people in the state, mostly low-income  
24 New Yorkers and middle-class folks, are not

1       paying any more, 96 percent are not paying any  
2       more in taxes.

3                   But the reality is as a state we  
4       are having to pick up the burden of more  
5       unemployment, of having to pick up the burden  
6       for more for education, particularly because  
7       many people in my district and your district  
8       who are going to private school can no longer  
9       afford to go to private school because they  
10      lost their jobs working on Wall Street.  
11      Right? And because we now have to also pick  
12      up more of the health costs, because people,  
13      when they lost their jobs, also lost their  
14      health benefits.

15                   So again, as government, our job is  
16      in fact to do that. We're spending the  
17      \$7.2 billion in stimulus because that is  
18      what's necessary to in fact undergird this  
19      safety net that we have here in the state.  
20      And the stimulus, that's what we're supposed  
21      to be doing, we're supposed to be protecting  
22      the people in our communities.

23                   Barack Obama gave us money,  
24      \$1.1 billion for education, and we're spending

1           that money in education to make sure that  
2           we're not cutting our education. He gave us  
3           money in lots of different areas so we in fact  
4           can undergird our economy and our safety net  
5           and make sure that we don't drop through the  
6           floor.

7                         And so if you look at the modest  
8           increase in our spending, that modest increase  
9           has come from two things: One, the stimulus  
10          package, primarily, and then the rest from  
11          some other costs that we have to bear because  
12          we are in an economic climate. And just  
13          saying the economy has gone down, the reality  
14          is people have lost their jobs, they've lost  
15          their health benefits, they can no longer  
16          afford to send their children to a private  
17          school, that means the public schools are  
18          overburdened. And we as government have the  
19          responsibility of bearing those costs across  
20          the state.

21                        SENATOR LANZA:        Madam President,  
22                        would Senator Parker continue to yield?

23                        ACTING PRESIDENT STEWART-COUSINS:  
24                        Senator Parker, do you continue to yield?

1                   SENATOR PARKER:     Absolutely.

2                   SENATOR LANZA:     You said this was  
3 all tricky. I think what's tricky about it is  
4 trying to convince people back home that when  
5 you spend \$132 billion, you're actually  
6 spending less than \$120 billion. But the  
7 question, quite simply put -- and I did not  
8 hear an answer -- is whether or not we're  
9 spending more this year in the State of  
10 New York in this budget than we spent last  
11 year.

12                   SENATOR PARKER:     Madam President,  
13 through you. We're spending more vis-a-vis  
14 stimulus and some more, other costs that we  
15 have in fact picked up because people have  
16 lost their jobs, they've lost their  
17 healthcare. They can't send their kids to  
18 private school, so they're sending them to  
19 public school. You know, so we're paying for  
20 hospitals, we're paying for unemployment  
21 insurance, we're paying, you know, for  
22 education. And, you know, then the President  
23 comes out a week later and says everybody  
24 should get higher education, so more people

1 are registering for schools, so we put more  
2 into public education.

3 But it's not like we got, you know,  
4 a mandate without funding. We got  
5 \$25 billion. We're spending \$7.2 billion  
6 right now just to do this. We'll be spending  
7 more, in fact, to in fact produce jobs in your  
8 district, Senator Lanza, and in my district as  
9 we do shovel-ready projects.

10 We're going to be doing things that  
11 produce jobs across this state, in the hopes  
12 that next year when we come across this budget  
13 we'll have a budget that will be in balance  
14 because we will have people back to work, our  
15 tax revenues will be up, and we'll have an  
16 ability to in fact get people moving in the  
17 direction they need to.

18 SENATOR LANZA: Madam President,  
19 would Senator Parker continue to yield?

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Senator Parker, do you continue to yield?

22 SENATOR PARKER: Yes, ma'am.

23 SENATOR LANZA: Senator Parker, I  
24 think a partial explanation that has been put

1 forward by your side of the aisle, that I've  
2 read in the newspapers and I've heard here on  
3 the floor today and last evening, was that the  
4 \$7 billion that has come from the federal  
5 government, since it has come from the  
6 taxpayers by way of the federal tax levy as  
7 opposed to the state tax levy, that somehow  
8 this is not real spending and that this does  
9 not count toward the spending that is included  
10 in this budget.

11 Is that what you're proposing,  
12 Senator Parker?

13 SENATOR PARKER: Senator Lanza --  
14 through you, Madam President. Senator Lanza,  
15 I suggest that if in fact you want to tell the  
16 family that lost their primary wage-earner  
17 that we should not in fact put money into more  
18 unemployment insurance, that's fine. If you  
19 want to tell people who have lost their  
20 healthcare that we in fact as a state should  
21 not provide any healthcare for them, that's  
22 fine, you can tell them that.

23 If you want to go back and tell  
24 those folks who are sending their children to

1 a diocesan school that has now closed, and now  
2 they have to go to public schools, that  
3 there's no room in the public schools for them  
4 because we didn't want to put more money into  
5 public schools, if you want to tell them that,  
6 that's fine.

7 The reality is we're in a situation  
8 where we got money, it's called stimulus  
9 money, that frankly was already decided at the  
10 federal level. So what I'm hearing yourself  
11 and members across the aisle say to me is that  
12 we were given \$25 billion to help us solve our  
13 problems and we shouldn't spend the money to  
14 in fact restore the cuts that we would have  
15 needed to make.

16 The reality is this. The Governor  
17 presented us with a \$121.3 billion budget. He  
18 in fact said to us when he gave us the budget  
19 that the deficit was going to be about  
20 \$15 billion. He made \$9 billion in cuts, and  
21 we added stimulus money plus another  
22 \$3 billion to in fact restore those cuts. And  
23 to in fact take a number of nuisance taxes off  
24 the table so that our consumers and our

1 constituents would not have taxes on things  
2 like soda and things like, you know, bowling  
3 alleys and gym memberships and cable -- I  
4 mean, there was all kinds of things.  
5 Haircuts. I mean, there was all kinds of  
6 nuisance taxes in there.

7 We took those out. But in order  
8 for us to do that, we had to buy those things  
9 back. And we bought most of those things back  
10 with stimulus money that we were given. And  
11 had we not spent the money, we would have lost  
12 it. So it was important for us to spend the  
13 stimulus money, because that's what the  
14 stimulus is for.

15 SENATOR LANZA: Madam President,  
16 would Senator Parker continue to yield?

17 ACTING PRESIDENT STEWART-COUSINS:  
18 Senator Parker, do you continue to yield?

19 SENATOR PARKER: Absolutely.

20 SENATOR LANZA: Well, I thank you  
21 for that response. I think for the first time  
22 we've heard in this chamber that that stimulus  
23 money has actually been spent in this budget.  
24 And we shouldn't ignore the fact that it is

1 part of a \$132 billion budget which does  
2 reflect a 10 percent increase in spending over  
3 last year.

4 And no, Senator Parker, I don't  
5 want to tell anyone in this state that I don't  
6 want to provide the sort of vital services  
7 that they deserve and that they have come to  
8 expect from this Legislature. But I also  
9 don't want to sell them a bill of goods. And  
10 it's important for them to understand that at  
11 a time when they're being asked to tighten  
12 their belts, it seems that this Legislature is  
13 going off on a spending orgy.

14 You said, Senator Parker, that that  
15 \$7.2 billion federal stimulus money is not  
16 coming out of our pockets. From whose pockets  
17 is that money coming from?

18 SENATOR PARKER: Madam President,  
19 through you. I never indicated that money  
20 wasn't coming out of our pockets. I just  
21 indicated that the decision to spend that  
22 money was made at the federal level and we  
23 were in fact allocated that money the way  
24 every other state was allocated that money.

1                   Now, if you want to be like  
2           Louisiana and vote to send the money back and  
3           not accept the money, then maybe you should  
4           run for Governor and make that decision.

5                   Our Governor I think made the  
6           prudent choice and accepted the stimulus  
7           money, and we're in fact using that stimulus  
8           money in the way we in fact should be using  
9           it, which is to stimulate the economy to in  
10          fact restore money for education, for  
11          healthcare, for unemployment insurance, for  
12          housing, for transportation.

13                  And I think that we're going to be  
14          a better state down the road exactly because  
15          we're using this money in the way that it was  
16          intended to be used. And because we're using  
17          it in the way it was intended to be used,  
18          people will not be unemployed hopefully as  
19          long as they would without it, people will  
20          have access to healthcare, people will have  
21          access to education, so that when the economy  
22          in fact makes its natural corrections and  
23          starts to go on an upswing, that people will  
24          be available for the jobs that will be created

1 in this state.

2 So I'm very, once again, Madam  
3 President, proud of this budget, because I  
4 think that it does some things in a very tough  
5 situation that need to be done for the future  
6 of this state.

7 SENATOR LANZA: Madam President,  
8 would Senator Parker continue to yield?

9 ACTING PRESIDENT STEWART-COUSINS:  
10 Senator Parker, do you continue to yield?

11 SENATOR PARKER: Yes, ma'am. In  
12 the interests of time, I'll yield for one more  
13 question.

14 SENATOR LANZA: I'd better make  
15 it a good one.

16 Senator Parker, you claimed today  
17 that 96 percent of New Yorkers will not pay  
18 additional taxes in this budget. I'm sure you  
19 agree with me that whether it's a fee that a  
20 New Yorker has to pay or a tax that they have  
21 to pay, it's all the same. Because unlike the  
22 rhetoric here, the people back home don't get  
23 to make believe that some money comes from  
24 someone else's pocket and it's not really

1 spending when it is spending. They've got one  
2 family budget, and they've got to deal with  
3 it.

4 So I guess my question to you --  
5 and I was going to go down the list much in  
6 the same way as Senator Saland did. But are  
7 you saying that 96 percent of New Yorkers  
8 don't pay property tax? Because of course  
9 this budget has a property tax increase. Are  
10 you saying that 96 percent of New Yorkers  
11 aren't going to buy bottles of water? Because  
12 of course they're paying more for that. Are  
13 you saying that 96 percent of New Yorkers  
14 aren't going to turn on the television or try  
15 to run their refrigerator and therefore not  
16 have to pay the tax and assessment on  
17 electricity?

18 Are you saying 96 percent of  
19 New Yorkers are not going to have to get in  
20 the car and therefore avoid paying the  
21 increased assessment on the driver's license  
22 and the license plate? Are you saying that  
23 96 percent of New Yorkers are not going to  
24 have to pay auto insurance and therefore avoid

1 your tax on auto insurance?

2 Are you saying that 96 percent of  
3 New Yorkers are not going to have to go to a  
4 doctor or are not going to make a visit to a  
5 hospital or are not going to pay for a  
6 healthcare premium and therefore avoid your  
7 tax on all those services?

8 Are you saying that 96 percent of  
9 New Yorkers are not going to send their kids  
10 to college and therefore avoid your tuition  
11 increases? Are you saying that 96 percent of  
12 New Yorkers are not going to go to a grocery  
13 store or a liquor store and buy wine or beer  
14 and therefore avoid your taxes? And I can go  
15 on and on.

16 But is that what you are saying,  
17 Senator Parker?

18 SENATOR PARKER: Madam President,  
19 through you. I'm sorry, I didn't get that.  
20 Can you repeat the question?

21 (Laughter.)

22 SENATOR LANZA: I would. I  
23 would.

24 SENATOR PARKER: I'm joking.

1                   Senator Lanza, I think that there  
2                   is a significant difference between what  
3                   people have to pay and what we're voting on  
4                   here.

5                   First, this budget does not have a  
6                   property tax increase, because the state does  
7                   not have any property tax increases in it. We  
8                   don't do that. And there's nothing located in  
9                   this budget that in fact increases property  
10                  taxes.

11                  To go on, as it relates to  
12                  issues --

13                  (Cellphone interference.)

14                  SENATOR LANZA:        Sorry.

15                  SENATOR PARKER:       That was the  
16                  Governor calling you.

17                  Madam President, continuing through  
18                  you, not only is there not any property tax  
19                  increase in this budget, but in fact we can  
20                  only be responsible for what we in fact do  
21                  here. And I'm saying when you look at and  
22                  calculate the things that we've done,  
23                  96 percent of the people in this state are  
24                  being held harmless as it relates to taxes.

1                   Many things that you're talking  
2                   about are fees and other things that people do  
3                   because they are users of certain services.  
4                   And again, when the prices of things have gone  
5                   up and we have less money to pay for them, we  
6                   need a ways to do it.

7                   What I would love to see from the  
8                   Senate Minority is something that we did when  
9                   we were in the minority, which is put forward  
10                  a plan. It's okay to stand across the room  
11                  and throw bombs. It's another thing to  
12                  provide a plan that takes us into the future,  
13                  that makes the tough choices that had to be  
14                  made in this budget, and that uses the money  
15                  that was given to us from the federal stimulus  
16                  in a way that stimulates the economy in the  
17                  State of New York.

18                  I hope that, you know, as we go  
19                  forward through this process, that we'll have  
20                  less bomb throwing and more sharing of ideas  
21                  of how you in fact spend money that's really  
22                  there as opposed to just talking about  
23                  restoring money in places without any ideas or  
24                  suggestions about where money should be spent

1 from outside of invisible slush funds.

2 Thank you.

3 SENATOR SALAND: Madam President,  
4 would Senator Parker yield for one more  
5 question?

6 ACTING PRESIDENT STEWART-COUSINS:  
7 Senator Parker, do you yield?

8 SENATOR PARKER: Honestly, in the  
9 interests of time, if we can move on, that  
10 would be helpful.

11 ACTING PRESIDENT STEWART-COUSINS:  
12 Senator Parker does not yield, Senator.

13 Senator Padavan.

14 SENATOR PADAVAN: Did we lose  
15 Senator Oppenheimer? I wanted to ask her a  
16 few questions. Is she still with us? Oh,  
17 there you are.

18 ACTING PRESIDENT STEWART-COUSINS:  
19 Senator Oppenheimer, do you yield to a  
20 question from Senator Padavan?

21 SENATOR OPPENHEIMER: Of course.

22 SENATOR PADAVAN: To preface my  
23 question, Senator, I assume you are fully  
24 familiar with the Campaign for Fiscal Equity

1 settlement that was arrived at, what it meant  
2 in the City of New York, which of course was  
3 the genesis of the case going back 11 years or  
4 more. Can you tell me what the settlement  
5 provided for for the City of New York in terms  
6 of increased foundation aid?

7 SENATOR OPPENHEIMER: Well,  
8 through you, Madam President, that is and that  
9 isn't relevant, because the amount that was  
10 actually a party to the CFE case that was  
11 resolved said that only \$1.97 billion had to  
12 be spent. And that has already been exceeded.

13 The bill that we did as a  
14 Legislature concerned the whole state and was  
15 a much higher number.

16 SENATOR PADAVAN: Well, let's  
17 stay with the city, if you will, because  
18 that's what I'm most familiar with. At one  
19 point --

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Senator Padavan, are you asking Senator --

22 SENATOR PADAVAN: Will you yield?

23 ACTING PRESIDENT STEWART-COUSINS:  
24 Senator Oppenheimer, will you continue to

1 yield?

2 SENATOR OPPENHEIMER: Yes, thank  
3 you, Madam President.

4 SENATOR PADAVAN: The \$1.9  
5 billion, I think you said \$1.97 billion --

6 SENATOR OPPENHEIMER: I believe.

7 SENATOR PADAVAN: Over what  
8 period of time was that to be provided to the  
9 City of New York?

10 SENATOR OPPENHEIMER: Through  
11 you, Madam President, I think it was done --  
12 that amount was already spent in the first two  
13 years, so I think there was a four-year  
14 window. But it's been spent in two years.

15 SENATOR PADAVAN: So the full  
16 amount that we had agreed to in the settlement  
17 you say -- excuse me. Will the Senator yield?

18 ACTING PRESIDENT STEWART-COUSINS:  
19 Senator Oppenheimer, do you continue to yield?

20 SENATOR OPPENHEIMER: Indeed,  
21 yes.

22 SENATOR PADAVAN: If I understood  
23 you correctly, you're saying that the full  
24 amount that the settlement had provided for

1 was already allocated over the past two fiscal  
2 years.

3 SENATOR OPPENHEIMER: That's  
4 correct.

5 SENATOR PADAVAN: Will you yield  
6 again?

7 SENATOR OPPENHEIMER: Yes.

8 SENATOR PADAVAN: What was our  
9 commitment beyond that for the full four  
10 years?

11 SENATOR OPPENHEIMER: For four  
12 years, for entire state, was -- oh. Well.  
13 I'm having a disagreement with policy. I  
14 thought the agreement for the State of  
15 New York was \$5.54 billion. That was the  
16 whole state. But for New York City --

17 SENATOR PADAVAN: I'm sorry, I  
18 didn't hear you.

19 SENATOR OPPENHEIMER: Through  
20 you, Madam President. I have that down to the  
21 decimal in my desk --

22 SENATOR PADAVAN: Well, round  
23 numbers will do.

24 SENATOR OPPENHEIMER: But what I

1           can say is that what we agreed to here -- not  
2           part of the court case, because what I  
3           mentioned to you is the court case. And the  
4           case has been fully funded, according to the  
5           court's decision.

6                         But according to what we did here,  
7           we said close to, I think, \$4 billion over  
8           four years.

9                         SENATOR PADAVAN:         Will the  
10          Senator yield?

11                        ACTING PRESIDENT STEWART-COUSINS:  
12          Senator Oppenheimer, do you continue to yield?

13                        SENATOR OPPENHEIMER:       Of course.

14                        SENATOR PADAVAN:         So therefore if  
15          that's the case, accepting your response --  
16          and believe me, I don't ask a question where I  
17          know the answer. I don't know. That's why  
18          I'm asking you -- \$2 billion would be left,  
19          1.9 from 4-point-something, a little over  
20          \$2 billion would be left. And therefore this  
21          year, if you wanted to divide it equally, we'd  
22          be talking about a billion-dollar increase as  
23          part of that agreement.

24                        SENATOR OPPENHEIMER:       (Nodding.)

1                   SENATOR PADAVAN:       Thank you.

2                   Will you yield again, Senator?

3                   SENATOR OPPENHEIMER:       Of course.

4                   SENATOR PADAVAN:       How much --

5                   ACTING PRESIDENT STEWART-COUSINS:

6                   Senator Padavan, I'm sorry, please direct your  
7                   question through the chair.

8                   SENATOR PADAVAN:       Yes, I said  
9                   would she yield again.

10                  SENATOR OPPENHEIMER:       Of course I  
11                  do, Madam President.

12                  ACTING PRESIDENT STEWART-COUSINS:  
13                  Thank you.

14                  SENATOR PADAVAN:       How much is in  
15                  the budget before us today that would relate  
16                  to that billion dollars plus?

17                  SENATOR OPPENHEIMER:       So let's  
18                  see. The foundation aid is frozen at -- don't  
19                  go away. I got it. Foundation aid -- well,  
20                  this is all the foundation aid -- is frozen at  
21                  \$14.9 billion. That's statewide, that's not  
22                  New York City.

23                  SENATOR PADAVAN:       If the Senator  
24                  would yield, that's not my question.

1                   ACTING PRESIDENT STEWART-COUSINS:  
2       Senator Oppenheimer, do you continue to yield?

3                   SENATOR OPPENHEIMER:       (Nodding.)

4                   SENATOR PADAVAN:       How much in  
5       this budget that we have before us reflects  
6       what you outlined to me in your answer, which  
7       was 1 billion plus would be provided under CFE  
8       agreement by virtue of what we did, how much  
9       of that is in this budget?

10                  SENATOR OPPENHEIMER:     You know, I  
11       don't have the city --

12                  SENATOR PADAVAN:       Well, let me  
13       ask it this way then, Senator.

14                  ACTING PRESIDENT STEWART-COUSINS:  
15       Senator Padavan, do you want to restate your  
16       question?

17                  SENATOR PADAVAN:       What is the  
18       increase for the City of New York in this  
19       budget for this coming fiscal year as opposed  
20       to last?

21                  SENATOR OPPENHEIMER:     That is  
22       where I am having some difficulty breaking out  
23       New York City.

24                  What I can tell you is that what

1           was structured by the courts for the State of  
2           New York was supposed to have occurred  
3           within -- that settlement was over a four-year  
4           period. We are now extending it out for three  
5           years after the freeze.

6                         We are going to be frozen at  
7           37.5 percent for this year and for next year.  
8           Then the following year, it will be at  
9           50 percent, then 70 percent, and in the fifth  
10          year it will be at 100 percent. So we are  
11          going to reach the full amount only in  
12          2013-2014.

13                        SENATOR PADAVAN:        Will the  
14          Senator yield?

15                        ACTING PRESIDENT STEWART-COUSINS:  
16          Senator Oppenheimer, do you continue to yield?

17                        SENATOR PADAVAN:        I regret that  
18          you're not able to give me the answer. And  
19          I'm not being critical, I'm just regretting  
20          it.

21                        How much of the stimulus money is  
22          going to the City of New York in terms of  
23          education funding?

24                        SENATOR OPPENHEIMER:     I don't

1 have a breakout of New York City.

2 \$625.9 million.

3 SENATOR PADAVAN: Thank you very  
4 much, Senator. I appreciate your answer.

5 On the bill.

6 ACTING PRESIDENT STEWART-COUSINS:  
7 Senator Padavan, on the bill.

8 SENATOR PADAVAN: First, let me  
9 say parenthetically to Senator Parker, who I  
10 don't see over there -- there he is -- that  
11 this Minority did present a very comprehensive  
12 budget plan weeks and weeks ago. Thank you,  
13 Senator. It's called "A Better Plan for  
14 New York: A Responsible Economic Stimulus  
15 Budget Plan for New York State." And I'm not  
16 going to go into all of what's in it, but I'd  
17 be glad to get you a copy of it.

18 So whether you agreed with it or  
19 not, the fact remains is we did submit a plan  
20 that we felt was the right way to go.

21 But that having been said, let's  
22 get back to my reason for standing in the  
23 first place. It's clear, based on the numbers  
24 that I've heard Senator Oppenheimer give me,

1 and others that I've seen, that what we have  
2 done with regard to the CFE agreement has not  
3 kept faith with it. That as the Senator  
4 pointed out, \$2 billion over two years,  
5 \$1 billion a year to the City of New York for  
6 CFE reasons, is just not forthcoming from the  
7 state commitment in terms of its budget.

8 However, as the Senator pointed  
9 out, 600-and-some-odd million was provided  
10 through the stimulus. Now, that, of course,  
11 leaves a gap of roughly somewhere between  
12 \$300 million and \$400 million.

13 Therefore I would say, Madam  
14 President, that the commitment we made in this  
15 Legislature, both houses, and the Governor  
16 last year to the City of New York in terms of  
17 its budget has been denied. We have not kept  
18 faith with our commitment. And that is  
19 unfortunate.

20 Now, I realize things change. But  
21 at least let's be honest about it. Let's  
22 publicly say we're not doing what we said  
23 we're going to do, we're not giving you  
24 everything that you were hoping to get. We

1 are going to make up for part of it by  
2 stimulus money. But again, that only goes for  
3 the next two years, and what happens after  
4 that, who knows.

5 I think it's important that we all  
6 know what sheet of music we're reading from.  
7 And in terms of education, there are points of  
8 view being expressed here that just simply are  
9 not accurate. And no one had brought up the  
10 issue of CFE, and I thought I should if no one  
11 else was going to, so that we're all clear as  
12 to exactly what we're doing or, more  
13 precisely, what we are not doing.

14 ACTING PRESIDENT VALESKY:  
15 Senator Marcellino, on the bill.

16 SENATOR MARCELLINO: Thank you,  
17 Mr. President. And I will speak on the bill.

18 First let me preface my comments by  
19 saying that I respect all members in this  
20 chamber, and my words are not going to be  
21 critical of any member in this chamber. But I  
22 am going to be critical of a process, a  
23 process that has led to us this point where  
24 people are going to beginning to say, you

1 know, how long are we going to be here? When  
2 is this budget going to come to an end? When  
3 are you going to vote on this thing?

4 And we on this side are asking  
5 questions because we frankly have been  
6 excluded from the process. We haven't been at  
7 the table.

8 And with all due respect to my  
9 colleagues, from what I'm hearing to the  
10 answers to certain questions, I don't think  
11 you were at the table either. I don't think  
12 you had a part in these negotiations. I think  
13 the negotiations were done behind closed doors  
14 by three New York City Democrats in a room. I  
15 refer to them as the "Unholy Trinity."

16 This group has created a budget  
17 that has been characterized by the Albany  
18 Times Union -- not a bastion of  
19 Republicanism -- "State Budget Still Too  
20 High." The New York Daily News, not exactly a  
21 bastion of Republicanism: "Democrats Will Pay  
22 for This." The New York Post: "Setting  
23 New York Back 30 Years." Newsday: "Albany  
24 Gives Long Island A Slap." The Syracuse

1 Post-Standard: "New York leaders brag about  
2 cutting spending when budget is actually  
3 10 percent larger." So much for debate.  
4 Again, the Syracuse Post-Standard: "Stimulus  
5 Cash Drives Albany's Fuzzy Math." The  
6 Rochester Democrat and Chronicle: "Taxes,  
7 Fees Add Up to New York Budget." Rochester  
8 Democrat and Chronicle: "Upstate New York  
9 Business Leaders to Lobby Against This  
10 Budget." "State Spending, Massive Tax Hikes  
11 Draw Waves of Protest," the Buffalo News.  
12 "Rising utility taxes" -- Senator Parker --  
13 "is not the solution," the Buffalo News. The  
14 Watertown Daily Times: "Budget Secrecy."  
15 Binghamton Press and Sun Bulletin editorial:  
16 "Never enough. New York math increased  
17 spending 9 percent despite \$17 billion gap."  
18 I could go on and on. They're all  
19 over the place. Go into the blogs, go into  
20 anything you want. The process that has led  
21 us to this point has been closed, secretive,  
22 and negative. It was not open. People are  
23 not privy to the numbers, people are not privy  
24 to the information. You're trying to defend

1 something that frankly is indefensible.

2 This budget spends too much, it  
3 taxes too much, it makes no hard decisions, it  
4 does all the wrong things for all the wrong  
5 reasons. It should not be passed. It should  
6 be voted down. It should have been changed.

7 I gave the Governor a lot of  
8 credit. He introduced a budget in December,  
9 trying to get a head start. I had great  
10 confidence in him at that time. He was making  
11 the right comments. He was talking about  
12 cutting spending and making serious changes in  
13 the way we do business up here. And then  
14 something happened. The stimulus happened.

15 And this is a process that has led  
16 us to absolute chaos in this house and chaos  
17 in this budget process. I don't believe you  
18 were at this table. We certainly weren't at  
19 the table, which is why we're asking all these  
20 questions, trying to get answers so we can go  
21 back to our constituents and give them answers  
22 in response to what they're reading.

23 Your phones and our phones are  
24 ringing off the hook. People want to know:

1           How could you possibly support a budget that  
2           has all these taxes and only three people  
3           negotiated it? The answer is you can't.

4                       Madam President -- Mr. President.  
5           Gosh, you guys change quick. Mr. President,  
6           frankly I would prefer Andrea up there, David,  
7           but no hard feelings. And no disrespect.

8                       Ladies and gentlemen, this process  
9           has got to change. This is bad news. Our  
10          constituents deserve better. The taxpayers  
11          deserve better. And quite frankly, we all  
12          collectively deserve better than this which  
13          led us to this day.

14                      Thank you very much.

15                      ACTING PRESIDENT VALESKY:     Thank  
16          you, Senator Marcellino.

17                      Senator Hannon, on the bill.

18                      SENATOR HANNON:     I rise because  
19          there were several comments by Senator Parker  
20          that I thought really should be clarified in  
21          terms of their accuracy.

22                      The first one, the comments were  
23          about conference committees; the second one  
24          was about responsibility; the third was what a

1 tax is; and the fourth has already been  
2 covered by Senator Padavan, and I won't repeat  
3 myself.

4 But in regard to conference  
5 committees, Senator Parker said they're only a  
6 couple of years old. He's wrong. They  
7 started in the year 2000. And they had an  
8 enormous salutary effect on bettering the  
9 process.

10 Now, I was cochair because a member  
11 of the Assembly and a member of the Senate  
12 were cochairs. I was cochair, but it wasn't  
13 just majority, from Senators, it was a  
14 minority member of the Senate. Then it would  
15 have been the same pairing on the other side,  
16 a minority member of the Assembly.

17 The discussions, the presentations  
18 were done in public. Two hundred, 400 people  
19 were there. It was a large conference room in  
20 the Legislative Office Building. It was not  
21 all of the discussions, it was not all of the  
22 negotiations, but there were substantial  
23 parts. And as they were held, there was an  
24 accountability, there was an openness, and

1           there was a discussion.

2                        People who were interested in the  
3           healthcare aspects that were being discussed  
4           had a chance to know what was being discussed,  
5           to mark the negotiations, to know where they  
6           had to concentrate their efforts. They were  
7           broadcast throughout this Capitol, and they  
8           were broadcast throughout the state. All of  
9           that is missing from this process this year.

10                      Senator Parker, those went on not  
11           just when Eliot Spitzer got into office, not  
12           just when Governor Paterson took over, they  
13           were done under Pataki. They were a part of  
14           the reforms that the former majority leader,  
15           Joe Bruno, advocated. They were not easy.  
16           They were a lot of hard work.

17                      As the Senate cochair, I know that  
18           I had members in the Assembly, majority and  
19           minority over there, taking issue with what I  
20           said. And I had to defend myself -- not just  
21           here on the floor, I had to defend myself in  
22           front of everybody, explain. Were my  
23           arguments good? Did I have to change my mind?  
24           Yes. All of that went on. And the same thing

1 would happen when someone would start arguing  
2 with Assemblyman Gottfried or Assemblyman  
3 Grannis or Assemblywoman Barbara Clark, and it  
4 went on and on. Kevin Cahill.

5 So there was a lot of give and  
6 take. That's all been lost. And the people  
7 who are the biggest losers are not just us,  
8 it's the people of this state.

9 So let me correct that record. You  
10 just weren't correct. And I want you to  
11 know -- and I don't get up because I'm arguing  
12 with you, I get up because I want, as we go  
13 forward, you to know that if I'm here on this  
14 floor next year arguing with you, it's because  
15 we've gone through a conference committee  
16 process and the budget would be that much  
17 better.

18 Now, let me go to my second point  
19 that I want to clarify. You said you're not  
20 responsible for things in this budget that you  
21 didn't put in there, that maybe somebody in  
22 the Assembly put in there or somebody in the  
23 executive branch put in there.

24 Well, let me tell something. It's

1       your bill, and you're responsible for  
2       everything that's in each one of these bills.  
3       We were when it was our bills. If something  
4       went in there, we knew it. We had somebody  
5       sign off on every page of every bill before it  
6       went to print. You're responsible.

7                 And then you started to say, well,  
8       you know, we're only responsible for our  
9       actions. And you were weaving that in with  
10      the question of whether a raise in utility  
11      rates would be something we're responsible  
12      for.

13                Well, there's something we are very  
14      responsible for. If we raise the fees on the  
15      utility companies to, quote, administer the  
16      PSC, or we raise the covered lives assessment  
17      or we raise the patient services assessment or  
18      we raise the taxes on HMOs -- which we have  
19      done and are doing by almost a billion  
20      dollars -- and that's passed on to the  
21      families in New York, we're responsible.

22                Now, I'm not voting for that,  
23      because I don't think that's appropriate. But  
24      if you vote for it, you're responsible.

1           Because that's what a budget is. This is  
2           where the buck stops.

3                       So I just want you to know you  
4           can't duck it because you call it something  
5           else. It's a tax, it hurts people, they have  
6           to pay, and it's the wrong thing to do in the  
7           middle of a recession or a depression.

8                       Thank you.

9                       ACTING PRESIDENT VALESKY:     Thank  
10          you, Senator Hannon.

11                      Senator Klein.

12                      SENATOR KLEIN:     Mr. President,  
13          can we stand at ease till the call of the  
14          Majority Leader.

15                      And I want to recognize Senator  
16          Libous for an announcement.

17                      ACTING PRESIDENT VALESKY:  
18          Senator Libous.

19                      SENATOR LIBOUS:     Mr. President,  
20          there will be an immediate Republican  
21          conference in Room 315, please.

22                      ACTING PRESIDENT VALESKY:  
23          Immediate Republican conference in Room 315.

24                      SENATOR KLEIN:     And on behalf of

1 the Democratic Conference, there will be an  
2 immediate Democratic conference in the  
3 Majority Conference Room.

4 ACTING PRESIDENT VALESKY:

5 Immediate Democratic conference in the  
6 Majority Conference Room, Room 332.

7 The Senate will stand at ease.

8 (Whereupon, the Senate stood at  
9 ease at 3:23 p.m.)

10 (Whereupon, the Senate reconvened  
11 at 5:50 p.m.)

12 ACTING PRESIDENT VALESKY:

13 Senator Klein.

14 SENATOR KLEIN: Mr. President,  
15 can we lay the current bill aside for the day.

16 ACTING PRESIDENT VALESKY:

17 Calendar 132 is laid aside for the day.

18 SENATOR KLEIN: Mr. President, I  
19 do have a motion. I wish to call up Calendar  
20 Number 86, Assembly Print Number 5823.

21 ACTING PRESIDENT VALESKY: The  
22 Secretary will read.

23 THE SECRETARY: Calendar Number  
24 86, by Member of the Assembly Latimer,

1 Assembly Print Number 5823, an act to amend  
2 the Environmental Conservation Law.

3 ACTING PRESIDENT VALESKY:  
4 Senator Klein.

5 SENATOR KLEIN: Mr. President, I  
6 now move to reconsider the vote by which this  
7 Assembly bill was substituted for my bill,  
8 Senate Print Number 1901, on March 10th.

9 ACTING PRESIDENT VALESKY: The  
10 Secretary will call the roll on the  
11 reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT VALESKY:  
15 Senator Klein.

16 SENATOR KLEIN: Mr. President, I  
17 now move that Assembly Bill Number 5823 be  
18 recommitted to the Committee on Codes and that  
19 my Senate bill be restored to the order of  
20 third reading.

21 ACTING PRESIDENT VALESKY: So  
22 ordered.

23 SENATOR KLEIN: Mr. President, I  
24 now offer the following amendments.

1                   ACTING PRESIDENT VALESKY:

2           Amendments received.

3                   Senator Klein.

4                   SENATOR KLEIN:       Mr. President,  
5           are there any substitutions at the desk?

6                   ACTING PRESIDENT VALESKY:       There  
7           are substitutions.

8                   The Secretary will read.

9                   THE SECRETARY:       On page 12,  
10          Senator Kruger moves to discharge, from the  
11          Committee on Finance, Assembly Bill Number  
12          150C and substitute it for the identical  
13          Senate Bill Number 50C, Third Reading Calendar  
14          130.

15                   On page 13, Senator Kruger moves to  
16          discharge, from the Committee on Finance,  
17          Assembly Bill Number 157B and substitute it  
18          for the identical Senate Bill Number 57B,  
19          Third Reading Calendar 136.

20                   On page 13, Senator Kruger moves to  
21          discharge, from the Committee on Finance,  
22          Assembly Bill 159B and substitute it for the  
23          identical Senate Bill Number 59B, Third  
24          Reading Calendar 138.

1                   On page 13, Senator Kruger moves to  
2 discharge, from the Committee on Finance,  
3 Assembly Bill 156B and substitute it for the  
4 identical Senate Bill Number 56B, Third  
5 Reading Calendar 135.

6                   And on page 12, Senator Kruger  
7 moves to discharge, from the Committee on  
8 Finance, Assembly Bill Number 151A and  
9 substitute it for the identical Senate Bill  
10 Number 51A, Third Reading Calendar 131.

11                   ACTING PRESIDENT VALESKY:  
12 Substitutions ordered.

13                   Senator Klein.

14                   SENATOR KLEIN:     Mr. President, at  
15 this time I move to lay the entire calendar  
16 aside for the day.

17                   ACTING PRESIDENT VALESKY:  
18 Calendar Number 30 is laid aside for the day.

19                   SENATOR KLEIN:     And I move that  
20 we adjourn until tomorrow, Thursday,  
21 April 2nd, at 9:00 a.m.

22                   ACTING PRESIDENT VALESKY:     There  
23 being no further business to come before the  
24 Senate, on Senator Klein's motion, the Senate

1 will stand adjourned until Thursday,  
2 April 2nd, at 9:00 a.m.

3 (Whereupon, at 5:52 p.m., the  
4 Senate adjourned.)

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