NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 9, 2008

11:16 a.m.

REGULAR SESSION

SENATOR ELIZABETH O'C. LITTLE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LITTLE: The Senate will come to order.

I ask everyone present to rise and repeat with me the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT LITTLE: The invocation today will be given by Rabbi Carlos C. Huerta, who's the chaplain of the United States Corps of Cadets at West Point.

RABBI HUERTA: Let us pray.

Father, we have come to this sacred institution to honor the United States Military Academy at West Point. We have come to celebrate the lives and contributions of the men and women of the Academy, America's sons and daughters who have stepped forward to defend our nation's freedom.

But just as the struggle for freedom is met with the force of arms on foreign battlefields by men and women of character who embody the words of "duty, honor, country," so must the battle of freedom

also be met with the forces of wit and wisdom in the halls of legislatures such as these, by men and women of equal character who embody the words "We, the people."

Forty years ago this day we came together to mourn as a nation as we buried one of our greatest warriors of freedom, a dreamer, Dr. Martin Luther King, Jr.

As we stand here today to honor the United States Military Academy, may we here -- soldiers statesmen, citizens -- resolve that we as a state, that we as a nation will take the baton of the fallen dreamer forward, that we as the people will stand together to rid our land from the pestilence of pettiness, the plague of hate and discrimination, and the destructive force of bigotry and apathy, that as we heed the words of Jesus and take care of the least of these, our brothers, the light of our righteousness will shine forth and illuminate the world.

May these two sacred institutions, one that represents the American soldier and one that represents our sacred system of law, take on the dream of Dr. King so that we'll be

able to stand to speed up that day when all of God's children -- black men, white men, Jew, Christian, Muslim, people of all colors and all faiths -- will be able to hold hands and sing, in the words of the old spiritual, "Free at last, free at last, thank God Almighty, we're free at last."

ACTING PRESIDENT LITTLE: Thank you, Rabbi Huerta.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 8, the Senate met pursuant to adjournment. The Journal of Monday, April 7, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LITTLE: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe we have a resolution at the desk, 5153, by Senator Larkin. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 5153, memorializing Governor David A. Paterson to proclaim April 9, 2008, as West Point Day in New York State.

"WHEREAS, This Legislative Body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor David A. Paterson to proclaim April 9, 2008, as West Point Day in the State of New York; and

"WHEREAS, By an act of Congress, on March 16, 1802, the United States Military Academy was established within the borders of New York State on the banks of the Hudson River; and

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

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

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

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

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

"WHEREAS, The United States Military Academy is in the forefront of our state's outstanding institutions of higher learning; and

"WHEREAS, Fifty-six years ago, the late James T. McNamara, then a member of the New York State Assembly, and a member of the

Academy's Class of 1939, was the author of the State Legislature's first 'West Point Day' resolution; and

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

"WHEREAS, The members of this Legislative Body are proud to commemorate this event, marking April 9, 2008, as West Point Day in New York State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor David A. Paterson to proclaim April 9, 2008, as West Point Day in New York State; and be it further

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

ACTING PRESIDENT LITTLE: All in favor of the resolution please signify by

saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President, colleagues, cadets and Brigadier General Patrick Finnegan.

We add our voice of welcome to all of you here and also welcome our County Executive, Michael Breslin, who was a West Point graduate in '61, I believe, with his distinguished brother serving in the Senate here on my left, Senator Neil Breslin.

This is a very special day, General -- and for your first captain, Jason Crabtree, who I believe is from Kingston, Washington -- where you lead the delegation from West Point. West Point that represents, for the entire world, a steeple, a beacon of freedom, where young men and women for centuries -- I believe it's the oldest military institution in the nation -- attend.

The General, having graduated in '71, having gone on through Harvard Business

and getting a master's in business administration, in public administration, is truly a credit, decorated in so many ways for his valor and his leadership. Appointed by the President, serves at the pleasure of the President.

Every one of these individuals, the cadets representing everyone in that great institution, each one being selected because they really are outstanding in so many different ways. With your ability to communicate, your athletic ability to do the kinds of things that you do, the intellect that helps you put together everything that you have to put together to qualify and to succeed.

The most important thing, in these times of crisis in the whole world, where men and women are serving and dying -- and Rabbi, thank you for that beautiful prayer. You said it right, we are free. And we are free because young men and women step up in leadership positions, put their lives on the line without any thought of anything other than doing the right thing for themselves,

serving in valor and distinction for their families and for every person in the United States and in the free world.

Your families, everyone that knows you, they're proud of you, proud of what you do and how you do it. And I know that you would feel a tremendous sense of pride that you are separated from your peers with the distinction of being a cadet at West Point, the United States Military Academy, the best in the world.

Our Senator Little, her son serves as a commander in the Navy, the Navy Air, flying I don't know how many in and out of Iraq, Afghanistan; now stationed in Japan.

When you go on with your lives, you'll never know where the future will take you, but you will know that you have started in your life and where you are now, that you are special, that you are doing special things, that you are looked upon as accomplished and special at your tender ages.

So it's an honor, representing the conference. And we have a colonel here in Senator Larkin who represents that area, with

others, in making sure that everything and anything that can be done is done to respect and honor what you do and how you do it.

Madam President, by way of schedules, we are going to -- this is the most important thing that we will be doing this morning. We are going to recess after this event and this ceremony, and then you're all invited to a reception here to honor the cadets and their officers and leadership.

We will reconvene in session at 1:00. And we have the last of the major budget bills to pass this afternoon so the 19 million people of this state will have a budget in place that they need in order to enjoy a quality of life.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Bruno.

Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. Thank you, Senator Bruno.

You all know, if you haven't met him yet, Senator Bruno's shy brother is sitting down there, Colonel Dan Bruno. Notre

Dame graduate, though, you know.

You know, what an honor it is to stand before you and talk about West Point. I live on the road to West Point, on 218. I've seen things come and go. I've had a distinct privilege, having served 23 years -- at one time in the same unit with Senator Bruno. He was a gallant first sergeant in the 35th Infantry Regiment of Tropical Lightning, better known as the 25th Infantry, while I was honored to serve in the Wolfhounds, the 27th. We showed them, Joe.

You know, General Finnegan, it's an honor to be here with the cadets. You know, when you get to be my age, you start to look back at your past and what you think about at West Point. We've had two presidents went to West Point. We have had the first to walk in space, West Point. We've had numerous Medal of Honor winners. We've had scientists. We've had everything that you could think about came out of West Point. And the three words, "duty, honor, and country" were embellished on everything that was done by these cadets.

You know, somebody said to me the other day, I was in the Panama Canal. I said no, I wasn't, but a member of West Point was the architect for it.

We just had, two days ago, a Navy Seal presented with the Medal of Honor. My recollection is there are 80 Medal of Honor recipients who graduated from West Point. There are 82 Rhodes Scholars and three Heisman Trophy winners. You know, someone doesn't appreciate it, General, but I do. I know schools that don't have any.

But let's look at what we're talking about. We have a leader here with us today, General Finnegan, who's the academic dean. You know, those of you in your own colleges, you know who the provost was and who the dean was. But this academic dean doesn't get appointed by friends and relatives, he gets appointed by the President.

It's a tenure. It's a tough job. It's a tough job because your commitment -- General Swezey's looking at him. He's remembering the days he was there, Pat -- what happens? The guidance, the father of all

cadets. Because it's his job to ensure that these cadets are not just academically prepared but they are everything prepared for the day they graduate and go on to something new.

We look at what we have here today, the cadets here today. They're from around America. When I first heard Cadet Crabtree was coming and it said Kingston, I thought, man, that's great, just down the road here. But then it has to say the State of Washington. We may convert you yet.

You know, General Finnegan, you know, we look at some people with awards and decorations. I'm proud to wear them today because the new Army regulation, if I'm correct, General, said when you're having events including the military, you do it.

I'm also proud to have someone from my district here honored. She was one of the starlets of what is called the Odyssey of the Mind. And I thank you. And I attended more than one of those meetings. Thank you very, very much. Cornwall won them all, and she was the leader, just like she is at West Point.

Thank you.

You know, I think it's most important that we identify these cadets. And I would ask that when we identify you, please stand up. Because there are people here on both sides of the aisle -- this is not a divided aisle today, this is an aisle that comes together in appreciation for what you stand for.

And, first, Cadet Jason Crabtree, from Kingston, the State of Washington, First Captain. Thank you very much.

(Applause.)

SENATOR LARKIN: Cadet Tom Jebb, from Ticonderoga.

(Applause.)

SENATOR LARKIN: Cadet William Kennedy, from Hicksville.

(Applause.)

SENATOR LARKIN: Cadet Whitney Marx, from Jamesville.

(Applause.)

SENATOR LARKIN: Cadet Daniel McGrath, from Bethpage.

(Applause.)

SENATOR LARKIN: Now, I hope I don't get this wrong; they did this phonetically for me. It says Cadet Hemanth Nalmothu, from Bayside.

(Applause.)

SENATOR LARKIN: Cadet Michelle Shin, from Great Neck.

(Applause.)

SENATOR LARKIN: Cadet Benjamin Sylvester, from Poughkeepsie.

(Applause.)

SENATOR LARKIN: Cadet Jacqueline Uhorchak, from Highland Mills.

(Applause.)

SENATOR LARKIN: She also went to school with my nephew -- I mean my grandson, excuse me.

UNIDENTIFIED SENATOR: It's tough at your age.

SENATOR LARKIN: Be nice now.

Cadet Brian Walsh, from Orangeburg.

(Applause.)

SENATOR LARKIN: Cadet Bovey Zhu, from Stormville.

(Applause.)

SENATOR LARKIN: Now, you know, we've given each one of them a round of applause. They're the pride and joy of America.

If you ever get the opportunity to sit on an Academy Review Board, you should do it, because you'll meet the finest and the best coming to the boards. And you start to realize that sometimes there's 15,000, 20,000 applicants across America, and you have to be a partner in reducing that to the allocation.

There's 4,000 members of the Corps today. Graduation will be in May. And when you think about life, think about the firsties. For those of you don't understand it, that means seniors. That's the day when they break the knot, toss the hat in the air, and move on. And most of them will go to places that they will be in harm's way.

They understand the mission. The mission is terrorism and what we have to do with it. They have a super mentor, Class of 1974, General Petraeus, who's from Cornwall, New York. An honorable, dedicated, committed American.

And when we start to look about this, we start to think about how fortunate we are as Americans to have people like Senator Breslin's brother, highly decorated combat veteran, Vietnam. Very decorated. And everyone here.

But what we need to do is to start to remember that these are people who work in our communities. In a couple of months we will have our Olympics, Special Olympics, where you will see parents from the Hudson Valley with their children. And you will see the engagement by the cadets, from plebes to firsties, and how they engage with these people. The cadets also do a lot of work in our communities.

And, you know, let's not forget what the community otherwise benefits from it. Four thousand cadets, that spends a lot of dough in your community. The goods that are brought there, the staff and faculty that live there. West Point is a community of close to 10,000 people, and they're very positive in what they do for the economy.

I just think that we're looking at

a bedrock of dedicated human beings. You know, when I look in the eyes of the cadets and think of what they're going to be, I think of my 23 years. I never met a member of the Long Gray Line that I was ashamed of. I never met a man or woman from the Long Gray Line that I wasn't proud to serve with, be it a peer, subordinate, superior, because they always had those three words: "Duty, honor and country." And as long as we've got them, this nation will go.

I'm proud that I represent West Point. A little emotional. But when I hear people downgrade our military, be disrespectful, it hurts. Because you have volunteered for this. You have said "I want to make a difference in my country, and I want to be here." Whether you're in the infantry, engineers, signal, aviation, whatever -- every piece of that pie comes together, and it comes together because you have made a commitment.

You didn't go to West Point so you could avoid the draft. You didn't go to West Point because you thought it would be cheaper. You didn't go to West Point because you knew

you couldn't go out in your plebe gear on Friday nights. You went to West Point because you wanted to be a part of that great institution.

Ladies and gentlemen, the Corps of Cadets.

(Standing ovation.)

ACTING PRESIDENT LITTLE: Thank you, Senator Larkin.

Senator Bruno.

SENATOR BRUNO: Thank you, Senator Larkin, very, very much.

And with the indulgence of the conference, we're going to ask, Madam President, for unanimous consent to ask General Finnegan if he would approach the rostrum and address the Senators and the people assembled here.

Thank you, General.

ACTING PRESIDENT LITTLE: Thank you, Senator Bruno.

General Finnegan.

GENERAL FINNEGAN: Senator Bruno, Senator Larkin and members of this distinguished Senate, thank you for having us

up here again. The Academy always appreciates West Point Day in Albany.

I bring you greetings from our superintendent, Lieutenant General "Buster" Hagenbeck, who has a special connection to New York.

I have a connection as well. I'm not only a West Point graduate, so I spent four years at West Point back in the 1960s and early '70s, but I've been at West Point now, back at West Point for about a decade, so I've spent 10 more years in New York.

But my dad was from New Jersey -- I have to admit that -- but a strong New York Yankees fan. So my five brothers and me are all lifelong Yankee fans, a heritage from my father.

My youngest grandson, Connor, age 2, was born in Peekskill, New York. And he and his mom and dad and brother now live in Highland Falls.

But my strongest connection to New York is a girl named Joan, who was born in Brooklyn, grew up in Westbury, Long Island, went to nursing school in Syracuse, and whom I

met when I was a yearling, a sophomore at West Point, in 1968.

I'd gone to high school in Baltimore, so I was a Baltimore Colts fan. She was a New York Jets fan, and she never let me forget, in January 1969, the results of Super Bowl III.

But she and I have been married for almost 37 years now, and I'm happy to bring her back to New York.

The Army has a strong presence in New York and greatly appreciates the tremendous support provided by the Legislature, the towns and communities, and the families that support our mission in so many ways, to include military service.

Last year the Army needed to put 107,000 people in uniform to meet its goals in the active Army and Reserves, and New York continues to answer the call to duty. More than 3800 New Yorkers enlisted in the regular Army, and over 1300 enlisted in the Reserves.

There are two major military installations in New York, Fort Drum and West Point. And our superintendent, General

Hagenbeck, has had the privilege to command both. Right now there are nearly 17,000 soldiers stationed at Fort Drum, although many of them are currently far from home, deployed in harm's way. And along with those soldiers, there are about 15,000 family members at Fort Drum.

On behalf of all those who climb to glory as part of the 10th Mountain Division team and community, thank you for the support you've provided and the support you'll continue to provide.

West Point is a slightly smaller military installation, about 4,000 military personnel and family members. But our mission is large. We produce leaders of character for our Army and our great nation. And the Academy could not accomplish this without the continued support of the New York Legislature and the surrounding communities outside our gates.

We work hard to be good neighbors and partners. And today Senator Bruno and I signed the Army Community Covenant. It's designed to develop and foster effective state

and community partnerships with the Army in improving the quality of life for soldiers and their families. It recognizes the strength of soldiers and families and the support of the community.

This is a great initiative countrywide, but here in New York you have been longtime supporters of West Point, and the Army Community Covenant signing in Albany is a great formal recognition of that support. And we are, today -- this was the first signing of the Army Community Covenant nationwide, so you are the first.

We have these cadets from New York. There are 414 cadets from New York, including 78 women. That represents more than 10 percent of the Corps of Cadets. And today, along with Cadet Jason Crabtree, the First Captain for the Corps of Cadets -- who, by the way, is one of those 82 Rhodes Scholars that Senator Larkin mentioned -- we've traveled to Albany with those cadets from across the Empire State.

I'm proud of all these young men and women as well as all those who have signed

up to serve while our country is at war. And among these cadets who are here are NCAA athletes, club sport athletes, national champions, Dean's List students, cadet leadership, first generation Americans benefitting from opportunities provided by this great nation, those with strong family ties to the Academy and the military, with relatives who are currently serving in support of the Global War on Terror.

All are future leaders of this country. I know that you're also proud of them, and we couldn't do it without you.

You know, leaders are made and developed, not born. And that's what we do at West Point. We challenge them every day, physically and intellectually, to achieve excellence. We instill those virtues of duty, honor, and country to produce leaders of character for our soldiers, for our Army and for our nation. We bring in the best and brightest from New York and those other states and develop leaders. And let me tell you just about a couple of them.

Lieutenant Bryan Jackson, West

Point Class of 2005, last May was awarded the Distinguished Service Cross for his actions in Iraq. He earned that award as a second lieutenant. It's the second-highest award, second only to the Medal of Honor. And he's only the second individual ever awarded that in the Global War on Terror.

Bryan Jackson is a field artillery officer assigned to an infantry unit. When an infantry platoon came under heavy attack, he responded with his company commander and first sergeant and a relief element to go help them.

When they arrived at the site, they were taken under an ambush, heavy machine gun fire, and all of them were wounded, including Bryan, who was shot and wounded in the hip, lost consciousness briefly, regained consciousness and returned fire, protecting his wounded comrades.

He was wounded again, shot in the hand, again briefly lost consciousness but continued to fire, continued to protect his fellow soldiers. He refused medical evacuation until the others were evacuated. And in fact, he personally carried the first

sergeant to safety.

Bryan was one of my students when he was a cadet at West Point, and so I was honored to attend the ceremony in the Pentagon when Secretary Geren awarded him the Distinguished Service Cross. But what was even more meaningful was that the company commander and first sergeant were there at the ceremony because of Bryan's actions.

Let me tell you about another reason -- the reason I'm proud to be at West Point is because of cadets, to be associated with them. I'll tell you a story.

On Good Friday last year, we got a call from the Pentagon. They said, "Admiral Wu wants to come visit you tomorrow." Admiral Wu is the top-ranking admiral in the Chinese Navy. You ought to kind of like his title, though. He's the Chief of Naval Operations for the People's Liberation Army (Navy).

He wanted to come visit us. We said, "Why doesn't he go to Annapolis?" They said, "He's already been to Annapolis. He wants to come to West Point."

So Admiral Wu and six other Chinese

admirals were coming to visit us the next day, on short notice. We weren't sure what exactly we were going to do with them, but we had four cadets who had spent a semester abroad in China. We asked them to be our interpreters and translators. We had lunch with them, and then the plan was to take Admiral Wu and his entourage on a historical tour of West Point. We thought this is a great historical place, we'll do this.

We finished the lunch, we trooped out, we got on the bus, we sat there on the bus. We had a professor from our history department ready to give them a tour. And Admiral Wu turned to me, through his interpreter, and said: "We just want you to know we don't care a thing about history."

(Laughter.)

GENERAL FINNEGAN: "All we want to do is see cadets."

So I said to our history professor, "Your work here is done, you can sit down."

We took him over to see some cadets. And then we had a little bit of time left, we had no particular idea of where we

were going to go because our plan had gone out the window. We said, "Why don't we take you over to our gym, Arvin Gymnasium, and we can show you what the cadets do there. There's swimming courses, there are indoor obstacle course tests." And he said sure.

So we had our four cadets speaking to them in Chinese, trying to explain to them this indoor obstacle course test that every cadet does. We went into the gym, and there are climbing ropes that hang from the ceiling of the gym.

And Admiral Wu turned to one of our cadets, who was dressed like they are today, in their dress gray, and said: "Can you climb the rope?" And he did, to the top of the rope and down. And Admiral Wu said: "Oh, yeah, but you used your hands and your feet."

Well, there were three other cadets who happened to be in the gym that day. They had no idea we were coming, because we had no idea we were coming there. And I went over to the three of them, out of earshot of Admiral Wu, and said: "We're trying to explain to Admiral Wu, People's Chinese Liberation Army

(Navy) about the indoor obstacle course test. We're not sure he gets it. Would one of you be willing to run through it for him?"

And one young man, without hesitating, said, "Sir, I'll do it." Turns out he was a plebe, a freshman, and he's from New York.

He came over and met Admiral Wu. And the first thing Admiral Wu said to him is: "Can you climb the rope using just your hands?"

And he did. He climbed to the top of the rope using just his hands, he came down, and then he ran through the indoor obstacle test -- which, as any these cadets can tell you, is a pretty good test of endurance and strength -- in about three minutes.

He came over to Admiral Wu a little bit out of breath, but he did it just fine. Admiral Wu shook his hand and gave him a coin and said: "Why did you come to West Point?"

I had no idea what he was going to say. I'd never met him, never seen him. But without hesitating, this young plebe said:

"Sir, I want to be an officer, I want to lead soldiers, I want to serve my country."

I don't know what else you would want. That's what these cadets are about.

Let me tell you about one other graduate. First Lieutenant Jonathan Edds, West Point Class of 2005, died leading his platoon in a firefight in Iraq last August. His older brother Joel, West Point Class of 2004, is a captain in the Army stationed at Fort Drum, recently returned from his own tour in Iraq. Their younger brother Josh is a senior at West Point, a firstie, Class of 2008.

These three boys come from a Midwestern family with no military background, but all heard the call to serve their country. Jon Edds was a plebe at West Point for just over two months when planes were flown into the World Trade Center.

When his parents were notified of Jon's death, they contacted his brother Joel at Fort Drum, and Joel drove from there to West Point to tell Josh about their loss.

About a week later, Jon's funeral

was held at West Point. His older brother eulogized him, talked about their time at West Point together, what a transforming experience it had been, and how they felt a brotherhood, not just of family but with all soldiers.

I was privileged to represent the Chief of Staff of the Army at the funeral that day, a duty I had requested in part because I had known and taught Jon as a cadet. When the funeral service was completed, Mr. Edds, the father of these three young men, approached me and said, "What Joel said was right. West Point took our boys and not only turned them into men, it transformed them into something more -- leaders who understood service. I just want you to know that if we had three more, we would send them here."

These are difficult times for our Army and occasionally, like that one, very difficult days at West Point. We face challenges in resourcing and recruiting. We appreciate the help many of you have already given, and ask all of our friends to continue to help us out.

West Point is your school as well.

It's your Academy. And in a sense, we win a national championship every year when new lieutenants like Bryan Jackson and Jonathan Edds and these cadets graduate and uphold the finest traditions of the Long Gray Line, living the motto "Duty, honor, country."

Thank you once again for having us and affirming the importance of the critical relationship between West Point and New York. Come see us. Come see your Academy. What we're privileged to do, what we've always done, is help develop and prepare the next generation of Bryan Jacksons and Jonathan Edds and these cadets from New York. Come talk to these cadets. They'll inspire you as they inspire me and all of us at West Point.

Thank you, and Go, Army!

(Standing ovation.)

ACTING PRESIDENT LITTLE: The resolution is open for cosponsorship. All Senators will be placed on the resolution. Any Senator not wishing to be on the resolution please notify the desk.

Senator Bruno.

SENATOR BRUNO: Madam President,

General Finnegan, thank you. Thank you for the appropriate observations and comments, for those moving reminders of just how important all the things that you represent, with First Captain Jason Crabtree being representative of all of the cadets. But to the officers, to all of you, and to Senator Larkin for his leadership here and your representation, we just say, again, thank you.

Every member in this chamber, I can share you with you, would like to be up making observations and comments from their heart to you. Senator Maltese, Vinnie Leibell, Senator Bonacic and many others have requested an opportunity to speak.

You are and we are in time constraints, and I know how important that is in your life, to be precise, and in our life, so that we can move on this afternoon, after this important business, to do the rest of the people's work and enact a state budget.

So I am going to ask the indulgence of my colleagues here. And again, we say thank you, from the bottom of our hearts, for your valor, courage, for everything that you

represent for all of the people who want to be free, not just in the United States but throughout the world. You truly are very, very special people. Thank you.

And, Madam President, I would move that we stand in recess till 1 o'clock and invite those that are here to join with the General and the cadets in the Majority Conference Room, where there will be a reception.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Bruno.

The Senate will stand in recess until 1 o'clock. Thank you.

(Whereupon, the Senate stood at recess at 11:56 a.m.)

(Whereupon, the Senate reconvened at 1:03 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT DeFRANCISCO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe we're still on the order of motions

and resolutions.

ACTING PRESIDENT DeFRANCISCO: That is correct.

SENATOR SKELOS: And Senator Griffo has two motions at this time.

ACTING PRESIDENT DeFRANCISCO: Senator Griffo.

SENATOR GRIFFO: Mr. President, on behalf of Senator Golden, on page 25 I offer the following amendments to Calendar Number 411, Senate Print Number 6966, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT DeFRANCISCO: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Excellent job, Senator. Do you have another one?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT DeFRANCISCO: Well, let's get to it, then.

SENATOR GRIFFO: Jack, are you whispering to him?

(Laughter.)

SENATOR GRIFFO: Mr. President, I move that the following bills from Senator Marcellino be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 7506, from Senator Marcellino.

ACTING PRESIDENT DeFRANCISCO: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Finance Committee in Room 124 of the Capitol.

ACTING PRESIDENT DeFRANCISCO: There will be an immediate meeting of the Finance Committee in Room 124 of the Capitol.

SENATOR SKELOS: And we'll stand at ease.

ACTING PRESIDENT DeFRANCISCO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 1:05 p.m.)

(Whereupon, the Senate reconvened at 1:29 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN:

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 508, by Senator Marcellino, Senate Print 619, an act to amend the Vehicle and Traffic Law, in relation to enforcement.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

603, by Senator Golden, Senate Print 6821A, an act to amend the Public Authorities Law, in relation to providing financing.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 50th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 609, by Senator Robach, Senate Print 7222, an act to amend Chapter 206 of the Laws of 1974 amending the Labor Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator DeFrancisco, Senate Print --

SENATOR SKELOS: Lay it aside for the day, please.

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

The Secretary will read.

THE SECRETARY: Calendar Number 693, by Senator Skelos, Senate Print 962A, an act to amend the Public Officers Law and the Civil Practice Law and Rules, in relation to provision on public agency records.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 699, by Senator Trunzo, Senate Print 885, an act to amend the Vehicle and Traffic Law, in relation to dealers and dealer registration.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos, that completes the noncontroversial reading of the calendar.

SENATOR SKELOS: Mr. President, thank you.

If we could return to reports of standing committees for the report of the Finance Committee.

ACTING PRESIDENT MORAHAN: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following bills:

Senate Print 6801B, Senate Budget Bill, an act making appropriations for the support of government;

6803D, Senate Budget Bill, an act making appropriations for the support of government;

And Senate Print 6807C, Senate Budget Bill, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Without objection, all bills are reported directly to the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: If we could go

to Number 767, please.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 767, Senate Budget Bill, Senate Print 6801B, an act making appropriations for the support of government: Legislature and Judiciary Budget.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MORAHAN: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read the last

section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 768, Senate Budget Bill, Senate Print 6803D, an act making appropriations for the support of government: Education, Labor and Family Assistance Budget.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MORAHAN: All in favor of accepting the message of necessity

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I just am pleased that there's a small component in this budget bill of $15 million to help those families who live near the rivers that have been damaged by floods. This is the first time we have done this.

I want to thank Senator Bruno, who

fought hard to have this item stay in the budget, because I know the Governor and the Assembly did not want to do this piece.

So now that we have it, it will not only help our flood areas but many other Senators who have families who live in primary residences who can't sell their homes because of being in a flood area and having actually had damage to their homes in the past.

So they will be better protected, and hopefully this will be a base for continued support for these families as we go forth into the future.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, thank you, Mr. President.

I vote aye, but I want to make it very clear that traditionally the split between SUNY and CUNY has been 60/40. And that this budget, because of cuts by the Executive, the traditional percentage may not

be as clear-cut as it's been in the past.

And hopefully we will be able to come together at an earlier date and perhaps resolve some of these issues, because I am very concerned about the future of the State University of New York as well as the City University of New York, because it seems to me that every person who is able to benefit from a public college deserves that opportunity.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Stavisky. You will be recorded in the affirmative, as will Senator Bonacic.

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, unfortunately I was not in the chamber when the bill was called, so I will try and be as brief as I can. I realize my time is limited.

I rise to express my concerns about an issue which rather plagued me as the chairman of the Senate Education Committee, an issue dealing with Contracts for Excellence, a

proposal which was brought to us by the very same people and the very same mindset under former Governor Spitzer that gave us driver's licenses for illegal aliens.

The fact of the matter is is this was not put together in a fashion that reflects any educational policy. It basically represents a policy driven by numbers. It represents a policy that ostensibly is about accountability. It represents a policy that treats jaywalkers like violent felons.

It's a policy that says if you have a school that's in need of improvement -- and I will cite an example in my district of a school district with some 10,000 students that has one school out of 13 in which that school has one subgroup that fails to comply with AYP. And for that glorious infraction, they are now treated pretty much like any other school district that could have as many as a dozen, 15 failing schools.

By way of comparison -- and that's not to demonize or denigrate -- I find that this particular school district, the Arlington School District, is treated in the exact same

fashion as the Syracuse School District, a district with some 33 schools and certainly far more numbers of educational problems within their schools than does Arlington have.

And thanks to this, what happens is effectively there is a complete loss of discretion, although there's some window dressing that would say that there is some greater degree of autonomy. And yes, I should acknowledge there is some greater degree than there was last year. But these districts are effectively hamstrung, if you're a C4E district, with regard to the additional money that you receive.

Be mindful of the fact that, once again, there are districts that are on here because their cardinal sin was that they didn't have enough kids to take the required NCLB tests. Be mindful of the fact that, once again, 30 percent of the districts are successful school districts. Be mindful of the fact that if you are fortunate enough not to have a school under C4E, you're being spared a terrible nightmare.

But for the 40 districts that are

currently in, it is a horrible nightmare. There's no proportionality. It's a one-size-fits-all. There is little or no recognition that there are gradations of the failure to pass or meet the required state and federal requirements.

So, Mr. President, at one and the same time that we acquiesce in, once again, this C4E, I would share with you what I think is moderately good news. In conversations with the Governor, the Governor seems to understand the need for proportionality. We may well have the opportunity to revisit this, although I doubt it will be this year.

But I would also suggest that all that glitters with this is not gold. This is more like alchemy. This is more like fool's gold. There are 1.1 million students, I believe the Commissioner has said, who are impacted by this Contract for Excellence, and probably 95 to 98 percent of them are currently in the Big Five. We've done little or nothing to resolve the issue; we've put it off yet for another day.

Notwithstanding that,

Mr. President, as much as I'm significantly torn, I intend to vote for this budget based upon a number of other factors which I will not abuse my time with by reciting.

Thank you, sir.

ACTING PRESIDENT MORAHAN: Thank you, Senator. You will be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Well, it's a big set of bills.

ACTING PRESIDENT MORAHAN: Sure is.

SENATOR LIZ KRUEGER: And I don't think the public really had a chance to look at them and read them. Thanks to computers, at least I got to review them at some level.

We're late, and there's pressure on us to move a budget. But again, I am frustrated that we are in violation of the budget reform bill requirements we passed last year.

There are no memos on our desks.

There's no simple language explanation for the public. There were not three days; these are message of necessity bills.

There are things that I like very much in these bills. I'm glad to see that we're holding the line on education funding needing to stay within the formulas, with accountability required. I am very happy to say that there's almost $200 million in new money for affordable housing in these budgets. My colleague Senator Bonacic referenced a flooding program.

But there's also several hundred million dollars that I would argue, in bad economic times, where we know that affordable housing is desperately needed and where there's documentary evidence that investing in affordable housing creates an economic domino effect in local economies which will bring private-sector money to the table for building housing and create jobs in the areas we most desperately need them in bad economic times, that we have made some headway this year for the first time in a long time.

So I do want to thank the Governor

and my colleagues for recognizing, finally, the importance of moving forward on housing.

But I also need to say I'm very concerned about the funding distribution in CUNY and SUNY that my colleague Senator Toby Stavisky already started to talk about.

And I'm very concerned that we do have large lump-sum allocations in the economic development package in this bill where, to be honest, most people don't know where that money will go. Nor are we sure where we're getting it, but that's perhaps a discussion for sometime down the road.

But I just want to remind my colleagues that while we didn't meet our obligations on the Budget Reform Act for what we did pre passing the budget, we do have obligations to move line-item resolutions through these two houses before we spend lump-sum appropriations in this budget, which I believe total at least $700 million in two $350 million pots. So we will have to revisit that.

And I remind my colleagues that this year, unlike last year, we must meet our

obligation for the 30-day reporting after passing this bill that we also passed into law last year, where we said that within 30 days of passing a budget the Legislature must estimate the impact of the budget on the General Fund, local governments, and the state workforce.

So on the items we have added, we have work to do. And this year we're not going to violate that legal obligation like last year.

And the Executive, also from that same budget bill we passed last year, the Executive is required to enact a budget financial plan and capital financing plan within 30 days of passing the budget.

So we do have much work to do within the next 30 days. And I think that what will be included is a better understanding for all of us in explaining to our constituents and to the people of the State of New York what we actually did here this week and last week as far as what we really put our money into.

Again, it's a bill that I will vote

for because I feel that given the parameters we've been offered, it is a bill I would prefer to say yes to than no to. But I also think if someone were to ask us to grade ourselves on how we handled the budget process this year, particularly in light of laws we ourselves passed a year ago, we would not be able to give ourselves very good grades for the process or the outcome this year.

But saying all of that, I will be voting aye. Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator. Senator Krueger will be recorded in the affirmative.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I just rise to briefly say, coming from a district that is very interested in an on-time budget, we did the best we could in coming close, as they say in government work, to get it done within nine days. This is the last pieces. We have done most of the budget prior to today.

But let me just say there's no such

thing as a perfect budget. But this is about the best we can do in a very, very difficult year. But I think that everybody in this chamber owes a debt of gratitude to the staff who worked on this thing, negotiated in both houses on both sides of the aisle, going without sleep day and night, day and night, for the past week or more. And we certainly owe them a lot of thanks for putting this together.

And again, this is the best -- it's not the perfect budget, but there's a lot of good things in here and I think it's one that we can be proud of. And I look forward to voting aye.

Thank you very much, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Farley. Senator Farley will be recorded in the affirmative.

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you very much, Mr. President. Just very briefly on higher education.

We had very, very deep cuts,

5.35 percent, and a $90 million restoration to try and make cuts of $155 million make some sense with $90 million.

And I would say the members of the committee worked very diligently to restore the cut to community colleges that was $10 per FTE. The committee felt that was a very important priority given the fact that our community colleges are the gateway to higher education.

We were able to restore money to the Opportunity programs and the $15.2 million cut to the Tuition Assistance Program, here again to ensure that our students have access to a higher education. We also divided the remainder, a $44 million amount, between SUNY and CUNY.

I must differ, as I did during the deliberations, with the ranking member on the Higher Education Committee, because the split for operating aid had never been determined 60/40. It actually is determined by what the Executive has put into the budget.

In most years, if you do a 10-year spread, you would see that the spread is

70 percent SUNY, 30 percent CUNY. This year, Governor Spitzer put in a split approximately 68/32. And the negotiations with the Legislature just changed things one-tenth of a percent over the Executive Budget. And if you look at prior years, tenths of a percent is all that was really changed from the Executive Budget to the final budget.

So I think given what we had, and the cuts, that we did a good job, we established our priorities, we stuck by our priorities. And I think we've done a good job for higher education.

ACTING PRESIDENT MORAHAN: Thank you, Senator LaValle. You will be recorded in the affirmative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I also will be voting for this bill. I share many of the concerns expressed by my colleagues. The process this year was dreadful. Part of that was due to the changing circumstances of the Executive

branch, which put the new Governor in a very difficult situation. We have managed to pull ourselves together.

But there is still cause for concern for me when we have a budget that passes that keeps open OCFS facilities that we don't have enough children to fill up.

And that I do believe this budget addresses many of the needs of New York City schools, for which I am tremendously grateful and I appreciate all the hard work that went into that.

To address the final point that Senator LaValle and Senator Stavisky have addressed, my understanding and my recollection is very clear that we've never authorized or approved or stood for a 70/30 percent between SUNY and CUNY.

And I hope that we will not be moving forward, as we go forward this year to address other budget issues -- because I have a feeling we'll be back to review these matters -- I hope we're not going to go forward trying to pit one part of the state against the other. We should not be trying to

take money away from CUNY in order to help SUNY. That's a false choice.

This is a glorious era in the time of the City University of New York. They are accomplishing things undreamed of. They need our support. Our intellectual capital, our human capital for the City and State of New York are our children. We have to give them an excellent, affordable higher education. And I will resist any effort to change the traditional numbers and to move money away from CUNY.

Having said that, under all the circumstances, I think this is about the best we can do, and I will be voting in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Schneiderman. You will be recorded in the affirmative.

Does any other Senator wish to speak?

Senator Adams.

SENATOR ADAMS: Yeah, I just want to join.

I too will be voting in the affirmative to this budget, but I want to join my colleague Senator Schneiderman that we should not get into a position where our children in any part of the state are unimportant.

When you look at the men and women who fill our correctional facilities, there's only one common denominator. It's not ethnicity, it's education. And the failure to get a proper education will deny them access to participate in this great state. And so I think it's important, instead of getting into a dialogue on 60/40 or 70/30, to get in a dialogue ensuring that all of our institutions are properly funded.

There's a major cut in the CUNY system. I'm extremely disappointed that the budget is showing that they are not going to receive millions of dollars. After moving ahead and bringing that college to the level, that institution to the level of education that it deserves, we cannot take a step backwards. And that step backwards should not take place in SUNY, and it should not take

place in CUNY.

In addition, I was hoping and I hope we will look to, next year, to look at a loan forgiveness program for our social workers, who are dedicated, committed professionals. And just as we have loan forgiveness programs for others, hopefully next year we can look to do the same for them.

But I will be voting aye on this budget.

ACTING PRESIDENT MORAHAN: Thank you, Senator Adams. You will be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

I'm also voting yes. But before I vote yes, I have to -- I join my colleagues in their worry and their knowledge of the lack of money, the lack of consideration for education.

However, we all got elected. And as State Senators, we're supposed to come here and protect the whole state. The fact of the matter is that all of us are concerned with

our district. Each one of us represents certain districts. And the people in those districts, they come to our offices, they come to us and they press us for things that they think are supposed to be done in their respective district.

For example, I represent the 32nd Senatorial District. And throughout the year, after Governor Spitzer introduced his Executive Budget, I have been getting people who come to my office to talk to me with different concerns. And one of those concerns of the people in my district was they had concerns with the juvenile center that was supposed to be closed, Pyramid.

And today, thanks to my conference and thanks to the direct intervention of Senator Bruno and Senator Skelos and Senator Malcolm Smith, I could say to the people in my district that that center is going to be kept open.

People in my district, even though the hospital is not in my district, it is in a district -- I'm talking about Westchester Square Hospital, which is in the district of

Senator Jeff Klein. But people in Castle Hill, part of my district, people in Parkchester, part of my district, they use the services of that hospital. So they came to my office.

And today, you know, we're going to vote, we're voting, we voted before and we going to vote today and maybe today we end with the whole thing. But under the leadership of Senator Jeff Klein, our Deputy Minority Leader, I could tell the people in my district that after this process is done, Westchester Square Hospital will be open. I could tell everybody in my district that the five nursing homes in my district that was suffering, I could tell them that the $85 million from last year, it's been put back in the budget and all the money has been put so they could hire more people.

So I could tell people in my district that even though this is not a perfect budget, we are doing and we have done at least the best we could do.

In education, education, the people in my district have come also to me talking

about education for our children. Money is being sent, 500 some million, money is being sent to the City of New York, and every year we do that. Now, the problem is how Mayor Bloomberg and Chancellor Klein will use that money.

But we in this body and in the State Legislature, we send them money to the City of New York for education. The City Council of the City of New York and Mayor Bloomberg and Chancellor Klein, once the money gets there, they're the ones who decide how the money is going to be used.

But we have done the best we can. So hopefully today we end with this. And I have to thank especially Senator Bruno, Senator Skelos, Senator Malcolm Smith for all the negotiations to help people in my district at least solve some of the problems. So thank you, ladies and gentlemen, and Senator Skelos, Senator Bruno, Senator Malcolm Smith, thank you for helping the people in my district.

We are not fully satisfied with the whole thing as the best thing, but I could proudly look at the people in my district, in

the 32nd Senatorial District in the Bronx, and tell them, Hey, we did the best we can for you, thanks to my colleagues.

So thank you to all of you. And thank you, Mr. President. And I am voting yes.

ACTING PRESIDENT MORAHAN: Thank you, Senator. You will be recorded in the affirmative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I would like to yield my time -- and just say that I will be voting yes on the budget -- to Senator Montgomery.

ACTING PRESIDENT MORAHAN: Thank you, Senator. You will be recorded in the affirmative.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, on this budget.

I am very pleased that we have begun to make some strides, especially in the

direction of reforming, changing, improving our juvenile justice system in the State of New York. As you know, we have maintained a system where young people were sent very, very far away from their home communities for placement in way away places, upstate New York, totally unfamiliar to them and inaccessible to their families.

We've begun to turn that around. Unfortunately, we still maintain in the budget several of those faraway facilities, opening them when in fact there are no young people in them.

Why are there no young people in them, or why have there been this tremendous reduction in the placements in those facilities? It's because the localities have made a determination, based on their experiences, that it is much more cost-effective, less than $20,000 per young person per year, for having them placed in their community and provided intensive therapeutic services.

While, when they go away to these faraway places far away from where they live,

where their communities are, and having to be transported back and forth across the state to go to court and so forth and so on, it costs upward of $150,000 to $200,000 per child per year.

So this really is moving to not only save for the state in terms of our fiscal position, but it is also a move which will, in the long run, improve the outcomes of those young people that we seek to change because they have started out going in the wrong direction. We now are poised to create a system that helps them change their behavior and therefore change their, improve their life chances. So I'm happy to state that.

As I have said in the past and I will state again, it is really shameful that we have a need to hold on to these facilities that really don't have children anymore. We have made sure that no employee shall lose their job because we close a facility. But we still hang on to these facilities for dear life.

So I am pleased that, with our colleagues on the Republican side and our side

and in the Assembly, we have put into this budget a $100,000 funding for a study to look at what some people are concerned about, and that is the recidivism rate. What makes sense. We know what makes sense based on our past experiences, but some people need more proof, so we have put that in.

I look forward to the results of that study. I know that a lot of what the study is going to be looking at are young people in my district, because that's where these young people come from -- and other places, but especially in Brooklyn, the Bronx and Queens and the city in general.

So although I'm not pleased with the fact that we're leaving some facilities open -- it's going to cost us some $40 million that we should not have to spend -- but I am pleased, on the other hand, that we should be looking for very, very positive, different outcomes based on what is in the budget as it relates to investing more in community-based placement for young people.

Thank you, Mr. President. I'll be voting yes.

ACTING PRESIDENT MORAHAN: Thank you, Senator. You will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 769, Senate Budget Bill, Senate Print 6807C, an act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MORAHAN: On the motion, all in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: I believe Senator Bruno will be coming in shortly to make some comments. But in order to save some time -- well, two reminders.

Number one, the cadets are in the reception room at this time.

But also, if we could, I believe the Minority has two motions to petition. If we could do that at this time.

ACTING PRESIDENT MORAHAN:

Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President. I have a motion at the desk. I would like to have it called up at this time.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Senate Print 3131, by Senator Serrano, an act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Senator Serrano.

SENATOR SERRANO: Thank you very much. I want to thank my colleagues in this chamber for allowing me to conduct this discussion on a very important bill.

I am pleased to have the opportunity to speak about the Education Equity Act, which will help to ensure that every student in the State of New York has access to a quality public education. The children of this great state deserve no less.

A strong public education system is the foundation of a healthy economy. Investing in the education of the youth of

this state is in the best interests of every State Senator. Every dollar spent will pay a handsome dividend in the form of economic prosperity at home and a competitive New York in an increasingly shrinking world.

However, the responsibility of providing a quality education to our youth cannot be shouldered by government alone. The involvement of parents and guardians is fundamental to the proper functioning of our school system. A variety of well-documented studies show that increased parental involvement results in numerous benefits, including higher grades and test scores, increased likelihood of graduation, better attendance rates, higher self-esteem and motivation, lower rates of suspension, decreased use of drugs and alcohol, and fewer instances of violent behavior.

The Education Equity Act is, at its heart, a bill that empowers parents to increase their involvement in their children's schools. In a state that is home to over 200 languages, linguistic barriers prevent many parents from taking an active part in their

child's education. New Yorkers throughout the state will benefit from my bill, and that is why it is imperative that we join together to pass this legislation.

In New York City, where my own Senate district is located, more than 43 percent of students' families speak a language other than English at home. Yet access to translation and interpretation services remains limited. And when it is available, it's usually confined to legal documents and notices.

This legislation would require school districts to create an annual language assistance plan to assess their needs. Districts will be required to provide interpretation services for two languages spoken by more than 2 percent of the population in the district.

In New York City, where the needs are different, the bill stipulates that the district will provide services for up to eight languages.

Furthermore, translated versions of a variety of documents, including report cards

and permission slips, will be transmitted to parents and guardians.

If those of us in government want to talk about the importance of personal initiative, then we must provide our constituents the tools they need to capitalize on that initiative. Parents want to get involved with their kids. Some are just not able to because of a language barrier. Let us help them overcome that barrier and take part in the greatest joy a parent can have, seeing their child succeed.

The history of immigration in this state is all about people moving up the socioeconomic ladder no matter where they came from. By ensuring that our public education system is equitable and strong, we can continue to maintain that long and noble tradition. I urge my colleagues in a bipartisan fashion to come together and support this important piece of legislation. Please help to bring it to the floor for a full vote in this house.

Thank you.

ACTING PRESIDENT MORAHAN: Thank

you, Senator.

All those Senators in favor of the petition out of committee please signify by raising their hands.

THE SECRETARY: Those recorded in agreement are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, C. Kruger, Montgomery, Onorato, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins and Thompson.

ACTING PRESIDENT MORAHAN: The petition is not agreed to.

Senator Huntley.

SENATOR HUNTLEY: Thank you, Mr. President.

I have a motion at the desk I would like to have called up at this time.

ACTING PRESIDENT MORAHAN: Excuse me. Could you repeat that, Senator?

SENATOR HUNTLEY: I have a motion at the desk I would like to have called up at this time.

ACTING PRESIDENT MORAHAN: The

Secretary will read.

THE SECRETARY: Senate Print 4463, by Senator Huntley, an act to amend the General Business Law.

SENATOR HUNTLEY: Thank you.

I would like to tell you about the experience, basically in my district, with contractors -- not only in my district, but throughout the state. In fact, several of the incidents have happened -- Senator Maltese and I share an area. He's on one side of Howard Beach; I'm on the other. And it's one of my constituents, who could wave to one of his across the street, who had an issue with contractors. It was fire restoration.

And what happened is contractors will come, mainly to elderly people, they will take advantage of them, they will tell them that they can do wonders for them without taxes: "If you have cash money, we can be of assistance to you and we can save you money." And naturally there are a number of seniors who are looking to save money. And not only seniors, but other people too.

And on several occasions they would

take the down payments and then they would disappear. Or they would take the down payment, come back, do shabby work and come back for more money, and then they would disappear.

The courts could not be helpful because none of these contractors had licenses and were listed. So therefore, this is what this bill comes out of.

I would like very much for the courts to impose a civil penalty not to exceed $500 -- I want it more than that, but they were telling me $500 should be the start -- and the contractor would not be able to do work for a year.

I think perhaps this would maybe just give it a start of contractors saying I can't, you know, take money from seniors, mainly, and not do the work. It happens not only with fire restoration, it happens when seniors need a new roof, when they need repairs for their bathroom. There's a number of people who have contacted me, and that's what this bill was based on.

So I would say to my colleagues

across the aisle, this is not a Democrat or a Republican bill, this is a people's bill, the people of the State of New York. Because it's happening throughout the state with contractors who basically are handymen, have no license, they're not licensed in the municipality where they do work. And I think this is a very important bill for everyone, not only my district but for your district too.

And again, it has nothing to do with Democrat or Republican, it has to do with people, mainly elderly people. And I think we always talk about how elderly people we have to protect and make sure that their interests are heard. So I stand here on their behalf, and I ask, I urge you to please support this bill.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

All those Senators in favor of the petition out of committee please signify by raising their hands.

THE SECRETARY: Those recorded in

agreement are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, C. Kruger, Montgomery, Onorato, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, and Thompson.

ACTING PRESIDENT MORAHAN: The petition is not agreed to.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Please stand at ease for a few moments.

ACTING PRESIDENT MORAHAN: The Senate will stand at ease for a few moments.

(Whereupon, the Senate stood at ease at 2:05 p.m.)

(Whereupon, the Senate reconvened at 2:08 p.m.)

ACTING PRESIDENT MORAHAN: The Senate will come to order, please.

Senator Bruno.

SENATOR BRUNO: Mr. President, would you do us the honor of recognizing

Senator Smith for his observations and comments.

ACTING PRESIDENT MORAHAN: Senator Smith, for his observations and his comments.

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

Senate colleagues, staff members and friends, let me first congratulate our Governor, David Paterson, on moving us to a point where, while the public perception may be that this budget is a few days late, it is clearly, in my mind, on time. As most of you recognize, money and resources are never late. Whenever they arrive, we can appreciate them and we can surely use them.

The Governor has moved us through a process that was difficult. These were very extraordinary times. They will probably be recorded in the history books in such a way that they will never be forgotten, given all that occurred. And, colleagues and staff, we know what we are referring to.

I also want to thank our ranker on Finance, Senator Stachowski, who put in a

great deal of effort and time. And many of you were here as well, over the last couple of weekends, where we actually got to know Albany very well. Some of us got to know Saratoga a little better. But we did spend the time to get the work done.

I also want to thank Laura Anglin of the Governor's staff as well. She put an extraordinary amount of time and effort in, negotiating with Jeff Lovell, along with Dean Fuleihan in the Assembly, along with Ahmed Diomande and the other members of the staff. They did an extraordinary job of getting us to the point where we actually have a budget that is not $124 billion but $122 billion. And I think that also tells the story about where we are today.

Notwithstanding the pain that some of this budget has, we have shown a very strong commitment to the fact that this is one New York. And there is, for one of the regional parts of the state, $380 million, close to half million dollars going to the upstate program as a commitment from the Governor and from all of us.

We recognize that if we don't move upstate New York, if that part of the state is not functioning well, then the rest of the state doesn't function well.

And we've also made an effort to show how important education is throughout the State of New York.

We still, colleagues, have a budget that needs to be trimmed moving into the future. There is no question about it, given the economic times that we're in, where we're headed. If all forecasts are consistent with what the forecast models are illustrating, it will be even a tougher year going forward.

So I would hope that we understand the importance of tightening our belts. And while I know it's important for everyone, the programs for their districts, we also have to be fiscally and financially smart in that we have an obligation to the people of this state that, if we are ever going to get them to the point where they see their property taxes going down, if they're ever going to get to the point where they see their disposable income actually going up by virtue of the fact

that their taxes are going down, we have to begin to take some measures now so that, going into the future, the people of this state will know that their dollar will go a little bit longer.

In addition, we also have to ensure that our children have the ability to live here in the state. Joe, as you know, I told you my son is not here in the state because the property taxes, the cost of living is just so high. He's outside of the State of New York.

My daughter, who's 14, I promised her her father would help restructure the budget of the State of New York so that she can live in the state when she gets older. She's 14 now; she soon will be going to college. And I want to make sure that when she graduates that she has the right to live in this state, can afford to live in this state and pay property taxes that will be fair enough that she can raise her family and I can see my grandchildren one day, if she so chooses that I'll be blessed with that.

So I want to thank all of my

colleagues, who have done an extraordinary job. Craig Johnson. Darrel Aubertine, who came on board as a breath of fresh air. Andrea Stewart-Cousins. All of our colleagues. Senator Neil Breslin, who's done great work. Members have done great work. Senator Schneiderman, who helped us with our restraining of the floor the other day.

Everybody has done great work. I include members on the other side of the aisle as well, especially Joe Bruno. You've done a good job and have been responsive.

I will tell you, as I've had the opportunity to sit in the negotiating room with you, and having the opportunity to listen to you and having you listen to me, I will tell my colleagues that you listen well. And you also express yourself well on behalf of your colleagues.

You should be very proud of your leader, who does a great job when it comes to negotiating.

So, colleagues, as we say, this is the time in which we say our goal is to finish this budget while the sun is up. And the sun

is up, and I'm hoping that you all go home to your districts, express all the work we've done here. But you should know you've done yourself very proud. This is a historic budget for the state, because nothing like this has ever happened before. And we hope that it never happens again.

But the fact of the matter is that you stayed focused, you made sacrifices, and we deliberated in such a way that we now have a budget we can be proud of.

Mr. President, thank you very much. Again, I thank my colleagues, I thank the staff, I thank the Governor. And thank you, Senator Bruno.

ACTING PRESIDENT MORAHAN: Thank you, Senator Smith, for your comments and observations.

Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

Senator Smith, thank you very much for your comments. And thank you even more for being gracious in your observations.

And we have gone forward this year

in a way that most people in the other side of the world, if they are objective about it, have to marvel that the chaos that existed in this state a few months ago, with events that none of us planned on, people have stepped up. The Governor stepped up, and both sides of the aisle stepped up. The Assembly stepped up.

Not only did we have kind of a chaotic change here in leadership, we had a budget approaching a $5 billion deficit, $4.6 billion and counting. Now, we've approached what was submitted as a $124 billion spending plan by the previous Governor, and I believe that number -- Senator, you're right -- is now well under $122 billion.

Now, that's a major accomplishment. Why? Because we restored not just healthcare, to the tune of about $245 million, you've got to be aware of this, where it hurt the most -- nursing homes, home care, hospitals -- we set another record in increase in education funds, $1.8 billion for our greatest asset in this state -- yes, your children, our children, all of our grandchildren. $21.3 billion in

education aid. Now, you think about that in times like these.

Now, we have had to finance healthcare, education, infrastructure, higher ed, restore TAP. We made things better. There comes a pain with that. And the pain relates to the revenue sources. And yes, we had to join in creating revenue from business taxes. But we didn't join in doing what the original Governor, the previous Governor submitted -- gasoline tax, car tax, crack tax. We did away with those that are most punitive to the working families here in upstate New York and in the city.

So we did the best that we could. And you know what? Some of the worst taxes that we have to lay on to fund education, healthcare, the infrastructure, higher ed, we sunset. They sunset in three years. You've got to be aware of that. Because businesspeople who might look elsewhere see relief in the distance.

And this Governor stepped up, we incurred the sunset of all of the taxes, and we got some of the most important done.

That's to everybody's credit.

So we will leave here, and I want to be optimistic. I don't want to be one of the pessimists who say the sky is falling, we're going over a cliff, it is doomsday right around the corner. I don't buy that. And I hope you don't buy that.

This is the Empire State. This is one of the greatest states in the whole world. I think we have the 10th or 11th largest economy, here in New York, in the whole world.

So if we partner together -- what is the largest industry here in this state? Tourism? Agriculture. So when we have fresh faces and new voices, okay, joining with the colleagues that are here -- with our chair, Cathy Young, who steps up to make sure that people who are hardworking get the best that we can provide for them in government.

So we have partnered here. We have done some great things. We're going to go forward from here. We're going to have contentious times. We're going to have challenges. But if we stand up, as partners -- this house, the other house, with

the Governor -- we are going to overcome whatever is in front of us. And our children, our neighbors, our grandchildren, they will stay here, they will grow here.

And this economic development package, over a billion that we're overlate in getting -- yes, and the Wicks Law came right along with it, just as we promised it would -- you know what that economic development package is? When anyone tells you it's spending over a billion, you tell them: No, go back to your civics classes. That is investing in jobs, in growth, in the economy.

And you will be making announcements all over this state, and we're making some announcements. And I can tell you now we're going to be announcing, very shortly, the movement of one of the international headquarters from elsewhere to right here, within walking distance, almost, of where we stand.

We have funded the AMD, finally, the largest construction project in the whole state ever, 20 minutes from where we are. That is an accomplishment. That doesn't

happen by itself. That happens by partnering, that happens by working together, that happens by being industrious.

So I want to thank my colleagues, all of them, every one of them who have been here, many times day and night, and the people who support us right here. These people support us. They make us look good. Some of them didn't sleep three hours a night, and I know that.

So I want to thank my colleagues and thank you for your support. Thank you for allowing us to provide the service that we provide for you and for all the people that we represent together. So I want to thank you all. Be safe as we go forward from here, and God bless you all.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

(Applause.)

ACTING PRESIDENT MORAHAN: Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to come before

the Senate, I would recommend that we adjourn to Monday, April 14th, at 3:00 p.m., intervening days to be legislative days.

Travel safely. Thank you.

ACTING PRESIDENT MORAHAN: On motion, the Senate stands adjourned until Monday, April 14th, 3:00 p.m., intervening days being legislative days.

(Whereupon, at 2:20 p.m., the Senate adjourned.)