

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 1, 2009

11 10:39 a.m.

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13
14 REGULAR SESSION

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18 SENATOR DAVID J. VALESKY, Acting President

19 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 downtrod 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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