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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 29, 2011

3:24 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The
Senate will come to order.

I ask all present to please rise
and join with me as we recite the Pledge of
Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: For
today's invocation we have Pastor Richard
Buccio, from Hyde Park Baptist Church in
Hyde Park, New York.

Pastor.

PASTOR BUCCIO: Let's pray.
Our precious heavenly Father, Lord,
I am truly thankful, Lord, to be here in the
privilege of praying for all of these
individuals, our Senators, Lord, that
represent New York.

Lord, they have an awesome
responsibility, Lord, as they make decisions
that impact not only themselves but they
impact many people from this great state.
Lord, the decisions they make will also impact
people in the future.

1 So, Lord, I ask would You please
2 bestow upon them Your mercy, Your grace, Your
3 love. Lord, give them wisdom beyond their
4 means. I pray, Lord, that they may, as they
5 make their decisions, include You.

6 Lord, You are the Great Creator.
7 Lord, it says in Your scriptures that You put
8 kings on thrones and You take kings off.
9 Lord, You have appointed these people. So
10 please, Lord, give them the know-how and the
11 ability to do the right thing. I pray these
12 things in my Savior's name, Jesus Christ.

13 God bless you all. Amen.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Pastor.

16 The reading of the Journal.

17 THE SECRETARY: In Senate,
18 Monday, March 28th, the Senate met pursuant to
19 adjournment. The Journal of Sunday,
20 March 27th, was read and approved. On motion,
21 Senate adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 19,
4 Senator Lanza moves to discharge, from the
5 Committee on Environmental Conservation,
6 Assembly Bill Number 108 and substitute it for
7 the identical Senate Bill Number 3870, Third
8 Reading Calendar 244.

9 ACTING PRESIDENT GRIFFO: The
10 substitution is so ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 on behalf of Senator Zeldin, I move to commit
20 Senate Print Number 4074, Calendar Number 262
21 on the order of third reading, and I want to
22 commit it to the Committee on Commerce and
23 Economic Development.

24 ACTING PRESIDENT GRIFFO: So
25 ordered.

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President,
3 at this time I'd like to adopt the Resolution
4 Calendar, with the exception of Resolution
5 Numbers 1071, 1087, and 1100.

6 ACTING PRESIDENT GRIFFO: At this
7 point we will accept the motion to adopt the
8 Resolution Calendar, with the exceptions of
9 Resolutions 1071, 1087, and 1100.

10 All in favor of passing the
11 Resolution Calendar signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO:
14 Opposed?

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 Resolution Calendar is adopted.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, I
20 believe there's a privileged resolution at the
21 desk, Number 1071, by Senator Hannon. May we
22 have it read in its entirety and then please
23 call on Senator Hannon.

24 ACTING PRESIDENT GRIFFO: I would
25 ask that the chamber come to order as we call

1 on Senator Hannon for this memorializing
2 resolution.

3 The Secretary will read first.

4 THE SECRETARY: Legislative
5 Resolution 1071, by Senators Hannon, Saland,
6 Skelos, Libous, Seward, Klein, and Duane,
7 mourning the death of Dr. Richard F. Daines,
8 distinguished citizen and devoted member of
9 his community.

10 "WHEREAS, It is the custom of this
11 Legislative Body to pay tribute to citizens of
12 the State of New York whose lifework and civic
13 endeavor serve to enhance the quality of life
14 in their communities and the great State of
15 New York; and

16 "WHEREAS, Dr. Richard F. Daines of
17 Stanfordville, New York, died on Saturday,
18 February 26, 2011, at the age of 60; and

19 "WHEREAS, The son of a physician,
20 Dr. Richard F. Daines was raised in Utah and
21 earned a Bachelor of History degree from Utah
22 State University in 1974; and

23 "WHEREAS, Dr. Richard F. Daines
24 served as a missionary for the Church of Jesus
25 Christ of Latter Day Saints in Bolivia from

1 1970 to 1972. He received his medical degree
2 from Cornell University Medical College in
3 1978 and served a residency in internal
4 medicine at New York Hospital; and

5 "WHEREAS, Dr. Richard F. Daines
6 distinguished himself in his profession and by
7 his sincere dedication and substantial
8 contribution to the welfare of his community;
9 and

10 "WHEREAS, Serving as a physician in
11 New York City for over 25 years, Dr. Richard
12 F. Daines worked at St. Barnabas Hospital in
13 the Bronx, where he began practicing in 1978.
14 His skills and compassion, coupled with his
15 ability to speak Spanish, made him a valued
16 member of the staff and a favorite among his
17 patients. He became the hospital's senior
18 vice president for professional affairs and
19 medical director in 1994; and

20 "WHEREAS, From 2002 to 2007,
21 Dr. Richard F. Daines was medical director at
22 St. Lukes-Roosevelt Hospital Center, where he
23 served as both president and CEO. He often
24 worked shifts in the emergency department
25 there to observe firsthand the care patients

1 received; and

2 "WHEREAS, In 2007 Dr. Richard F.
3 Daines became New York State's 14th
4 Commissioner of Health. He served in this
5 capacity until 2010. Recently, he joined the
6 New York Academy of Medicine as a visiting
7 scholar; and

8 "WHEREAS, Commissioner Daines took
9 great pride in the skills and professionalism
10 of his Health Department employees and public
11 health workers at county health departments,
12 traveling to all 62 counties of New York to
13 promote local public health activities, often
14 accompanied by his father, Newel; and

15 "WHEREAS, Dr. Richard F. Daines'
16 commitment to excellence, and his spirit of
17 humanity, carried over into all fields of
18 enterprise, including charitable and civic
19 endeavors; and

20 "WHEREAS, A former Scoutmaster and
21 Eagle Scout, Dr. Richard F. Daines would often
22 invite members of Troop 525 to his farm in
23 Stanfordville; and

24 "WHEREAS, A devoted family man,
25 Dr. Richard F. Daines is survived by his wife

1 of 36 years, Linda; three children, William,
2 Katherine and Andrew; a grandson, Charles
3 Richard; his parents, Dr. Newel and Jean
4 Daines; and siblings Pamela Johnson, George
5 Daines, Janet Stowell and Peter Daines, as
6 well as many cousins, nieces and nephews; and

7 "WHEREAS, Armed with a humanistic
8 spirit, imbued with a sense of compassion, and
9 comforted by a loving family, Dr. Richard F.
10 Daines leaves behind a legacy which will long
11 endure the passage of time and will remain a
12 comforting memory to all he served and
13 befriended; now, therefore, be it

14 "RESOLVED, That this Legislative
15 Body pause in its deliberations to mourn the
16 death of Dr. Richard F. Daines, distinguished
17 citizen and devoted member of his community;
18 and be it further

19 "RESOLVED, That a copy of this
20 resolution, suitably engrossed, be transmitted
21 to the family of Dr. Richard F. Daines."

22 ACTING PRESIDENT GRIFFO: Senator
23 Hannon.

24 SENATOR HANNON: Thank you,
25 Mr. President.

1 Being a Commissioner of Health in
2 this state requires an extraordinary range of
3 talent and skills and good disposition and
4 energy. And in Richard F. Daines, New York's
5 14th Commissioner of Health, he certainly
6 brought those qualities to the forefront.

7 He was fundamentally a good person,
8 as those of us know who had the fortune to
9 work with him. He was a good doctor. In
10 fact, I don't think I've ever said publicly
11 one of his classmates told me that at Cornell
12 he was the top of his class. He never ever
13 said that himself. He was therefore a good
14 student. He was also a good manager, a good
15 executive, having come up both as a practicing
16 physician and as a hospital executive.

17 It's ironic that we would be
18 bringing this resolution up as we're on the
19 cusp of beginning our budget bills, and at one
20 point in that sequence there will be the
21 health budget.

22 For Dr. Daines, he brought many
23 emphases to health and the different
24 departments of health that we have in terms of
25 categories. First of all, he had to deal with

1 what is popularly known as the Berger
2 Commission, which finished its work just
3 before he took office and called for the
4 closing of a number of hospitals, the mergers
5 of others.

6 And I don't think that he ever
7 imagined that he would be spending most of his
8 time at the beginning commuting between Albany
9 and Buffalo to deal with the seemingly
10 intractable recommendations of Berger in
11 Erie County.

12 But he also spent a lot of emphasis
13 on such things as childhood obesity. He was
14 known for the video he did in regard to the
15 soda tax. But underlying all of that was a
16 deep concern that the future of the health of
17 the population of this state depended on what
18 we would be doing for the children of this
19 state and their health and whether or not we
20 would stem the tide of diabetes by stemming
21 the tide of childhood obesity.

22 Sometimes one of the things that
23 happens in government is you work so hard and
24 the tragedy or disaster that people predict
25 doesn't take place. Well, we certainly had a

1 very genuine scare that there might have been
2 a pandemic when the H1N1 onslaught came about.
3 And the Department of Health and the local
4 counties' departments of health, along with
5 our hospital reporting network, were certainly
6 prepared and worked overtime to make sure that
7 if anything untoward happened in this state
8 that the state would be prepared and the
9 population would be protected.

10 I could go on and on about the
11 number of other issues we worked on -- HIV
12 testing, the hearings we had around the state
13 on the most esoteric of all financial
14 formulas, called bad debt charity care.

15 But let's get back to the fact that
16 Commissioner Daines was somebody who seemed to
17 enjoy the job thoroughly, took the advantage
18 of going through the public health departments
19 to visit every county in the state,
20 remembering that he as a Mormon was getting a
21 chance to go through the state where Mormonism
22 had been founded -- and in fact telling us at
23 one point that in his little farm in Dutchess
24 County he found some tombstones that were
25 those of his relatives, so that there was a

1 full circle to his life.

2 I'm going to let some other folks
3 make comments, but I just want to acknowledge
4 that we have joining us today on the floor the
5 current Commissioner, Nirav Shah. Also the
6 Deputy Commissioner of Public Health, Dr. Gus
7 Birkhead, along with Maryellen Jacobson, who
8 was Dr. Daines' special assistant and
9 currently serves as the Commissioner's special
10 assistant; Jim Clancy, Claudia Hutton.

11 And then in the gallery, some of
12 whom might be nodding off because they've been
13 working on the health budget for the past
14 couple of months, Debra Pellerin, from the
15 department; Diane Mathis; Jim Clyne; Wendy
16 Saunders; Mark Kissinger; Carla Williams; Lora
17 Lefebvre; Valerie Grey, who's now with State
18 Ed; Robert Durlak; Barbara Devore; Barbara
19 Wallace; Barbara Dennison; Robert Burhans; and
20 Michael Nazarko.

21 Thank you, Mr. President. And
22 we're going to keep the resolution open for
23 all to cosponsor.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Hannon.

1 Senator Duane.

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

4 I first got to know and know of
5 Dr. Daines when he was president at
6 St. Lukes-Roosevelt. And honestly, it was --
7 he was not at all who I expected him to be, in
8 terms of what ideology or positions he might
9 put forward. And what I learned then and what
10 I really got to know when he was Commissioner
11 of Health was that that is what he cared about
12 and what rose above all else in his life of
13 public service was health, and specifically
14 public health.

15 It is a paradox that some of the
16 issues that I worked so closely with him on
17 were issues that would seem on the face of it
18 that we would approach from completely
19 different places. And yet we -- and mostly
20 because of who -- I would say 99 percent
21 because of who he was -- worked collegially
22 and bipartisanly, as you can see by who's
23 speaking today, to get work accomplished.

24 And so the ones that, as I say,
25 just seem so paradoxical that we worked on,

1 for instance, was the Family Health Care
2 Decisions Act. And another was -- and this
3 was years in the making, and Senator Hannon
4 can certainly attest to this one as well --
5 was our very far-reaching and I think
6 new-day-and-age testing bill for HIV.

7 And I would say the legacy that we
8 all share is that states around the country
9 now reach out to us and want to replicate that
10 legislation. And it really is a legislative
11 triumph but also an enormous triumph for
12 Dr. Daines, and there are people here who
13 worked on that in the Health Department for
14 years.

15 I'm going to come back to this and
16 say this again, but he was the Health
17 Department's greatest champion. There was
18 never a meeting with Dr. Daines when he was
19 Commissioner where he did not laud the work of
20 the people in the Health Department. And he
21 would say "I am so fortunate to work with
22 people who care so deeply about the people in
23 the State of New York and how it is that the
24 Health Department can serve them." Every
25 time, every time he talked about that. He was

1 so proud of the work of the department and the
2 people who worked in the department.

3 And I'm sure that other people had
4 this experience with him as well, but even
5 when I would talk to him about my personal
6 health issues, he was wonderful. I believe
7 everyone felt they could approach him to
8 discuss every public health issue and every
9 personal health issue.

10 You know, people here probably know
11 I have my differences with the Scouts. But
12 Dr. Daines was the greatest Boy Scout ever.
13 And I mean that in that his wholesomeness, his
14 good-naturedness, his desire to do service.

15 And I am very sorry, personally and
16 professionally, for his loss and that I won't
17 be able to reach out to him in New York City.
18 But I have to return and say I am especially
19 sorry for the hardworking people in the Health
20 Department because you all have lost a great,
21 great champion.

22 And I know that Dr. Daines' faith
23 has carried him to a place where I believe
24 he's happy. And his legacy of public service
25 for our state, in good times and in bad, is a

1 legacy which will not be forgotten and a great
2 loss to his family and to our state and to
3 public health in our great state.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Duane.

7 Senator Breslin.

8 SENATOR BRESLIN: Thank you,
9 Mr. President.

10 I think both Senator Hannon and
11 Senator Duane have captured the essence of
12 Dr. Daines.

13 Sitting here, I think the reference
14 that Senator Duane made to being a Boy Scout
15 was probably very, very appropriate, that he
16 really was the penultimate Eagle Scout.

17 You know, we eulogize on this floor
18 over years a lot of wonderful people who have
19 done great things, but sometimes the
20 adjectives we use we repeat over and over, and
21 the adjectives that we use sometimes we don't
22 think about. But when I think of Dr. Daines,
23 I know when I look at his staff up there they
24 would probably describe him as a perfect boss,
25 someone who was exceedingly, exceedingly

1 humble but got his message across.

2 And when Senator Hannon mentioned
3 that he was first in his class at Cornell
4 Medical School, it was always a mystery to me
5 how someone a few years ago before that could
6 have been a history major in college and then
7 gone on to medical school and graduated number
8 one in their class.

9 He had all those attributes that,
10 as I said before, we tend to bandy around and
11 sometimes use all too frequently. And when
12 they really mean something, you want to make
13 sure that you convey the importance of those
14 attributes about Dr. Daines.

15 I never heard him -- I'm sure his
16 staff did -- I never heard him raise his
17 voice. I always saw him as extremely
18 organized and disciplined. I think he exuded
19 a public servant in his honesty, his
20 accessibility. Whenever you called him, you
21 were able to get him very quickly, unlike a
22 lot of other appointed and elected officials.

23 To me he was, among the people I
24 have seen in my years here in this house, the
25 consummate public servant. The public servant

1 that we all want to be. The public servant
2 that always went a little beyond where others
3 went and always, always, always stayed with
4 his principles. And as you know, his
5 principles, sometimes in espousing them and
6 articulating them he wasn't successful. But
7 he never compromised. He presented his
8 principles and he presented them in a very
9 articulate way.

10 And, you know, for a man who kept
11 in wonderful physical condition to pass away
12 at the age of 60 is such a dramatic loss to
13 all of us in this body, to everyone in the
14 Health Department, and to everyone,
15 particularly all citizens of the State of
16 New York.

17 So I am so much better for having
18 known him. And he will be a very difficult
19 act to replace.

20 Thank you very much, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Breslin.

23 Senator Stewart-Cousins.

24 SENATOR STEWART-COUSINS: Yes,
25 thank you, Mr. President.

1 I rise also to certainly join my
2 colleagues to speak about Dr. Daines and the
3 influence that he had on my district. It is a
4 grateful district that remembers Dr. Daines.

5 When Senator Hannon spoke about the
6 Berger Commission and all that went with the
7 recommendations, one of the hospitals to be
8 closed was Dobbs Ferry Hospital. And Dobbs
9 Ferry Hospital wasn't just a hospital, but it
10 was part of a network. And the network
11 allowed for all sorts of activities throughout
12 the district, through different facilities and
13 St. John's Hospital, to continue to serve
14 everyone in that district all along the river
15 towns.

16 And when the Berger Commission
17 decided that Dobbs Ferry should go, it took a
18 lot of innovative thinking, it took a lot of
19 community input, but it took the listening ear
20 of a professional who understood how to keep a
21 facility there that housed the Ashikari Breast
22 Center, which is nationally known -- women who
23 are suffering from breast cancer go to Dobbs
24 Ferry Hospital -- how to keep that facility
25 there with urgent care but also to recreate it

1 so that it could deal with the types of
2 preventative medicine that Dr. Daines and all
3 of us cared so much about.

4 So instead of having the hospital
5 as we would know it, what it is now is a place
6 where, again, women suffering from breast
7 cancer can be treated very, very well, as well
8 as information on diabetes and obesity and
9 asthma and all the things that hopefully, if
10 we take care of our health now, will prevent
11 premature death and chronic illnesses.

12 It took a lot to be able to
13 redesign something that meant something going
14 forward for a community within the context of
15 the Berger Commission's recommendations.
16 Dr. Daines was able to do that. And because
17 of that, people will live longer, healthier
18 and more productive lives.

19 So again, we certainly mourn his
20 loss but thank him for the legacy that he's
21 left.

22 ACTING PRESIDENT GRIFFO: Is
23 there any other Senator wishing to be heard?

24 The question is on the resolution.
25 All in favor signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO:

3 Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The
6 resolution is adopted.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 could I ask my colleagues to please rise and
10 have a moment of silence for Richard Daines,
11 please.

12 ACTING PRESIDENT GRIFFO: I would
13 ask all members to please rise in a moment of
14 silent tribute to Dr. Richard F. Daines.

15 (Whereupon, the assemblage
16 respected a moment of silence.)

17 SENATOR LIBOUS: Mr. President, I
18 also believe that Senator Hannon will open up
19 this for cosponsorship. So as we normally do,
20 if someone is not interested in cosponsoring
21 this resolution, please let the desk know.

22 ACTING PRESIDENT GRIFFO: The
23 resolution is open for cosponsorship. If you
24 choose not to be a cosponsor, please notify
25 the desk.

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President,
3 there's a resolution at the desk, Number 1087,
4 by Senator Ranzenhofer. I ask that you have
5 it read, its title, and call on Senator
6 Ranzenhofer.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Legislative
10 Resolution Number 1087, by Senator
11 Ranzenhofer, mourning the untimely death of
12 former Buffalo Sabres professional hockey
13 player Richard Lionel (Rick) Martin,
14 distinguished athlete and citizen, and devoted
15 member of his community.

16 ACTING PRESIDENT GRIFFO: Senator
17 Ranzenhofer.

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

20 Before I say a few words about Rick
21 Martin, I just want to welcome back to the
22 chamber -- I'm not sure if he's still here or
23 has left -- our new Health Commissioner,
24 Dr. Shah, originally from my hometown. I just
25 wanted to welcome him back to the chamber.

1 I did want to say a few words about
2 Rick Martin. Rick Martin is the only
3 professional athlete that I ever had a chance
4 to know on a personal level. And it's really
5 unfortunate that he just died recently at a
6 very young age.

7 Rick Martin really transformed the
8 City of Buffalo when it comes to hockey. In
9 Buffalo, hockey is a very passionate sport.
10 And he came to Buffalo from Quebec, Canada, in
11 the '70s and joined what's probably the most
12 famous hockey line in all of professional
13 hockey, a line called the French Connection.
14 He set all sorts of scoring records, both
15 individually and as a rookie and also over the
16 season.

17 But more importantly than his
18 hockey accolades, he was a man that was very
19 involved in his community. He was very
20 involved in a number of charitable and
21 community organizations. But probably the
22 thing that I remember most about him is just
23 his smiling personality. He was a fun-loving,
24 joking individual, loved to play golf, was a
25 very successful businessman. And he would

1 give you the shirt off his back. If there was
2 a community event involving kids or really
3 involving anyone and you wanted him to be
4 there, he would come and give his time.

5 He also volunteered his time
6 helping the Sabres long after he retired,
7 helping to develop some of the younger
8 players.

9 But I know when they had a memorial
10 a week ago in HSBC Arena, there were about
11 2500 people that showed up. And one of the
12 people that spoke was his line-mate, Rene
13 Robert. And the picture that they showed is
14 he had a cigar in one hand and a beer in the
15 other, and just talked about his joking and
16 larger than life and loveable personality.

17 So again, I just wanted to say a
18 few words about Rico Martin. He was really
19 one of the best hockey players in Buffalo and
20 a real community-minded individual.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator Ranzenhofer.

24 Senator Kennedy.

25 SENATOR KENNEDY: Thank you,

1 Mr. President.

2 I too want to rise in memory of
3 Rick Martin, famous Buffalo Sabre, famous for
4 his work and his talents not just on the ice
5 but in the community.

6 I appreciate Senator Ranzenhofer
7 putting this resolution forward in memory of
8 Rick Martin. The Buffalo Sabres and Western
9 New York community united in mourning earlier
10 this month, as already articulated, as French
11 Connection winger Rick Martin died of a heart
12 attack while driving in Clarence. Teammates
13 and coaches remember Martin as a fierce
14 competitor, prolific scorer, and an all-around
15 great guy who gave back to the Western
16 New York community.

17 A Canadian professional ice hockey
18 left winger who played in the NHL with the
19 Buffalo Sabres and L.A. Kings for 11 seasons
20 between 1971 and 1982, he was perhaps the most
21 famous for playing on the Sabres' French
22 Connection line with Gilbert Perreault and
23 Rene Robert.

24 Martin was drafted fifth overall by
25 the Buffalo Sabres in the 1971 NHL amateur

1 draft after a junior career with the Montreal
2 Junior Canadiens of the Ontario Hockey
3 Association. He played 685 career NHL games,
4 scoring 384 goals, 317 assists, for 701
5 points. His best season was the 1974-1975 NHL
6 season when he scored 52 goals and 95 points
7 in only 68 NHL games.

8 Martin was selected to play in
9 seven consecutive NHL All-Star games, 1971-'72
10 through 1977-'78. He was selected as the
11 official NHL All-Star First Team Left Wing in
12 1973-'74 and '74-'75 and official NHL All-Star
13 Second Team Left Wing in '75-'76 and in
14 '76-'77.

15 Martin holds the Buffalo Sabres
16 franchise career records for hat tricks,
17 four-goal games, 40-goal seasons, consecutive
18 40-goal seasons, 50-goal seasons -- tied with
19 Danny Gare -- and consecutive 50-goal seasons.

20 His Number 7 was retired along with
21 Rene Robert's Number 14 on November 15, 1995,
22 flanking the Number 11 of Gilbert Perreault
23 under a French Connection banner. On
24 October 25, 2005, Martin was inducted into the
25 Greater Buffalo Sports Hall of Fame. In 2010,

1 in commemoration of the Sabres' 40th season,
2 the Buffalo News ranked Martin as number 4 out
3 of the top 40 Sabres of all time. After his
4 untimely death this past month, the Sabres
5 honored his memory by painting the Number 7,
6 the number he wore for most of his career in
7 Buffalo, behind each goal in the HSBC Arena
8 for the duration of the 2010-2011 season.

9 I'm humbled and honored to speak in
10 honor and in memory of Rick Martin today.
11 Thank you.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Kennedy.

14 Is there any other Senator wishing
15 to be heard?

16 The question is on the resolution.
17 All in favor signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO:
20 Opposed?

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 resolution is adopted.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

1 there is a privileged resolution at the desk
2 by Senator Hassell-Thompson. May we please
3 have it read in its entirety and please call
4 on Senator Hassell-Thompson before it is
5 approved.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Legislative
9 resolution by Senator Hassell-Thompson,
10 commending Delta Sigma Theta Sorority, Inc.,
11 upon the occasion of its Annual "Delta Days in
12 the Capitol" on March 29, 2011.

13 "WHEREAS, It is the sense of this
14 Legislative Body to recognize that the quality
15 and character of life in the communities
16 across New York State are reflective of the
17 concerned and dedicated efforts of those
18 organizations and individuals that are devoted
19 to the welfare of the community and its
20 citizenry; and

21 "WHEREAS, Attendant to such
22 concern, and in full accord with its
23 long-standing traditions, this Legislative
24 Body is justly proud to commend Delta Sigma
25 Theta Sorority, Inc., upon the occasion of its

1 annual 'Delta Days in the Capitol' on Tuesday,
2 March 29, 2011, to be held in Albany,
3 New York; and

4 "WHEREAS, This auspicious occasion
5 will bring sisters from the Delta Sigma Theta
6 Sorority together from across the State of
7 New York to address many social concerns. The
8 2011 conference will focus on the important
9 issue of education, including the need for
10 increased access to higher education, the need
11 for increased funding for STEM education, and
12 the need for increased funding for vocational
13 education and job retraining programs, as well
14 as other critical topics; and

15 "WHEREAS, Delta Sigma Theta
16 Sorority was founded in 1913 on the campus of
17 Howard University to promote academic
18 excellence, to provide scholarship, to provide
19 support to the underserved, to educate and
20 stimulate participation in the establishment
21 of positive public policy, and to highlight
22 issues and provide solutions for problems in
23 their communities; and

24 "WHEREAS, Today, Delta Sigma Theta
25 Sorority has more than 250,000 members and

1 nearly 1,000 chapters worldwide. The sorority
2 uses its five-point programmatic thrust of
3 economic development, educational development,
4 international awareness and involvement,
5 physical and mental health, and political
6 awareness and involvement to create its
7 national program; and

8 "WHEREAS, Delta Sigma Theta
9 Sorority, Inc., was once led by past national
10 president and acclaimed civil rights leader
11 Dorothy Height. In 1994 and 2004,
12 respectively, Ms. Height was awarded the
13 Congressional Medal of Freedom and the
14 Congressional Gold Medal, the highest civilian
15 awards in the United States; and

16 "WHEREAS, Upon her death in 2010,
17 Ms. Height was honored by President Obama for
18 her many years of service to our country and
19 the world. Other dynamic women who have
20 served the Delta Sigma Theta Sorority in the
21 capacity of national president include Frankie
22 Freeman, Esquire, the first woman appointed to
23 the United States Commission on Civil Rights,
24 and Congresswoman Marcia L. Fudge; and

25 "WHEREAS, New York State has been

1 home to many notable Deltas, including the
2 late United States Representative Shirley
3 Chisholm, New York State Assembly Deputy
4 Speaker Earlene Hooper, New York State
5 Assemblywoman Annette Robinson, Queens Borough
6 President Helen Marshall, and the Honorable
7 Jacqueline A. Berrien, chair of the United
8 States Equal Employment Opportunity
9 Commission; and

10 "WHEREAS, For 98 years the members
11 of Delta Sigma Theta Sorority, Inc., have used
12 their collective voices to advocate on behalf
13 of their communities. Since 1989, Deltas
14 gather annually in Washington, D.C. for 'Delta
15 Days in the Nation's Capitol,' a three-day
16 conference designed to educate and inspire
17 members about important national issues. At
18 the conclusion of Delta Days in the Nation's
19 Capitol, members conduct meetings on Capitol
20 Hill with their respective federal
21 legislators; and

22 "WHEREAS, In March of 2003, Delta
23 Sigma Theta Sorority, Inc., became a
24 nongovernmental organization (NGO) and was
25 granted Special Consultive Status as an NGO to

1 the Economic and Social Council of the United
2 Nations. On a local level, members of Delta
3 Sigma Theta Sorority, Inc., regularly conduct
4 meetings with their local, state and federal
5 political representatives; and

6 "WHEREAS, It is the practice of
7 this Legislative Body that when an
8 organization of such noble aims and
9 accomplishments is brought to our attention,
10 it should be recognized and applauded by all
11 the citizens of this great Empire State; now,
12 therefore, be it

13 "RESOLVED, That this Legislative
14 Body pause in its deliberations to commend
15 Delta Sigma Theta Sorority, Inc., upon the
16 occasion of its annual 'Delta Days in the
17 Capitol' on March 29, 2011; and be it further

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to commend
20 Delta Sigma Theta Sorority, Inc."

21 ACTING PRESIDENT GRIFFO: Senator
22 Hassell-Thompson.

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

25 For nearly 100 years women of Delta

1 Sigma Theta have used their collective
2 strength to promote academic excellence,
3 provide scholarships, and to support
4 underserved people throughout this country.
5 As active participants in their communities,
6 the Deltas have sought to educate and
7 stimulate participation in the establishment
8 of positive public policy and have worked to
9 provide innovative solutions to problems.

10 These women took their
11 civic-mindedness -- those such as Dorothy
12 Height, about whom you've already heard; the
13 first African-American woman elected to the
14 Congress, Shirley Chisholm; and many of the
15 staff that staff us here in the State Senate
16 and the Assembly -- take their
17 civic-mindedness very seriously and have taken
18 it to a new realm and proved to women across
19 this country that they have a strong voice
20 that can be used to change public policy.

21 You have seen women throughout the
22 corridors today wearing red -- they're here in
23 our gallery -- many of whom are also being
24 honored in the Assembly. And I'd like to ask
25 your appreciation with me today for the work

1 for nearly a hundred years of the women of
2 Delta Sigma Theta as they carry on in doing
3 the work that many of us don't recognize needs
4 to get done.

5 We have members today from Bronx,
6 Buffalo, Syracuse, Nassau, Brooklyn, Queens,
7 mid-Hudson, Westchester, and of course
8 Manhattan.

9 Thank you, Delta Sigma Theta, for
10 being here today. We honor you. And I would
11 like to ask all of my colleagues if you would
12 join me in this resolution as we salute and
13 commend Delta Sigma Theta Sorority, Inc.

14 Thank you, Mr. President.

15 (Applause.)

16 ACTING PRESIDENT GRIFFO: Senator
17 Smith.

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

20 Colleagues, I know that it is not
21 the practice of our house to acknowledge
22 groups that are in our gallery. But if it was
23 the practice, as we know, I would look up at
24 that red that I see and acknowledge the fact
25 that I do have a little red in my sock --

1 (Laughter.)

2 SENATOR SMITH: -- and explain to
3 my colleagues that this particular sorority
4 for 98 years is one that has blazed a trail in
5 many areas.

6 We have, as my esteemed colleague
7 Senator Ruth Hassell-Thompson had just
8 explained, Delta representation from Buffalo
9 and Rochester and Rockland. And I'd be remiss
10 if I didn't say that Queens is in the house as
11 well. And Denise Johnson shouldn't stand up,
12 because they don't allow you to stand up,
13 Denise Johnson, our social action person.

14 (Applause.)

15 SENATOR SMITH: She shouldn't
16 stand up at all, because that's not what we're
17 allowed to do in the house. But if they did
18 allow us, Denise, to do that in the house, I
19 would ask you to stand up.

20 But, Mr. President, these young
21 ladies have done tremendous work over the
22 years. They have done tremendous work for our
23 young men, who, as many of my colleagues know,
24 in particular African-American men are under
25 siege. And you have done some wonderful

1 things for them.

2 So I stand here joining my
3 colleague Senator Ruth Hassell-Thompson. And
4 I appreciate the fact that she had not only
5 the intellect and the fortitude, but
6 understanding the importance of who you are.

7 Also, as you should know, that in
8 our ranks on staff that we do have Selvena
9 Brooks -- who I can't acknowledge as well,
10 because that's not approved on the floor --
11 who is a part of our team, if you will. A
12 number of staff people. But I stand on this
13 floor of the Senate, I stand on this floor --
14 Lisa Copeland too, that's right. Copeland and
15 them girls -- I'm not going to start naming
16 names.

17 (Laughter.)

18 SENATOR SMITH: However, I will
19 say I stand here today proud to be able to
20 stand and talk on behalf of the Deltas that
21 are here. You are doing wonderful work. God
22 bless you for all that you do. Continue in
23 your work. And we need you. We need you very
24 much.

25 So thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Huntley.

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

5 I think everything has been said,
6 so I'm not going to repeat all your good deeds
7 because I'm very well aware of them, since
8 you're very active in my district at P.S. 156
9 and other schools doing great things for our
10 young people.

11 So I just want to thank you for
12 coming here today. I want to thank you for
13 what you do. And I want you to continue doing
14 what you do. And it looks great to look up
15 and see all the red. One of my colleagues
16 said to me, Ruth Hassell-Thompson -- I'm
17 calling names -- Ruth Hassell-Thompson said to
18 me yesterday, she says, "You wearing your
19 red?" I says, "For the Deltas, I'm wearing my
20 red."

21 Congratulations. Look forward to
22 seeing you next year.

23 ACTING PRESIDENT GRIFFO: Senator
24 Stewart-Cousins.

25 SENATOR STEWART-COUSINS: Thank

1 you, Mr. President.

2 I apologize, because I should be
3 wearing red.

4 (Laughter.)

5 SENATOR STEWART-COUSINS: But
6 despite the fact that I am not wearing red,
7 it's worth taking the time to acknowledge the
8 work that you do and all that you mean to all
9 of our communities throughout the state and
10 throughout the nation.

11 To think that you've been so true
12 to your mission in so many broad way for
13 almost a hundred years is a credit in itself.
14 But when people come and see people like us,
15 women, a lot of times they're sort of
16 inspired: How do you do it, so on and so
17 forth.

18 And so from us to you, I say back
19 at you. You are our everyday people who
20 understand it's all important and find ways
21 every day to manifest that in your lives. You
22 touch people all over in every walk of life,
23 reminding them that education is the key,
24 reminding that that no matter where they are,
25 they can make a difference, reminding people

1 to try to do things outside of what people
2 normally expect.

3 You are our heroes in the
4 community. And I really thank you so much for
5 being the positive everyday role models,
6 excellent and excelling, that inspires our
7 youth everywhere. So thank you so much.

8 ACTING PRESIDENT GRIFFO: Senator
9 Adams.

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

12 I want to thank the women who are
13 here from Delta. You know, I was happy to
14 know that you all were coming here, because
15 everybody knows that this year I'm trying to
16 find a bride. So I'm pretty sure there's a
17 lot of eligible potential brides up there.

18 (Laughter.)

19 SENATOR ADAMS: Let me say this,
20 and clear. One hundred years, 100 years is a
21 long time. And I thank Senator
22 Hassell-Thompson for just taking the moment
23 that we pause, even during this difficult
24 budget time as we talk about the budget and as
25 we talk about how we're going to deal with the

1 financial balance of our state. These women
2 have walked the halls of the Senate and the
3 Legislative Office Building, have spoken with
4 us. And to keep us grounded, and to keep us
5 real. And we want to thank you for that, you
6 know, just taking time out of your schedule --
7 many of you are professionals, being away from
8 your place of employment, your place of
9 occupation -- and to come here and to have a
10 real conversation with us.

11 Because from time to time when we
12 navigate the 87 Highway to come to Albany, we
13 sometimes forget that those lines in the
14 budget, the dollars that we cut, the dollars
15 that we add, the taxes we refuse or the taxes
16 we decide to make, it impacts real people.
17 And for the most part, people are afraid.
18 People are scared. New Yorkers are hurting.
19 And somehow we have to give them faith again.
20 And we can't do it often as State Senators or
21 as Assemblypersons, but it takes everyday
22 folks like yourself that decides that you want
23 to give back in a very real and a very
24 meaningful way.

25 So I want to thank my colleague

1 Senator Hassell-Thompson for this moment for
2 us acknowledging a great organization. One
3 hundred years, that's impressive in itself. A
4 lot of people can't stay committed for
5 100 minutes, and you're able to do so for over
6 100 years. And we thank you for what you do
7 each and every day.

8 ACTING PRESIDENT GRIFFO: The
9 question is on the resolution. All in favor
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Excuse
13 me. Senator Libous.

14 SENATOR LIBOUS: I just wanted to
15 also welcome our guests and echo some of the
16 colleagues of our guests today.

17 And as Senator Smith said, if we
18 could acknowledge a special group that was
19 here today -- and although the rules don't
20 allow us to, I too want to stand and say that
21 it is an honor to have you come before the
22 house, it's an honor to have Senator Ruth
23 Hassell-Thompson present this resolution. And
24 we too appreciate all the good things that you
25 do on behalf of everybody in this state.

1 So it's an honor to stand here and
2 say thank you and to join my colleagues in
3 this special resolution.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Libous.

6 It is a day when seeing red is
7 pleasant. We welcome the Delta Sigma Theta
8 ladies here today.

9 And the question is on the
10 resolution. All in favor signify by saying
11 aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO:
14 Opposed?

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 resolution is adopted.

18 Senator Libous, Senator
19 Hassell-Thompson has requested that the
20 resolution be open for cosponsorship. Without
21 objection?

22 SENATOR LIBOUS: Absolutely,
23 Mr. President.

24 ACTING PRESIDENT GRIFFO: The
25 resolution is open for cosponsorship. Should

1 any member choose not to be a cosponsor,
2 please notify the desk.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 there's a resolution at the desk, 1100, by
6 Senator Little. May we please have it read in
7 its entirety and call on Senator Little for
8 its adoption, please.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 I would ask for order, please, in
12 the house. The Secretary will read.

13 THE SECRETARY: Legislative
14 Resolution 1100, by Senators Little, Breslin,
15 McDonald and Farley, memorializing Governor
16 Andrew M. Cuomo to recognize March 29, 2011,
17 as the 100th Anniversary of the New York State
18 Capitol fire.

19 "WHEREAS, It is the sense of this
20 Legislative Body to recognize significant
21 events which represent turning points in our
22 unique history and which are indelibly etched
23 in the saga of our great Empire State; and

24 "WHEREAS, It is also the sense of
25 this Legislative Body to call attention to

1 those historic events in New York State
2 history which serve as lasting reminders of
3 our unique past; and

4 "WHEREAS, Attendant to such
5 concern, and in full accord with its
6 long-standing traditions, this Legislative
7 Body is justly proud to memorize Governor
8 Andrew M. Cuomo to recognize Tuesday,
9 March 29, 2011, as the 100th anniversary of
10 the New York State Capitol fire; and

11 "WHEREAS, On March 29, 1911, at
12 2:15 a.m., a fire broke out in the third floor
13 Assembly library, in the northwest corner of
14 the New York State Capitol building; and

15 "WHEREAS, Although approximately
16 125 Albany firefighters, under the leadership
17 of Fire Chief William Bridgeford, responded to
18 the scene, flames burst through the
19 third-floor windows on the western side of the
20 Capitol and shot up through the Great Western
21 Staircase to the fourth floor. Within a few
22 hours, parts of the facade of the Capitol had
23 totally collapsed; and

24 "WHEREAS, The fire destroyed much
25 of the New York State Library, which was

1 housed at the Capitol, as well as damaging
2 irreplaceable collections of the State Museum,
3 who was also located in the Capitol at the
4 time; and

5 "WHEREAS, It was reported at the
6 time that the damages caused by the fire
7 included 600,000 volumes at the library,
8 including valuable genealogical works and
9 relics dating back to 1776. The Senate and
10 Assembly libraries, the Finance Committee
11 room, the chamber of the President Pro Tem of
12 the Senate, the Lieutenant Governor's office,
13 and much of the Senate and Assembly chambers;
14 and

15 "WHEREAS, In addition, on the
16 fourth floor of the Capitol, the fire severely
17 damaged the offices of the Court of Claims,
18 Bill Drafting Commission, Bureau of Weights
19 and Measures, and many books of scientific and
20 historical interest housed in the State
21 Education Department. Practically all offices
22 below the third floor were seriously impacted
23 by smoke and water damage, including the
24 Executive Chamber; and

25 "WHEREAS, Miraculously, there was

1 only one fatality caused by the fire, the
2 78-year-old night watchman, Samuel J. Abbott;
3 and

4 "WHEREAS, The fire at the Capitol
5 occurred just four days after the tragically
6 infamous Triangle Shirtwaist Factory fire in
7 New York City which claimed 146 lives. The
8 coincidence of these two devastatingly
9 destructive fires spurred New York to
10 undertake massive reforms in fire prevention
11 and labor, health and safety laws; and

12 "WHEREAS, It is the sense of this
13 Legislative Body that when events of such
14 historic significance are brought to our
15 attention, they should be recognized by all
16 the citizens of this great Empire State; now,
17 therefore, be it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to memorialize
20 Governor Andrew M. Cuomo to recognize
21 March 29, 2011, as the 100th Anniversary of
22 the New York State Capitol fire, and be it
23 further

24 "RESOLVED, That a copy of this
25 resolution, suitably engrossed, be transmitted

1 to the Honorable Andrew M. Cuomo, Governor of
2 the State of New York."

3 ACTING PRESIDENT GRIFFO: Senator
4 Little.

5 SENATOR LITTLE: Thank you,
6 Mr. President.

7 For the past 15 years I've had the
8 privilege of being a member of the Commission
9 on the Restoration of the Capitol, and it has
10 been truly gratifying to be able to see the
11 amount of work and historic preservation that
12 has been done for this beautiful building and
13 preserving the State Capitol, which is a
14 national historic landmark.

15 The Capitol is a living monument,
16 and it is a witness to history. Just think
17 for a moment of all the people who have walked
18 through this building, up and down the stairs,
19 and been in this same room -- presidents,
20 governors, dignitaries, previous legislators.
21 But 100 years ago today, this building and
22 this city witnessed a horrific fire. The
23 entire western side of the Capitol was
24 engulfed in flames, some of them shooting
25 200 feet in the air. And although the

1 building was believed to have been fireproof,
2 the contents of the building were not.

3 The fast-moving fire destroyed the
4 legislative library and much of the State
5 Library, which at that time was the fifth
6 largest library in the country. That night we
7 lost hundreds of thousands of books. When you
8 think of those books, documents, and
9 manuscripts that were part of our history that
10 were lost that night.

11 But thanks to the many librarians
12 and state employees at that time who rushed
13 back into the Capitol, and in those hours
14 while the fire was still burning, were able to
15 save 7,000 books and 80,000 manuscripts.
16 Included in those manuscripts was an original
17 manuscript of George Washington's farewell
18 address and an original Emancipation
19 Proclamation written in Abraham Lincoln's own
20 hand.

21 All would have been lost if it had
22 not been for the heroic efforts of the Albany
23 City Fire Department. Responding in the early
24 hours of the morning a little after 2:00, the
25 firefighters fought the flames. And can you

1 imagine arriving at this building, the size of
2 this building, in horse-drawn fire wagons and
3 a horse-drawn aerial truck? No hook and
4 ladders available at that time.

5 They fought the fire heroically and
6 had it out in a number of hours. But the fire
7 was so hot that it actually melted some of the
8 columns of the sandstone on the Great Western
9 Staircase. And unfortunately, it claimed one
10 life, the life of Samuel Abbott, who was a
11 78-year-old night watchman, a Civil War
12 veteran, who was found on the fourth floor of
13 the Capitol clutching his silver-handled cane.

14 And as was said in the resolution,
15 this horrific fire happened just four days
16 after the Triangle Shirtwaist fire in New York
17 City. And from these tragedies we had
18 legislation that first was introduced in the
19 state, and then became legislation nationally,
20 to ensure better working conditions, better
21 building safety, and better fire safety for
22 people working in buildings such as this.

23 It took months to clean up the
24 rubble from the Capitol and more than a year
25 to reconstruct the northwest corner of the

1 Capitol. The legislatures moved down the hill
2 and had their sessions in Albany City Hall.

3 And while there is no remaining
4 evidence of this fire, it is evident that we
5 shall always remember it. And we will
6 continue to be dedicated and committed to the
7 restoration of this beautiful building.

8 Thank you.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Little.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Thank you,
13 Mr. President. I just wanted to add a little
14 something to what Senator Little said.

15 The gentleman who died in the fire,
16 Samuel Abbott, was from Syracuse, New York.
17 He was the night watchman in what we now call
18 the Capitol library area. And those who went
19 through a Capitol tour probably saw that.

20 While the fire was going on, he ran
21 around the building on that night helping
22 people evacuate -- he was 78 years old at the
23 time -- opening windows and trying to save
24 some of the artifacts. And he was the one
25 that sounded the alarm.

1 While doing this, he was caught in
2 a room in which a flash fire occurred, and he
3 was tragically killed in the line of duty.
4 His remains were found two days after the
5 fire.

6 Now, a little bit about Mr. Abbott
7 which I think is interesting. He was a second
8 lieutenant in the Civil War. He was a hero in
9 the Central New York Regiment in which he
10 fought. He was active in the Virginia
11 campaigns, where some of the fiercest fighting
12 of the war occurred. He was admired by both
13 his men and those commanders under which he
14 served.

15 When he returned from war, he went
16 to work for the Postal Service and eventually
17 rose to become assistant postmaster of the
18 city of Syracuse. Upon his retirement, he
19 relocated to Albany to be near his family,
20 where he worked as a night watchman.

21 And there was something in the
22 Albany newspapers -- and I believe everything
23 in the newspapers because they're incredible
24 sources of only facts. And what the Albany
25 newspapers reported is that some employees

1 even today maintain that Mr. Abbott's ghost
2 still makes the rounds in his watchman's
3 uniform on the fourth and fifth floor of the
4 building's west side, jingling his keys,
5 testing doorknobs, and turning out lights.

6 Now, I haven't seen him yet, but
7 I'm going to keep looking out for Mr. Abbott,
8 because he was one of our finest citizens from
9 Syracuse.

10 Thank you very much.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Oh, excuse
14 me, one other thing.

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco.

17 SENATOR DeFRANCISCO: This is
18 important. This building cost \$25 million to
19 build. The fire caused \$5 million in damages.
20 \$25 million to build.

21 Right now and for the last 10 years
22 at least, the roof is being replaced on this
23 building. And I understand that the roof cost
24 is around \$50 million. The roof is twice as
25 much as this whole building cost to build, in

1 today's dollars versus dollars a hundred years
2 ago.

3 So I'm giving this lesson to some
4 young people from Onondaga County who really
5 wanted this information today.

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator DeFrancisco.

9 The question is on the resolution.
10 All in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO:

13 Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO: The
16 resolution is adopted.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, I
19 believe that Senator Gallivan has a resolution
20 at the desk. He would ask just that the title
21 be read and we move for its immediate
22 adoption.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 resolution by Senator Gallivan, commemorating
2 the 50th Anniversary of the ARC of
3 Livingston-Wyoming.

4 ACTING PRESIDENT GRIFFO: The
5 question is on the resolution. All in favor
6 signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO:
9 Opposed?

10 (No response.)

11 ACTING PRESIDENT GRIFFO: The
12 resolution is adopted.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President,
15 there's a privileged resolution at the desk by
16 Senator Young. May we please have it read in
17 its entirety, and if you could then call on
18 Senator Young before its adoption.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

21 THE SECRETARY: Legislative
22 resolution by Senators Young and Gallivan,
23 celebrating the recovery from critical wounds
24 and homecoming of United States Army Sergeant
25 James Hackemer.

1 "WHEREAS, It is the sense of this
2 Legislative Body to celebrate the courage and
3 bravery of the United States Armed Forces who
4 have made great sacrifices in fulfilling their
5 mission as part of Operation Iraqi Freedom to
6 ensure our continued role as a nation which
7 embodies the ideals of democracy and as a
8 defender of liberty throughout the world; and

9 "WHEREAS, Attendant to such
10 concern, and in full accord with its
11 long-standing traditions, this Legislative
12 Body is justly proud to celebrate the recovery
13 and homecoming of Sergeant James Hackemer, who
14 was seriously wounded early in his second tour
15 of duty in Iraq when his vehicle hit several
16 improvised explosive devices in a convoy on
17 its way to Baghdad; and

18 "WHEREAS, At the time of the
19 incident, Sergeant James Hackemer was serving
20 in the 230th Military Police Company, 95th
21 Military Police Battalion, 18th Military
22 Police Brigade. The 230th Military Police
23 Company worked with the Iraqi police to
24 provide training in securing their country;
25 and

1 "WHEREAS, Sergeant Hackemer lost
2 both legs and suffered from a massive amount
3 of blood loss and traumatic brain injury in
4 the explosion. He also suffered a stroke
5 during medical treatment and spent more than a
6 month in a coma; and

7 "WHEREAS, Overcoming dramatic odds,
8 Sergeant Hackemer courageously endured lengthy
9 and difficult therapy and treatments to learn
10 to eat and speak again and to learn to use
11 prosthetic legs; and

12 "WHEREAS, Residents of this great
13 Empire State must never forget the courage
14 with which members of the United States Armed
15 Forces have served their country and must
16 recognize that no greater debt is owed than
17 that owed to those who have made great
18 sacrifices for this great nation; and

19 "WHEREAS, The freedoms and security
20 we cherish as Americans comes at a very high
21 price for those serving in the military in
22 times of conflict. It is fitting and proper
23 that we who are beneficiaries of those who
24 risk their lives, leaving their families
25 behind, express our appreciation and eternal

1 gratitude for their sacrifices and courageous
2 acts; and

3 "WHEREAS, It is the intent of this
4 Legislative Body to publicly honor those
5 veterans who have made extraordinary personal
6 sacrifices during their military service and
7 who have fought against great odds to recover
8 and return to their families and communities;
9 now, therefore, be it

10 "RESOLVED, That this Legislative
11 Body pause in its deliberations to celebrate
12 the homecoming of Sergeant James Hackemer, a
13 native of Gowanda, New York, and be it further

14 "RESOLVED, That a copy of this
15 resolution, suitably engrossed, be transmitted
16 to Sergeant James Hackemer."

17 ACTING PRESIDENT GRIFFO: Senator
18 Young.

19 SENATOR YOUNG: Thank you,
20 Mr. President, for the privilege to talk about
21 Army Sergeant James Hackemer.

22 Gowanda, New York, is a very
23 special place because it's a place where
24 neighbors reach out and help each other
25 through good times and in bad. It's also

1 special because it's unique. Half of the town
2 is in Erie County in Senator Gallivan's
3 district; the other half is in Cattaraugus
4 County, which is in my Senate district.

5 Sergeant Hackemer was in Iraq in
6 March of 2008. He was in third month of his
7 second tour serving our country when that
8 roadside bomb went off. It blew off both of
9 his legs, caused a traumatic brain injury.
10 And while he was initially being treated, he
11 suffered a stroke which left him in a coma for
12 an entire month. He doesn't remember riding
13 in the vehicle, but he does remember the blast
14 and he remembers that he was being lifted out
15 of the vehicle and there was a soldier
16 standing over him saying "Hang on, buddy."

17 He was moved to Bethesda Naval
18 Hospital. And at first, while he was in his
19 coma, it was really touch and go. And his
20 family was faced with a very difficult
21 situation because they felt that they may have
22 to make the decision to take him off life
23 support. But soon he began to show some life,
24 there was a glimmer of hope, and he started to
25 respond.

1 Sergeant Hackemer is the father of
2 two young children, two girls. And on the day
3 that he was moved out of the intensive care
4 unit, his daughter was born. He could not be
5 there, but he was able to listen to the birth
6 through an audio hookup.

7 So it's been a long haul. He did
8 have to learn how to eat again, how to speak
9 again, how to write again, and his greatest
10 challenge has been learning how to walk again.
11 And he went to Walter Reed Army Medical Center
12 in order to be fitted for his prosthetic legs.

13 He came home this past weekend,
14 back to Gowanda. And we are very excited
15 because on April 3rd, in just a couple of
16 days, the entire community is turning out to
17 hold a special parade in his honor. There
18 will be a party of the entire community at the
19 Gowanda American Legion.

20 And so I want to thank you, my
21 colleagues, for voting to support this
22 resolution. I know that Sergeant Hackemer and
23 his entire family and the entire community
24 will be very excited to know that the State
25 Senate took the time to recognize his

1 sacrifices on behalf of our country.

2 And so we will be there, and I know
3 that you will be there in spirit too, because
4 we are going to show Sergeant Hackemer how
5 much we are grateful for his sacrifice, how
6 much we are so proud of him, and how much we
7 love him. So thank you very much, my
8 colleagues.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Young.

11 The question is on the resolution.
12 All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO:
15 Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: The
18 resolution is adopted.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President,
21 we will stand at ease for an hour, and we will
22 come back at 5:30 to Room 332 for a Finance
23 Committee meeting.

24 So the Finance Committee should be
25 in Room 332 at 5:30, and the Finance Committee

1 meeting will meet, and until then the Senate
2 will stand at ease.

3 Will you recognize Senator Breslin,
4 please.

5 ACTING PRESIDENT GRIFFO: Senator
6 Breslin.

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

9 There will be an immediate meeting
10 of the Democratic Conference in the conference
11 room.

12 ACTING PRESIDENT GRIFFO: There
13 will be an immediate meeting of the Democrat
14 Conference in the conference room.

15 There will be a meeting of the
16 Finance Committee in Room 332 at 5:30 p.m.

17 The Senate stands at ease.

18 (Whereupon, the Senate stood at
19 ease at 4:32 p.m.)

20 (Whereupon, the Senate reconvened
21 at 5:52 p.m.)

22 ACTING PRESIDENT MAZIARZ:
23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 there is an immediate, and I say immediate

1 meeting of the Finance Committee in Room 332.

2 ACTING PRESIDENT MAZIARZ:

3 Immediate meeting of the Senate Finance
4 Committee in Room 332.

5 Senator Libous.

6 SENATOR LIBOUS: We'll stand at
7 ease.

8 ACTING PRESIDENT MAZIARZ: The
9 Senate will stand at ease pending the report
10 of the Finance Committee.

11 (Whereupon, the Senate stood at
12 ease at 5:53 p.m.)

13 (Whereupon, the Senate reconvened
14 at 6:10 p.m.)

15 ACTING PRESIDENT GRIFFO: The
16 Senate will come to order.

17 Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 if we could return to the order of reports of
20 standing committees, I believe there's a
21 report of the Finance Committee at the desk.
22 I ask that it be read.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Senator

1 DeFrancisco, from the Committee on Finance,
2 reports the following bills:

3 Senate Print 2810C, Senate Budget
4 Bill, an act authorizing funding for the
5 Consolidated Local Street and Highway
6 Improvement Program; and

7 2812C, Senate Budget Bill, an act
8 relating to constituting Chapter 18A of the
9 consolidated laws.

10 Both bills ordered direct to third
11 reading.

12 ACTING PRESIDENT GRIFFO: Bills
13 reported to third reading without objection.
14 Senator Skelos.

15 SENATOR SKELOS: If we could take
16 up the noncontroversial reading of the
17 supplemental calendar.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 278, Senate Budget Bill, Senate Print 2812C --

22 SENATOR BRESLIN: Lay it aside.

23 ACTING PRESIDENT GRIFFO: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 277, Senate Budget Bill, Senate Print 2810C --

2 SENATOR BRESLIN: Lay it aside.

3 ACTING PRESIDENT GRIFFO: Lay it
4 aside.

5 Senator Skelos, that completes the
6 noncontroversial reading of the supplemental
7 calendar.

8 SENATOR SKELOS: Mr. President,
9 if we can go to the controversial reading of
10 the supplemental calendar.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will ring the bell.

13 Senator Skelos.

14 SENATOR SKELOS: If we could once
15 again go to the controversial reading of the
16 supplemental calendar.

17 ACTING PRESIDENT GRIFFO: We are
18 on the controversial reading of the
19 supplemental calendar. The bells have been
20 rung.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 277, Senate Print 2810C, Senate Budget Bill,
24 an act to authorize funding for the
25 Consolidated Local Street and Highway

1 Improvement Programs.

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

4 ACTING PRESIDENT GRIFFO: There
5 is a message of necessity at the desk, Senator
6 Skelos.

7 SENATOR SKELOS: Move to accept
8 the message of necessity.

9 ACTING PRESIDENT GRIFFO: All in
10 favor of accepting the message of necessity
11 please signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO:
14 Opposed?

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 message is accepted.

18 Read the last section.

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

21 SENATOR KRUEGER: Explanation.

22 ACTING PRESIDENT GRIFFO: An
23 explanation is called for by Senator Krueger.

24 SENATOR SKELOS: Mr. President,
25 if I could just make some opening comments.

1 ACTING PRESIDENT GRIFFO: Senator
2 Skelos.

3 SENATOR SKELOS: This is the
4 beginning of our discussion of the 2011
5 budget, which I am happy that it is not and
6 certainly our conference has not increased
7 taxes, is cutting government spending, and
8 will set us on the road to the creation of
9 private-sector jobs within this state.

10 A lot of work has gone into this
11 budget. I certainly want to thank all of our
12 staff for their good work. And also I want to
13 thank Senator DeFrancisco, who chairs the
14 Finance Committee, and members of the
15 committee and all the members that
16 participated on both sides of the aisle on the
17 conference committee process that has brought
18 us to this point.

19 We're working with Governor Cuomo.
20 We will have an early budget, the first time
21 since 1983, when there was another Governor
22 Cuomo downstairs on the second floor. But
23 most of all, it brings fiscal reality back to
24 this state.

25 With the completion of this budget,

1 not only will we be eliminating a \$10 billion
2 deficit without raising taxes, we will also
3 bring next year's projected deficit from
4 \$15 billion to a more manageable \$2 billion,
5 which is less than 1 percent of the entire
6 budget.

7 Within this budget we will be
8 making permanent the Power for Jobs program
9 and businesses will continue to receive
10 low-cost power in exchange for their
11 commitment to creating and retaining jobs.
12 And I want to thank Senator Maziarz, who
13 chairs the Energy Committee, for his good
14 work.

15 I'm also delighted of Governor
16 Cuomo's commitment to hosting a summit with
17 all the stakeholders in making UB 2020 a
18 reality, which will bring jobs and hope to
19 Western New York as well as improvements to
20 the other university centers, which are
21 important priorities of the Senate Republican
22 Conference.

23 So I'm sure there will be more said
24 as we work our way through the budget process.
25 But again, I thank all of our colleagues for

1 their good work, and I look forward to
2 listening very carefully to the debate as we
3 move forward.

4 So if we could just take up that
5 legislation, I believe Senator DeFrancisco
6 will handle the debate.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Skelos.

9 Senator DeFrancisco on the
10 explanation.

11 SENATOR DeFRANCISCO: Thank you.

12 Senate 2810C is the transportation
13 and economic development Article VII.
14 Basically, what it provides is several things,
15 many of which were in the Governor's original
16 budget and not changed, so they've been out
17 there since January as far as what the
18 Governor had in mind. And many of the items
19 were approved and in this overall budget.

20 The first one dealt with the CHIPS
21 program and the Marchiselli program, that we
22 concurred with the Governor. And the CHIPS
23 monies are \$363.1 million; Marchiselli money,
24 Marciselli money -- depending if you want the
25 Italian pronunciation or not -- was

1 \$39.7 million, for a total of \$402.8 million.
2 Extremely important to all bridge and highway
3 recipients throughout the state, very
4 important.

5 The second part permanently
6 extended the Department of Transportation's
7 single audit program. Again, we concurred
8 with the Governor. We concurred with the
9 Governor to extend suspension of driver's
10 licenses for certain alcohol-related charges.
11 We also concurred with the Governor to
12 permanently extend the suspension or
13 revocation of driver's licenses for certain
14 drug-related offenses and also concurred with
15 the Governor to make permanent provisions
16 relating to the Motor Vehicle Financial
17 Security Act.

18 Next there was a change. The next
19 section deals with making permanent the
20 general loan powers of the New York State
21 Urban Development Corporation. That's what
22 the Governor's budget wanted to do. We
23 changed it, the legislative budget changed
24 that to authorize the ESDC to issue loans,
25 extending the authorization for only one year

1 rather than making it permanent, which will
2 provide a little bit more oversight by the
3 Legislature.

4 Next, we concurred with the
5 Governor, we accepted his proposal to increase
6 the lifetime maximum per eligible business
7 from \$1 million to \$2 million. And that deals
8 with the Excelsior Linked Deposit Program.

9 Again, in the spirit of cooperation
10 and bipartisanship, we concurred with the
11 Governor in extending the New York State
12 Higher Education Capital Matching Grant
13 Program. And also, to clarify the state
14 government's cost recovery system, we concur
15 with the Governor. However, we did something
16 else. That provision is basically that the
17 Governor proposed to increase from \$55 million
18 to \$60 million the cost recovery by the state
19 from public authorities. The Senate further
20 accepted the Executive's proposal to repeal
21 such cost recovery from Industrial Development
22 Agencies. So they will not have that IDA tax
23 going forward.

24 The Governor would not agree with
25 retroactive elimination of that tax. But the

1 Senate showed their position by passing a
2 separate bill to in fact do that, to eliminate
3 that IDA tax retroactively. But the budget
4 does not have that retroactive language.

5 We also concurred with the Governor
6 in permanently establishing the distribution
7 formula for the Community Services Block Grant
8 program.

9 And there was a provision by the
10 Governor to permanently establish the
11 authority of the Secretary of State to charge
12 increased fees for expedited handling of
13 documents. We did not concur with the
14 Governor on that, we extended that ability for
15 two years, and that's in the budget we're
16 going to be dealing with.

17 We disagreed with the Governor's
18 proposal to dissolve the Tug Hill Commission,
19 and that will be in the budget.

20 We rejected the Governor's proposal
21 to eliminate the salary for the chair of the
22 State Athletic Commission, so that salary will
23 still be in the budget.

24 There are several other
25 concurrences that I can go through in great

1 detail. And I probably should, rather than
2 doing that, see if there are any specific
3 questions, because some of these areas may not
4 be of interest to discuss or debate on the
5 floor. So I'll stop at this point. And if
6 there are any questions, I'd be happy to try
7 to answer them.

8 ACTING PRESIDENT GRIFFO: Senator
9 Krueger, why do you rise?

10 SENATOR KRUEGER: Thank you,
11 Mr. President. I do have a series of
12 questions for the sponsor, so thank you very
13 much.

14 To start, just to clarify, Senator
15 Skelos, before he turned over the questions to
16 Senator DeFrancisco, pointed out that we are
17 trying to get a budget done on time or even
18 early this year. But of course, for the
19 record, these bills were received with
20 messages of necessity and have only been in
21 print and available to the public and to
22 ourselves for a few hours. And so we do have
23 a series of questions about what's actually in
24 these budget bills and what's not.

25 But if I might start by asking,

1 because we're working hard to stay apace, are
2 we expecting any other bills to be brought to
3 the floor this evening? And if so, have we
4 received any other messages of necessity on
5 budget bills from the Governor?

6 ACTING PRESIDENT GRIFFO: Senator
7 Krueger is asking Senator DeFrancisco to
8 yield.

9 Senator DeFrancisco, do you yield
10 to questions from Senator Krueger?

11 SENATOR DeFRANCISCO: We expect
12 to do one other bill tonight, the state
13 operations bill. It's currently in -- it's
14 been printed, it's currently being reviewed.
15 And we expect to get a message of necessity
16 from the Governor on that bill as well.

17 SENATOR KRUEGER: Thank you.

18 And, Mr. President, to follow up,
19 do we know if there's a total budget agreement
20 on all the remaining outstanding issues? Even
21 though I understand from Senator DeFrancisco's
22 answer to my last question there are not
23 necessarily budget bills in print, available
24 for us to see on all the other sections of the
25 budget.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco, do you yield?

3 SENATOR DeFRANCISCO: Yes, I do.

4 And I'll answer it in that there
5 was a budget agreement announced on Sunday by
6 the leadership. And since Sunday at about
7 4 o'clock or 4:30 when that announcement was
8 made, there has been discussions among the
9 Assembly, the Senate, and the Governor
10 pertaining to the specific language to make
11 sure everyone agreed that the intent of the
12 agreement was accurately reflected in the
13 bills.

14 So the reason we're doing these
15 three bills this evening is that the language
16 has been agreed to by each of the three houses
17 and is ready to be voted upon.

18 There are still a few cleanup
19 issues that are being resolved; for example,
20 the table dealing with Medicaid and health,
21 because that's one of the most complicated
22 ones because it had some of the most
23 comprehensive changes.

24 However, the agreement is there.
25 It's a question of making sure the language

1 expresses what everyone believes the agreement
2 was supposed to be.

3 And you have to understand that the
4 staffs of the Assembly and the Senate have
5 literally been working around the clock with
6 virtually no sleep. So the process is going
7 as expeditiously as humanly possible. And we
8 certainly expect the remainder of the bills to
9 be in print for review and also to be voted
10 on, we expect, by tomorrow.

11 SENATOR KRUEGER: Thank you,
12 Mr. President. If the sponsor would continue
13 to yield.

14 SENATOR DeFRANCISCO: Yes, I
15 would.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco yields.

18 SENATOR KRUEGER: Thank you. So
19 my understanding is there is a full agreement
20 on the budget, at least in principle, in
21 outline, but not necessarily all the
22 individual bills yet in print.

23 Is there information that my Senate
24 colleagues from the Majority could share with
25 us in advance of those bills so that we could

1 see what the specific agreements are between
2 the, so to speak, three leaders in the room?

3 ACTING PRESIDENT GRIFFO: Senator
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Well, as
6 you know, Senator Krueger, it wasn't three
7 leaders in the room. Unlike the last two
8 years, we actually followed the law. And we
9 followed the law by following the 2007 Budget
10 Reform Act. And exactly according to
11 schedule, each house had their one-house
12 budget bills done, the joint conference
13 committees were held -- in fact, some of the
14 committees, like the Health Committee, met
15 many times -- publicly discussing some of the
16 most controversial issues.

17 So this isn't three men in a room.
18 Right now, it's the staffs in the room making
19 sure that the intent of the Legislature and
20 the Governor is accurately reflected in the
21 language.

22 And rather than going through
23 what's in the other bills that we will go
24 through in great detail when they're formally
25 in print and available to be debated, we have

1 a bill before the floor right now, and I want
2 to confine my remarks to what this bill
3 pertains to. And I will do the same at the
4 next bill. And as the bills are ushered out,
5 we will discuss anything that Senator Krueger
6 or any other member chooses to discuss.

7 ACTING PRESIDENT GRIFFO: Senator
8 Krueger.

9 SENATOR KRUEGER: Thank you,
10 Mr. President. I appreciate the sponsor's
11 response.

12 Again, just for the record, the
13 concern is that there was only an outline of
14 verbal statements and quick summaries from the
15 conference committees and through the mother
16 ship, and we were hoping to actually see the
17 language of agreements before bills showed up.

18 Because we know, as was raised in
19 the beginning, that there's an expectation
20 that we are going to move very, very quickly
21 through the budget bills. And again,
22 information is knowledge, and it would be
23 better to have more than a couple of hours of
24 information and knowledge before having to
25 make difficult decisions on behalf of the

1 State of New York.

2 But to start questioning on this
3 bill before us tonight, I'm going to start
4 with some transportation questions --

5 ACTING PRESIDENT GRIFFO: So,
6 Senator Krueger, are you asking the sponsor to
7 continue to yield?

8 SENATOR KRUEGER: Thank you so
9 much. I am asking the sponsor to yield for
10 some questions.

11 ACTING PRESIDENT GRIFFO: Senator
12 DeFrancisco, will you yield to questions on
13 this specific bill?

14 SENATOR DeFRANCISCO: Yes.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger.

17 SENATOR KRUEGER: Thank you.
18 What the total of All Funds
19 appropriation for the transportation budget,
20 and how is that different from the current
21 year transportation budget?

22 SENATOR DeFRANCISCO: The
23 transportation appropriations are not in this
24 bill. The language -- this is an Article VII
25 bill showing what the agreement is as far as

1 what Article VII proposals we accepted, what
2 Article VII proposals we rejected or modified.

3 There will be a separate
4 appropriations bill, in detail, with each of
5 the numbers that you're looking for, in a
6 subsequent appropriation bill.

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

9 The first question I think
10 highlights the dilemma for us in trying to
11 move forward with the budget, that we are
12 being asked to vote on language bills that
13 explains how money is going to be used without
14 actually having seen the appropriation bills
15 yet that show the dollar amount of what
16 they're going to be used for.

17 SENATOR DeFRANCISCO: May I
18 respond?

19 SENATOR KRUEGER: Oh, of course.
20 May --

21 ACTING PRESIDENT GRIFFO: Senator
22 DeFrancisco.

23 SENATOR DeFRANCISCO: I did, by
24 the way, mention in my opening remarks that
25 that part of this bill dealing with CHIPS and

1 Marchiselli is in the language of this bill,
2 \$363.1 million for CHIPS and \$39.7 million for
3 Marchiselli.

4 As far as transportation costs that
5 are related to this particular bill, the
6 language bill, those are the only
7 appropriations in this language bill that are
8 relevant to Article VII issues. So as a
9 practical matter, you do have the numbers that
10 are relevant to this Article VII bill.

11 As far as the point that the
12 difficulty in trying to deal with one bill at
13 a time, the Governor is extremely interested,
14 as is the Senate leadership, to make sure we
15 have a budget hopefully early. And we're not
16 trying to rush anybody into anything, but we
17 also don't want to be in a situation where
18 we're wasting time today when there are bills
19 in print, with the language in print, to be
20 reviewed and gotten out of the way, rather
21 than having a marathon session to try to beat
22 the clock. And I think it's a very efficient
23 way to do it, and it will benefit everyone by
24 doing it in a timely fashion.

25 SENATOR KRUEGER: Thank you,

1 Mr. President. I don't think anybody wants to
2 have marathon sessions that are unnecessary.
3 We just want to ask questions and get answers
4 to them before we actually vote for or against
5 individual budget bills.

6 And as my colleague so well
7 explained, we're on a language bill --
8 Article VII, transportation, economic
9 development, environmental conservation --
10 where most sections of the bill relate to
11 appropriations, but we have yet to have final
12 appropriation language for the bills. It's
13 sort of like when we do the budget each year,
14 spending the money before we do revenue bills
15 explaining where we got the money. So again,
16 this whole process is a little out of order.

17 If I could just jump to -- does
18 this bill lay out any language for plans to
19 either continue the MTA payroll tax at its
20 current levels or change that MTA payroll tax?

21 ACTING PRESIDENT GRIFFO: Senator
22 DeFrancisco.

23 SENATOR DeFRANCISCO: This bill
24 does not deal with that issue.

25 SENATOR KRUEGER: Thank you.

1 Does this bill --

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger, do you wish to have the sponsor
4 continue to yield?

5 SENATOR KRUEGER: Excuse me. I'm
6 going to get the rhythm of that, I promise,
7 Mr. President.

8 SENATOR DeFRANCISCO: I'm not so
9 sure if we're violating the rules, but I have
10 no problem her asking the question, I'll be
11 happy to answer each one. As opposed to
12 getting permission.

13 ACTING PRESIDENT GRIFFO: I will
14 allow some latitude in that.

15 SENATOR DeFRANCISCO: Thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 Krueger.

18 SENATOR KRUEGER: No, no, I'm
19 usually very good at this. So I will stay
20 focused on going through you, Mr. President.

21 Through you, Mr. President, if the
22 sponsor would continue to yield.

23 SENATOR DeFRANCISCO: Yes.

24 SENATOR KRUEGER: You have to
25 wait for him to answer.

1 ACTING PRESIDENT GRIFFO: Yes,
2 the sponsor yields, Senator Krueger.

3 SENATOR KRUEGER: Thank you very
4 much.

5 What in this bill specifically
6 changes anything in transportation policy or
7 MTA policy, since we have agreed that there's
8 not really money in this bill? Could you go
9 over for me the changes in transportation
10 budget, transportation policy, capital budget
11 or policy, or MTA budget or policy?

12 SENATOR DeFRANCISCO: Well,
13 nothing on MTA. But when I was going through
14 my summary, there are a few things that the
15 Governor proposed that we modified somewhat.
16 For example, there were certain -- well,
17 actually, that we agreed with.

18 For example, the Governor suggested
19 the good policy would be to extend suspension
20 or revocation of driver's licenses for certain
21 drug-related offenses. That technically
22 changes the law in that it wasn't permanent
23 before. Now it's going to be permanent. Same
24 with extending suspension of driver's license
25 for certain alcohol-related charges. That's

1 now going to be permanent in order that the
2 Governor proposes. Permanently extending the
3 Department of Transportation single audit
4 program. That was not permanent; it now is.

5 So insofar as some of these issues
6 that I've already outlined, there are policy
7 changes insofar as making policies that were
8 in existence, having them extend permanently
9 as opposed to having to be -- a new bill being
10 put forward because of a sunset. So there's
11 that type of provision in this type of budget.
12 And there's a few others that I could go
13 through if you'd like.

14 SENATOR KRUEGER: Thank you. I
15 appreciate the explanation. Mr. President, if
16 through you the sponsor would continue to
17 yield.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR KRUEGER: Thank you.

21 Senator DeFrancisco just laid out a
22 number of permanent extenders that are built
23 into this Article VII bill. Why is the
24 Legislature taking the position that we should
25 do permanent extenders of changes in the law

1 as opposed to extenders that match with budget
2 years?

3 SENATOR DeFRANCISCO: Because
4 it's the right thing to do. The Governor
5 proposed it. And these penalties, for
6 example, in alcohol-related offenses, dealing
7 with suspension of driver's licenses for
8 alcohol-related offenses, drug-related
9 offenses, it is good public policy and it
10 should be extended permanently.

11 It's just that we agree with the
12 Governor on these permanent extensions.
13 There's simply no reason to have to do it year
14 after year in a budget bill when it's good
15 public policy.

16 SENATOR KRUEGER: Thank you,
17 Mr. President. If the sponsor would continue
18 to yield, please.

19 SENATOR DeFRANCISCO: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR KRUEGER: Thank you.
23 Moving into the economic development section
24 of this bill, this is a language bill, as
25 we've already established. And is there

1 language about the state's economic
2 development plan specifically laid out in this
3 bill? Are we continuing to push for a mission
4 of revitalization in economic development?
5 And how are we planning to do that in the
6 context of these language changes?

7 SENATOR DeFRANCISCO: Well,
8 there's only -- well, it depends on what's
9 meant by your question. There is something in
10 here making permanent -- the Governor wanted
11 to make permanent the general loan powers of
12 the New York State Urban Development
13 Corporation. We didn't think that was a good
14 idea, nor did the Assembly, so we only gave
15 that authority to ESDC for one year. We
16 thought more oversight by the Legislature made
17 sense.

18 But with respect to the other major
19 economic development proposals of the
20 Governor, such as the regional economic
21 development organizations, that's not in this
22 bill. That will be in a subsequent bill that
23 we will explain at the time that bill comes
24 out.

25 SENATOR KRUEGER: Thank you,

1 Mr. President. If through you the sponsor
2 will continue to yield.

3 SENATOR DeFRANCISCO: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: Thank you.

7 I believe that the Senator is
8 referencing Part DD of this bill in what he
9 reviewed on the UDC or ESDC requiring to
10 submit a financial plan to the DOB and go
11 through the documentation of their various
12 accounts. Which I have to say I think is
13 actually a very good thing for us to be doing.

14 But I'm confused because I don't
15 believe any of this was discussed in the
16 conference committee or the report. Was this
17 part of the economic development conference
18 discussions?

19 SENATOR DeFRANCISCO: You know, I
20 really can't recall. But I can tell you the
21 reports this year were a lot longer than the
22 last two years and had much more detail.
23 Whether this particular proposal was in the
24 report, I really don't know. Some of the
25 information was probably not, and you may be

1 right that this might not have been.

2 SENATOR KRUEGER: Mr. President,
3 if through you the sponsor will continue to
4 yield.

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: Thank you.
9 Again, referencing Part DD of this bill
10 specific to economic development, it
11 references a series of separate accounts
12 within ESDC. Are these new accounts we're
13 discussing or simply a review of all the
14 existing accounts?

15 SENATOR DeFRANCISCO: They are
16 existing accounts.

17 SENATOR KRUEGER: Thank you.
18 Mr. President, if through you the
19 sponsor would continue to yield.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR KRUEGER: There's also a
23 Part EE of the bill which is an authorization
24 for an Empire State New Market Corporation.
25 Could the sponsor please explain what that is

1 to me?

2 SENATOR DeFRANCISCO: Well,
3 that's a very good question. Because I don't
4 know the answer at the moment, but I'll have
5 to consult with someone who does.

6 All right, I've been informed that
7 this legislation allows the Urban Development
8 Corporation to create limited liability
9 companies to take advantage of a federal
10 program. Without limited liability programs,
11 we wouldn't be able to take advantage of the
12 federal New Markets Tax Credit program, and
13 that's the purpose for it.

14 SENATOR KRUEGER: Mr. President,
15 if through you the sponsor would continue to
16 yield.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: Thank you. And
20 following up on this question of these new
21 market credits and the creation somehow of
22 LLCs in order to take advantage of these
23 federal tax credits, is there any matching
24 state cost associated with the creation of
25 this program or this section of the

1 Article VII language?

2 SENATOR DeFRANCISCO: No, there's
3 no required matching funds. And the total
4 amount of the potential tax credits is
5 \$30 million.

6 SENATOR KRUEGER: Thank you.
7 Mr. President, if through you the
8 sponsor would continue to yield.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

12 So we have a new program created
13 within this bill which would hopefully allow
14 us to take advantage of some federal tax
15 credits, I hear to the tune of \$30 million,
16 and it would be involving LLCs. Would the
17 Independent Authorities Budget Office have
18 oversight on this program? And would there be
19 the same requirements for transparency and
20 audit by the Independent Public Authorities
21 Budget Office as was created in our Public
22 Authorities Reform Act? And don't ask me to
23 say that again.

24 SENATOR DeFRANCISCO: Yes, it
25 would be subject to that review. And in

1 addition, this is technically not a new state
2 program, it's simply allowing us to be able to
3 have the mechanics in place to take advantage
4 of the federal tax credit program of
5 \$30 million.

6 SENATOR KRUEGER: And,
7 Mr. President, if the sponsor would continue
8 to yield.

9 SENATOR DeFRANCISCO: Yes, I
10 would.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR KRUEGER: Thank you.

14 So it's my understanding that this
15 section, Part EE, like Part DD, were not
16 discussed at the conference committee tables.
17 Are there any other sections of this bill that
18 we are seeing tonight that did not come out of
19 conference committee discussions?

20 SENATOR DeFRANCISCO: You know, I
21 really don't know that. I don't have all the
22 reports in front of me. I'm sure that the
23 reports have been available. They were made
24 public when they were handed up to the joint
25 conference committee. I'm certain that some

1 of the items that are in the final bills were
2 not discussed by the joint conference
3 committees.

4 I understand also that the process
5 is not perfect, that I would love to see every
6 single issue before the joint conference
7 committees. However, that did not happen this
8 year. But there was definitely a good faith
9 effort on behalf of the Assembly and the
10 Senate leadership to have open discussions on
11 as many issues as possible that we could
12 during the time frame allotted. And no doubt
13 some of these were not in the committee
14 reports.

15 Some of the committee reports, by
16 the way, referred them to the general
17 conference committee for discussion, and some
18 of those issues were decided in negotiations
19 by the leaders. And there's no secret about
20 that.

21 SENATOR KRUEGER: Thank you,
22 Mr. President. Actually, I appreciate Senator
23 DeFrancisco's direct answers to my questions.
24 Again, it highlights my earlier point that it
25 would have been helpful had there been actual

1 language available for people to see before we
2 actually were moving the new bill to the
3 floor.

4 And again, for the record, Senate
5 law requires that bills that are being voted
6 on on the floor actually have memos. And I,
7 at least, don't see memos to this budget bill
8 on my desk.

9 I'm certainly not going to delay
10 the process here tonight. But again, for the
11 record, many of the questions that we want to
12 make sure get asked are because we went
13 through conference committees -- better than
14 some years, not perfect -- we were not
15 provided language agreements between the two
16 houses prior to coming to the floor of the
17 Senate. We are desperately reading the bills
18 literally as we are moving them.

19 And again, for the record, I --
20 perhaps it's on other people's desks, but I
21 don't see a memo to this bill here before us.

22 ACTING PRESIDENT GRIFFO: Senator
23 Krueger, are you on the bill now?

24 SENATOR KRUEGER: No, I was
25 making a point that there is no memo. Or

1 perhaps I'll make that a question. Is there a
2 memo for this bill?

3 SENATOR DeFRANCISCO: No. The
4 way I understand the rules is that the memos
5 that are required are on appropriation bills.

6 However, the bill that we are
7 discussing right now was on the Internet
8 starting at 1:20 this afternoon. This session
9 started about 6:20 today. There were five
10 hours. The total number of pages of this bill
11 is 45 1/2. And since we concurred with the
12 Governor on so many of the areas -- the
13 Governor's language has been in existence for
14 two months, two and a half months.

15 So the areas that you have
16 highlighted that you are concerned you didn't
17 have time to read are a small pittance of the
18 amount of these 45 1/2 pages, which all of us
19 could clearly have read in time, in five
20 hours, to be prepared for this. And you're
21 obviously prepared to discuss it by the nature
22 of your questions.

23 SENATOR KRUEGER: Thank you.

24 Mr. President, if the sponsor would
25 continue to yield, please.

1 SENATOR DeFRANCISCO: Yes, I
2 would.

3 ACTING PRESIDENT GRIFFO: Senator
4 DeFrancisco yields, Senator Krueger.

5 SENATOR KRUEGER: Thank you.

6 Without ceding agreement that not
7 all bills that come to the floor of the Senate
8 need memos because I'm pretty sure all bills
9 need memos -- the next bill that I'm advised
10 we may be taking up tonight, the government
11 operations appropriation bill, can I assume
12 that there will be a memo for that bill before
13 we take it up on the floor?

14 SENATOR DeFRANCISCO: You can
15 assume that, correct.

16 SENATOR KRUEGER: Thank you.

17 SENATOR DeFRANCISCO: And I will
18 do my best to make certain it is on the
19 tables.

20 SENATOR KRUEGER: Because I want
21 to agree with Senator DeFrancisco that this
22 bill we're discussing now is, for budget bill
23 purposes, a relatively small bill.

24 But the government ops
25 appropriation bill that we got I believe

1 around 5:30 this evening was approximately
2 that thick (indicating) in its original
3 format, so a memo certainly would be valuable
4 for being able to improve the questions and
5 the process.

6 Following back up on my questions
7 on this bill, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT GRIFFO: Senator
10 DeFrancisco continues to yield.

11 SENATOR KRUEGER: Thank you.

12 There was some disagreement over
13 the last few weeks around regional economic
14 development councils. How were those issues
15 resolved in this Article VII bill? Have we
16 established the regional development councils,
17 and do we know what source of funding will be
18 used for them?

19 SENATOR DeFRANCISCO: This is not
20 in this bill, but the regional councils are
21 going to be in place in a subsequent bill.
22 And it's going to be done by executive order,
23 and I think it's \$170 million -- 130. A few
24 million here or there. But \$130 million, and
25 it's going to be by executive order.

1 SENATOR KRUEGER: So it sounds
2 like I will go back to those questions at a
3 later time when we deal with the appropriate
4 bill.

5 I want to thank the sponsor for his
6 answers to my questions, and I believe that
7 several of my other colleagues have additional
8 questions to ask.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Krueger. Thank you, Senator
11 DeFrancisco.

12 Senator Dilan.

13 SENATOR DILAN: Yes, thank you,
14 Mr. President. I have two questions regarding
15 the transportation Article VII language --

16 ACTING PRESIDENT GRIFFO: Senator
17 Dilan, are you asking Senator DeFrancisco to
18 yield?

19 SENATOR DILAN: Yes, but I first
20 was stating why I'm rising.

21 -- in regard to two items that were
22 agreed upon at the transportation table that
23 are omitted from the Article VII bill. So I
24 wanted an explanation as to why those items
25 are not in the bill. Specifically, DMV and

1 private airports and Stewart Airport. So I am
2 asking him will he yield for two questions.

3 ACTING PRESIDENT GRIFFO: Senator
4 DeFrancisco, will you yield to a couple of
5 questions from Senator Dilan?

6 SENATOR DeFRANCISCO: I will.

7 ACTING PRESIDENT GRIFFO: Senator
8 Dilan.

9 SENATOR DILAN: Yes, Senator,
10 specifically DMV Part F in the bill, the bill
11 indicates that the language was intentionally
12 omitted. However, at the transportation table
13 the Assembly and Senate did agree to this
14 language.

15 Also, I do have a letter from the
16 U.S. Department of Transportation that if we
17 do not deal with this item we would be out of
18 compliance by October 1, 2011, and we would
19 lose 5 percent federal funding with respect to
20 federal aid for highway funds.

21 So do we know why this was omitted?

22 SENATOR DeFRANCISCO: Okay, I'm
23 trying to listen to you and two other people,
24 but I think I got it all down pat.

25 It's not in this bill, but it will

1 be in a -- we expect it to be in a subsequent
2 bill tomorrow. So we can discuss that. The
3 language is being refined -- as I mentioned
4 before, some of the language is, and it's not
5 ready yet. So it was pulled out of this bill,
6 it's going to be in one of the other bills.

7 Secondly, I am trying to figure
8 out, because I was told that memos were
9 prepared on both of the bills that we are
10 discussing tonight, and I got -- well, I can
11 tell you that everybody does have memos on
12 their desks that includes a memo, Senate
13 report on Senate 2812C that we're discussing
14 right now. There is also a memo on -- excuse
15 me, 2810C we're discussing now. There's also
16 one on Senate 2812C.

17 So everyone does have those. And I
18 mistakenly said that they were not there, but
19 they are.

20 SENATOR DILAN: I would just,
21 Mr. President, like to indicate that this memo
22 was placed on my desk maybe a couple of
23 minutes ago. So I just want that to be on the
24 record.

25 SENATOR DeFRANCISCO: Fine.

1 There was some confusion, but everybody has
2 them now.

3 SENATOR DILAN: Would he yield to
4 another question?

5 ACTING PRESIDENT GRIFFO: Senator
6 DeFrancisco, do you yield?

7 SENATOR DeFRANCISCO: Yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 Dilan.

10 SENATOR DILAN: Yes, Senator, is
11 that the same case with the \$4 million of
12 unused funding for private airports and
13 Stewart Airport?

14 SENATOR DeFRANCISCO: Yes, that
15 will be -- that money will be in an
16 appropriations bill.

17 SENATOR DILAN: Another question.

18 ACTING PRESIDENT GRIFFO:
19 Senator, will you continue to yield?

20 SENATOR DeFRANCISCO: Yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Dilan.

23 SENATOR DILAN: Yes, the reason
24 I'm asking these questions is because at our
25 conference subcommittee table, both these

1 items were treated as Article VII. Why were
2 they changed to another appropriations bill
3 when we were talking about Article VII
4 language? And we're dealing with an Article
5 VII bill.

6 SENATOR DeFRANCISCO: I'm just
7 trying to get the real reason here, and I
8 haven't quite understood it myself. And I
9 just want to -- if you'd give me one moment.

10 All right, the Part F, the language
11 to conform the Vehicle and Traffic Law to
12 federal requirements, will be in a separate
13 Article VII bill. The other issue that you
14 raised concerning the airports is going to be
15 in an appropriations bill.

16 Now, I think it was more mechanics
17 than -- in view of trying to get this process
18 going, other than trying to confuse anyone, it
19 was the mechanics of getting done as much as
20 we could get done as early as we could get
21 done in this budget. And those items, some
22 items were pushed to another bill or two.

23 SENATOR DILAN: All right. On
24 the bill.

25 ACTING PRESIDENT GRIFFO: Senator

1 Dilan on the bill.

2 SENATOR DILAN: With respect to
3 the omission of these two items in the
4 Article VII language just seems confusing.
5 And for it to be moved into another area
6 without consultation or letting members of the
7 subcommittee know, I think is wrong.

8 Thank you.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Dilan.

11 Is there any other Senator wishing
12 to be heard?

13 Senator Stewart-Cousins.

14 SENATOR STEWART-COUSINS: Would
15 the sponsor yield, please, for a question.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco, do you yield?

18 SENATOR DeFRANCISCO: Yes, I
19 would.

20 ACTING PRESIDENT GRIFFO: Senator
21 Stewart-Cousins.

22 SENATOR STEWART-COUSINS: Senator
23 DeFrancisco, I just wanted to go back very
24 briefly to the MTA payroll tax.

25 And I know we'd had disagreements

1 back and forth in terms of what new taxes are
2 and what new taxes aren't. And one of the
3 conversations that we had around the so-called
4 millionaire's tax was that it was a new tax
5 and that was going to be allowed to expire
6 because there are no new taxes.

7 And I'm just wondering what the
8 rationale is, say, for the MTA payroll tax in
9 terms of not allowing that tax to expire.

10 SENATOR DeFRANCISCO: You're
11 referring to the MTA payroll tax that was
12 imposed last year or the year before?

13 SENATOR STEWART-COUSINS: The
14 same as the so-called millionaire's tax. I'm
15 making the analogy because in my mind they're
16 analogous.

17 SENATOR DeFRANCISCO: The reason
18 is basically this. Number one, the
19 millionaire's tax, both the Governor and the
20 Senate Majority made a pledge that there would
21 be no new taxes. And in making that pledge we
22 wanted to honor that pledge because by
23 extending a tax that expires, we believe that
24 that was imposing a new tax because it's
25 otherwise going to expire.

1 The MTA payroll tax that was
2 imposed when we had a different majority, your
3 majority, running the government is a
4 \$1.5 billion item. Unfortunately, it was not
5 physically -- or it was not fiscally possible
6 to deal with a \$10 billion deficit and also
7 eliminate another tax of \$1.5 billion. It
8 just couldn't be done. So that's the
9 rationale behind it.

10 And it was -- you know, it was
11 very -- I think we -- the last couple of years
12 there were \$14 billion in new taxes,
13 \$14 billion in new spending that we all voted
14 against. And had we not done that, maybe we
15 wouldn't have had to impose an MTA tax if we'd
16 kept spending under control the last couple of
17 years when you were in the majority.

18 So right now what we're trying to
19 do is get the house in order and hopefully be
20 in a position to have an economy that actually
21 creates more taxpayers paying taxes, and maybe
22 be able to get rid of onerous taxes that were
23 imposed the last couple of years in future
24 years.

25 SENATOR STEWART-COUSINS: I

1 appreciate --

2 ACTING PRESIDENT GRIFFO: Senator
3 Stewart-Cousins, are you asking Senator
4 DeFrancisco to continue to yield? Or are you
5 going to speak on the bill?

6 SENATOR STEWART-COUSINS: No,
7 just on the bill, yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 Stewart-Cousins on the bill.

10 SENATOR STEWART-COUSINS: I do
11 remember being here last year and the year
12 before and we were looking at several billion
13 dollars, around \$32 billion. And I know that
14 as our discussions around this tax, which
15 indeed many, certainly in the Hudson Valley,
16 were very concerned about. But because of the
17 amount of deficit we had to deal with and the
18 recommendations, frankly, of the MTA and
19 others, in order to keep people riding, and
20 transportation being so critical to jobs, it
21 was imposed.

22 But I remember the difference in
23 terms of the feelings of that and was just
24 wondering, frankly, when the opportunity
25 existed to say goodbye possibly to what people

1 consider an onerous tax, why that opportunity
2 was not achieved. So thank you.

3 ACTING PRESIDENT GRIFFO: Senator
4 Kennedy.

5 SENATOR KENNEDY: Thank you,
6 Mr. President. Through you, Mr. President,
7 will the sponsor yield for questions?

8 ACTING PRESIDENT GRIFFO: Senator
9 DeFrancisco, do you yield?

10 SENATOR DeFRANCISCO: Yes.

11 ACTING PRESIDENT GRIFFO: Senator
12 Kennedy.

13 SENATOR KENNEDY: Thank you.

14 This is regarding the agriculture
15 portion of this bill. Can you discuss and
16 explain the Share New York Food initiative,
17 please?

18 SENATOR DeFRANCISCO: Would you
19 please repeat the question?

20 SENATOR KENNEDY: Sure. Can you
21 please discuss, explain the Share New York,
22 Share NY Food initiative?

23 SENATOR DeFRANCISCO: Can you
24 tell me what section of this budget bill
25 that's in?

1 SENATOR KRUEGER: Part U.

2 SENATOR DeFRANCISCO: All right,
3 I guess I've been told it's in Part U.

4 We accepted the Executive's
5 proposal to establish the Share New York
6 initiative that would utilize available funds
7 from the upstate agricultural development
8 funds as well as federal funds to improve
9 farmers' market functions and expand access to
10 fresh produce to underserved areas.

11 SENATOR KENNEDY: Thank you.

12 The Governor originally proposed --

13 ACTING PRESIDENT GRIFFO: Senator
14 Kennedy, are you asking --

15 SENATOR KENNEDY: Mr. President,
16 through you, will the sponsor continue to
17 yield?

18 SENATOR DeFRANCISCO: Yes.

19 ACTING PRESIDENT GRIFFO: Senator
20 DeFrancisco yields.

21 SENATOR KENNEDY: Thank you.

22 The Governor originally proposed
23 \$1.2 million in competitive grants. Is this
24 funding included in the budget agreement?

25 SENATOR DeFRANCISCO: You're

1 asking if it's competitive grants?

2 SENATOR KENNEDY: The Governor
3 proposed competitive grants to the tune of
4 \$1.2 million. Is that funding included in the
5 budget?

6 SENATOR DeFRANCISCO: First of
7 all, this was never proposed by the Governor's
8 competitive grants.

9 There were competitive grants that
10 are going to be in the bill that deals with
11 agriculture, and those competitive grants --
12 that are unrelated to this -- have been
13 eliminated. And there are grants that are
14 lined out in the budget, in one of the
15 appropriation bills, that list each of the
16 organizations that get those competitive
17 grants.

18 This was never subject to
19 competitive grants by the Governor. We took
20 his language exactly the way it was in January
21 in his original bill.

22 ACTING PRESIDENT GRIFFO: Senator
23 Kennedy.

24 SENATOR KENNEDY: Will the
25 sponsor continue to yield? Mr. President,

1 through you.

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT GRIFFO: Senator
4 DeFrancisco yields.

5 SENATOR KENNEDY: Senator
6 DeFrancisco, could you please describe how the
7 grants would work?

8 SENATOR DeFRANCISCO: Well, the
9 grant money, the way I understand it, is
10 that -- the Governor proposed that these
11 grants would be in the Governor's discretion.
12 We accepted that. And the amount of money
13 isn't really lined out, it's -- how much is
14 going to be available is unknown at this point
15 in time.

16 SENATOR KENNEDY: Thank you.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Kennedy.

19 Senator Diaz.

20 SENATOR DIAZ: Mr. President,
21 would Senator Dilan yield for a question or
22 two, please?

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco, do you yield --

25 SENATOR DIAZ: No, Dilan. Dilan.

1 ACTING PRESIDENT GRIFFO: Senator
2 Dilan.

3 SENATOR DIAZ: Senator Dilan.

4 ACTING PRESIDENT GRIFFO: Senator
5 Dilan, do you yield to a question from Senator
6 Diaz?

7 SENATOR DILAN: Yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 Dilan yields, Senator Diaz.

10 SENATOR DIAZ: Senator Dilan, I
11 need to understand something that you said and
12 I need to understand it clearly. You asked
13 two questions before, and you said that your
14 table, the committee that was dealing to get
15 to an agreement, you said -- if I heard you
16 right, did you say that there was two things
17 that you agreed on and at the last minute were
18 not included in this?

19 SENATOR DILAN: Yes, what I
20 indicated was that there were two items, one
21 that dealt with DMV, where there's a letter
22 from the U.S. Department of Transportation
23 that we were out of compliance and that if we
24 did not deal with that issue by October 1,
25 2011, we would lose 5 percent federal funding

1 for highway funds.

2 The second issue was with respect
3 to \$4 million of unused old money -- yes.

4 SENATOR DIAZ: That's not the
5 question. The question was, Senator Dilan,
6 the question was that you said that after you
7 and the table agreed to include that, at the
8 last minute it was taken out. It's not in
9 this.

10 SENATOR DILAN: Well, at what
11 point it was taken out, I don't know. The
12 only thing is that it's not in the Article VII
13 bill. And when we were discussing this at the
14 table, it was Article VII language. So it
15 should be in this bill, and it's not.

16 SENATOR DIAZ: So, Mr. President,
17 would Senator Dilan yield for a question?

18 ACTING PRESIDENT GRIFFO: Senator
19 Dilan, do you continue to yield?

20 SENATOR DILAN: Yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Diaz.

23 SENATOR DIAZ: So you are telling
24 this body here that you sat down with a group
25 of Senators, discussed all these details, and

1 you got into an agreement and it's not here.

2 SENATOR DILAN: We sat down with
3 the subcommittee, and they reported out to the
4 mother ship that these were the agreements,
5 the agreements were signed by the chairman of
6 Transportation from the Assembly committee and
7 the Senate chairman. And it was reported
8 those two items were in the final agreement,
9 but those two items are not in this bill.

10 SENATOR DIAZ: Mr. President,
11 would Senator Dilan yield for another
12 question?

13 ACTING PRESIDENT GRIFFO: Senator
14 Dilan, do you continue to yield?

15 SENATOR DILAN: Yes.

16 ACTING PRESIDENT GRIFFO: Senator
17 Diaz.

18 SENATOR DIAZ: So, Senator Dilan,
19 one of those two issues that you said that are
20 not included here, one of those two issues has
21 to do with something about the federal
22 government, we're failing to comply with
23 something and we'll lose what?

24 SENATOR DILAN: The letter is
25 dated November 5, 2010, from U.S. Department

1 of Transportation, Federal Motor Carrier
2 Safety Administration, and it's regarding a
3 final determination of substantial
4 noncompliance. The letter was sent to
5 Governor Paterson at that time. And it says:
6 "Thus New York will lose up to 5 percent of
7 its federal aid highway funds on October 1,
8 2011, the first day of fiscal year 2012,
9 unless New York agrees to exclude CDL drivers
10 charged with disqualifying offenses."

11 SENATOR DIAZ: Mr. President,
12 will Senator Dilan yield for another question?

13 ACTING PRESIDENT GRIFFO: Senator
14 Dilan, do you continue to yield?

15 SENATOR DILAN: Yes.

16 ACTING PRESIDENT GRIFFO: Senator
17 Diaz.

18 SENATOR DIAZ: So, Senator Dilan,
19 you are telling us that you are worried that
20 the State of New York will lose 5 percent of
21 the allotment from the federal government.
22 Can you please tell me more or less how much,
23 if you know, how much will be 5 percent?

24 SENATOR DILAN: I've been told
25 that it could be as much as \$70 million.

1 SENATOR DIAZ: Mr. President,
2 would Senator Dilan yield for another
3 question?

4 ACTING PRESIDENT GRIFFO: Senator
5 Dilan yields, Senator Diaz.

6 SENATOR DIAZ: And if this is not
7 included -- and we have been promised, Senator
8 Dilan, that it will be included later on. But
9 if we don't deal with this, you are telling
10 everybody here that we are about to lose
11 5 percent of the federal allotment because we
12 are not including that in this budget?

13 SENATOR DILAN: That is correct.
14 We have until October 1, 2011, to correct
15 this. But I believe that I heard the chairman
16 of the Finance Committee indicate that they
17 were going to deal with this in another bill.
18 But not in the Article VII where it should be.

19 SENATOR DIAZ: Mr. President,
20 would Senator Dilan yield for another
21 question?

22 ACTING PRESIDENT GRIFFO: Senator
23 Dilan, do you continue to yield?

24 SENATOR DILAN: Yes.

25 ACTING PRESIDENT GRIFFO: Senator

1 Diaz.

2 SENATOR DIAZ: Another thing that
3 you said that I heard -- and you please
4 correct me if I heard wrong -- it's about
5 Stewart Airport losing \$4 million, something.
6 What was that?

7 SENATOR DILAN: It is not only
8 Stewart Airport, it's private airports. And
9 Stewart Airport, Republic Airport. It's
10 \$4 million of unused money. If the Division
11 of the Budget agrees to utilize that money,
12 they could use it for those purposes. That
13 was also Article VII language that is not
14 included in this bill.

15 SENATOR DIAZ: Mr. President,
16 would Senator Dilan yield for another
17 question, please?

18 ACTING PRESIDENT GRIFFO: Senator
19 Dilan, do you continue to yield?

20 SENATOR DILAN: Yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Diaz.

23 SENATOR DIAZ: Do you know in
24 which senatorial district is Stewart Airport
25 located?

1 SENATOR DILAN: I honestly don't
2 know. I don't know.

3 SENATOR DIAZ: Would Senator
4 Dilan yield for another question?

5 ACTING PRESIDENT GRIFFO: Senator
6 Dilan yields, Senator Diaz.

7 SENATOR DIAZ: So, Senator Dilan,
8 you're telling me that you did your research,
9 you met with your table, you tried to protect
10 the State of New York by -- to comply, you
11 tried to make us comply with the federal
12 guidelines and also protect some airports like
13 Stewart Airport from losing -- from being able
14 to be affected, and now you are worried --
15 because this is not included, you are worried
16 that they might be hurt?

17 SENATOR DILAN: Well, I know that
18 the subcommittee unanimously agreed to all the
19 recommendations. There was a report given to
20 what's referred to as the mother ship. We
21 reported it to our conference that that was
22 agreed with. And these two items are omitted
23 from the Article VII language. And that's how
24 the subcommittee dealt with it, and those two
25 items are not in this bill.

1 SENATOR DIAZ: Would Senator
2 Dilan yield for the last question,
3 Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Dilan, do you yield to the last question from
6 Senator Diaz?

7 SENATOR DILAN: To the final
8 question, yes.

9 ACTING PRESIDENT GRIFFO: Senator
10 Diaz.

11 SENATOR DIAZ: Senator Dilan,
12 what would be your recommendation now to this
13 body?

14 SENATOR DILAN: What will be my
15 recommendation? I would have expected that
16 this language be in the Article VII language
17 because that's the way it was originally
18 proposed. So I don't know, maybe these bills
19 were printed in a hurry or something, but
20 these items are not here. They should have
21 been here. How they can remedy, that's their
22 choice.

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

25 ACTING PRESIDENT GRIFFO: Thank

1 you.

2 Any other Senator wishing to be
3 heard? Seeing none, the debate is closed.

4 The Secretary will ring the bell.

5 Read the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 DeFrancisco to explain his vote.

13 SENATOR DeFRANCISCO: Yes, I just
14 want to clarify a couple of things and also
15 relieve Senator Diaz's mind and Senator
16 Dilan's mind that are worried about this
17 federal money.

18 The Article VII bill, there will be
19 another Article VII bill with the language in
20 it to make sure we won't jeopardize the fund.
21 And it was great that we were providing
22 Senator Dilan the opportunity to help us save
23 this money at our conference committees. And
24 he was diligent in helping us. So that
25 language will, guaranteed, be in another

1 Article VII bill, so there's no need to worry.

2 Number two, the second issue
3 concerning the airport funds, those airport
4 funds that were agreed upon at the table will
5 be in the appropriation bill. And I've been
6 informed during the discussion here that
7 traditionally that has been in appropriation
8 bills because you're reappropriating unspent
9 money. So rest assured it will be there.

10 And last, I misspoke on one point.
11 The IDA tax, which I said was no longer in
12 effect prospectively but was in effect
13 retroactively was incorrect. This bill also
14 eliminates the retroactive IDA tax. So I just
15 wanted to clarify that because I misspoke
16 earlier.

17 Thank you, and I vote aye.

18 ACTING PRESIDENT GRIFFO: Senator
19 DeFrancisco to be recorded in the affirmative.

20 Senator Diaz to explain his vote.

21 I remind members we're on the
22 two-minute explanation.

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

25 I just want to clarify to Senator

1 DeFrancisco that it was not my intention to
2 put him on the defensive. It was only the
3 worry that we would like the State of
4 New York, in this time of crisis when we need
5 money, that we be sure we don't lose
6 \$70 million by somebody forgetting to do
7 something and not including what was supposed
8 to be included.

9 So I'm voting yes -- no, I'm sorry,
10 I'm voting no. Voting no. Sorry, I'm voting
11 no. But I could assure that it is not my
12 intention to put Senator DeFrancisco or
13 anybody else into the defensive.

14 ACTING PRESIDENT GRIFFO: Senator
15 Diaz to be recorded in the negative.

16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 277 are
19 Senators Duane and Diaz.

20 Absent from voting: Senator
21 Perkins.

22 Ayes, 59. Nays, 2.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 278, Senate Budget Bill, Senate Print 2812C,
3 an act relating to constituting Chapter 18A of
4 the consolidated laws.

5 SENATOR KRUEGER: Explanation.

6 SENATOR LIBOUS: Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator
8 Libous.

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

11 ACTING PRESIDENT GRIFFO: There
12 is a message of necessity at the desk.

13 SENATOR LIBOUS: I move that we
14 accept the message of necessity.

15 ACTING PRESIDENT GRIFFO: All in
16 favor of accepting the message of necessity
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO:
20 Opposed?

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 message is accepted.

24 An explanation has been requested,
25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Yes. First
2 of all, this is an Article VIII bill, 2812C,
3 dealing with the merger of state entities.
4 And I have been assured that there is a memo
5 on everyone's desk. And it's very -- that
6 it's a very short memo, it's only one page.
7 It's a relatively uncomplicated bill.

8 Part A deals with the merger of the
9 Department of Banking, Insurance and Consumer
10 Protection. That was what the Governor was
11 proposing. The Legislature rejected merging
12 the Consumer Protection Board with the
13 Department of Banking and Department of
14 Insurance and instead put the Consumer
15 Protection Board where we believe it was more
16 a more natural merger, namely, with the
17 Department of State.

18 The Legislature also was concerned
19 about the separate roles of Banking and
20 Insurance. Although the two are going to be
21 consolidated, the departments consolidated, we
22 added language to make these separate
23 divisions so that we can have a regulatory
24 firewall between Banking and Insurance.

25 I've been informed that the savings

1 from this part of the bill in consolidation is
2 only \$200,000, but the assessment savings from
3 banks and insurance companies because of the
4 merger is going to be a \$2 million savings.

5 Part B is the merger of the
6 Department of Correctional Services and the
7 Division of Parole into the Department of
8 Corrections and Community Supervision.

9 We modified the Governor's proposal
10 to allow the merger of these departments into
11 the Department of Corrections and Community
12 Supervision and reduced the number of Board of
13 Parole members from 19 to 13 by having the
14 Board of Parole maintain its current authority
15 and include language to ensure that the board
16 would not be hampered in any way by the new
17 entity.

18 And basically there will be an
19 annual report required as well with regard to
20 the number of parolees that are charged with
21 violations of parole and the outcome of those
22 violations.

23 That savings is estimated at
24 6 million this year and, in the following
25 year, \$8 million.

1 Part C, the merger of Division of
2 Criminal Justice Services with the Office of
3 Victim Services and Office for Prevention of
4 Domestic Violence and State Commission on
5 Corrections, the Legislature rejected that.
6 That was going to be a \$477,000 projected
7 savings, but we thought that these were such
8 disparate organizations that had such separate
9 functions that it made little sense for that
10 amount of savings to have the consolidation,
11 and the Governor agreed.

12 Part D, the merger of the
13 Foundation for Science and Technology and
14 Innovation -- that's NYSTAR -- we modified the
15 Executive proposal to merge NYSTAR and ESDC by
16 creating a separate division for NYSTAR in the
17 Department of Economic Development to ensure
18 the retention of the technical personnel who
19 made NYSTAR the great program that it is. But
20 despite rejecting the entire proposal, there
21 still will be \$1.9 million in savings.

22 And lastly, agency reorganization,
23 the Sage Commission, we modified the
24 Executive's proposal that permits the Governor
25 to examine further changes and further

1 consolidations.

2 And I'd be happy to answer any
3 questions, and I promise I will not be
4 defensive in answering those questions.

5 ACTING PRESIDENT GRIFFO: Senator
6 Smith.

7 SENATOR SMITH: Yes, thank you
8 very much, Mr. President. The explanation is
9 accepted, and I'd like to just speak on the
10 bill.

11 ACTING PRESIDENT GRIFFO: On the
12 bill, Senator Smith.

13 SENATOR SMITH: In particular,
14 with regard to the Banking Department and the
15 Insurance Department merging, one, I want to
16 congratulate the Governor on his critical
17 analysis of two agencies that weren't merging.
18 I think the savings that will result from the
19 merger will be worthwhile to us as legislators
20 and consumers.

21 I also want to congratulate you,
22 Mr. President, also as chair of Banking, and
23 Mr. Seward, as chair of Insurance, for the
24 work that your committees have done on this
25 particular merger.

1 Three items I do want to cite that
2 I thought the Governor at least yielded to,
3 one was there was some concern with regard to
4 overreaching into the Attorney General's
5 authority for investigations as well as
6 subpoena items, which he then changed in his
7 20-day amendment.

8 Secondly, there was obviously --
9 many of us have concerns about mortgage fraud
10 and foreclosure issues, which he has assured
11 will be addressed with this merger.

12 And then thirdly, obviously, his
13 deciding not to have Consumer Protection
14 merged within Banking and Insurance.

15 So I think this is a good bill,
16 Mr. President, as you and Mr. Seward as well
17 helped shepherd it, and I encourage my
18 colleagues to vote yes on it.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator Smith.

21 Senator Rivera.

22 SENATOR RIVERA: Thank you,
23 Mr. President.

24 One of the mergers that is proposed
25 in this bill and that was proposed originally

1 by the Governor was a merger between the
2 Parole and Corrections. And these two
3 entities, I had certain concerns. I had
4 serious concerns, since I believe that the
5 mission and the functions of these two
6 entities are separate.

7 This final version of the bill is a
8 vast improvement over the original proposal.
9 It does a few things. It has an independent
10 budget line for Parole separate from DOCS.
11 There's at least three instances in the
12 language that give a certain level of autonomy
13 to the Parole Board. It even allows for the
14 creation of community-based programs for
15 former offenders to actually reintegrate into
16 society.

17 So I am -- I will be voting in the
18 affirmative on this bill. This was one of my
19 concerns, and I'm glad that it was addressed.

20 But as ranking member of the Crime
21 Victims, Crime and Corrections Committee, I
22 will remain vigilant in making sure that as we
23 go forward after this merger has been achieved
24 that the -- certainly the savings are
25 important, but I believe that most important

1 is to make sure that these two entities, which
2 have missions and functions which are
3 separate, remain independent of each other.

4 So even if we achieve the savings
5 that we're saying we're going to achieve, the
6 two entities should continue to be independent
7 and their functions should be separate. I
8 believe this bill does that. And I will be
9 voting in the affirmative.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Rivera.

13 Is there any other Senator wishing
14 to be heard?

15 Senator Diaz.

16 SENATOR DIAZ: Would Senator
17 DeFrancisco yield for a question, please.

18 ACTING PRESIDENT GRIFFO: Senator
19 DeFrancisco, do you yield?

20 SENATOR DeFRANCISCO: Yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Diaz.

23 SENATOR DIAZ: Senator
24 DeFrancisco, Part A, when you merge the
25 Department of Banking, the Department of

1 Insurance and the Consumer Protection Board
2 into the Department of Financial Services,
3 would this affect the authority and the power
4 of the Attorney General?

5 SENATOR DeFRANCISCO: Senator, we
6 don't. We rejected the Consumer Protection
7 Board being put in with the new Department of
8 Financial Services that includes Banking and
9 Insurance.

10 We merged the -- the final bill
11 merges Consumer Protection with the Department
12 of State. And it will not affect the
13 authority of the Attorney General at all.
14 It's just how the former organization is now
15 going to be operated, Consumer Protection
16 would be in the Department of State.

17 SENATOR DIAZ: Thank you.

18 On the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Diaz on the bill.

21 SENATOR DIAZ: Because we are
22 here merging and cutting in the name of saving
23 money for the state, to the state, I would
24 like to first congratulate you, Senator
25 Griffo, because you've been doing a great job

1 as the President.

2 And at the same time, I wonder
3 whatever happened to the Lieutenant Governor.
4 Because he was here every day, and after you
5 merged everything too, and you took away the
6 power, he disappeared.

7 ACTING PRESIDENT GRIFFO: He
8 shrunk.

9 SENATOR DIAZ: Maybe the next
10 step will be to eliminate the office of the
11 Lieutenant Governor, we save money.

12 So I'm voting no.

13 ACTING PRESIDENT GRIFFO: Is
14 there any other Senator wishing to be heard?

15 Seeing none, debate is closed.

16 The Secretary will ring the bell.

17 Read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Seward to explain his vote.

25 SENATOR SEWARD: Yes, thank you,

1 Mr. President, very briefly.

2 This year's budget-making process
3 created quite a challenge for the Legislature
4 and the Governor, closing a \$10 billion
5 deficit. But with every challenge comes an
6 opportunity, an opportunity to make changes
7 that will benefit the people of the state.
8 And this consolidation and merger piece that
9 we are now passing is such an opportunity for
10 the people of the state, to save dollars and
11 also improve services for the people of
12 New York.

13 Zeroing in on the Department of
14 Financial Services -- working very closely
15 with you, Mr. President, as chair of the
16 Banking Committee, as we brought together the
17 Insurance and Banking Departments -- quite
18 frankly I had some initial concerns of the
19 original proposal in terms of being
20 overreaching and not in the best interests of
21 either the people or the industry in those two
22 areas.

23 This legislation before us is a
24 much improved product after much consultation
25 with the Governor and the Legislature. I'm

1 pleased that the Legislature includes some
2 specific legislative intent recognizing the
3 fact that it is necessary for our regulatory
4 system to be responsive, effective, and
5 innovative in order to compete in this global
6 marketplace.

7 And I see this legislation as being
8 a first step, a big step toward our ultimate
9 goal of transforming and modernizing the
10 regulation of insurance, banking and other
11 financial products in New York State.

12 So, Mr. President, I am very
13 pleased to vote aye.

14 ACTING PRESIDENT GRIFFO: Senator
15 Seward to be recorded in the affirmative.

16 I'd ask that we continue to keep
17 some quiet in the house, please, to hear the
18 speakers.

19 Senator Farley to explain his vote.

20 SENATOR FARLEY: Thank you,
21 Mr. President.

22 I rise as somebody who's been
23 involved with the Banking Committee and
24 banking in New York State for over three
25 decades. And I want to salute you,

1 Mr. President, who worked very hard on this
2 issue. It was a very controversial one and
3 one that was very much a cornerstone of the
4 Governor's platform and one that he was very
5 interested in in consolidation generally.

6 This is a massive consolidation.
7 And I think that many of the things that the
8 Legislature did, and particularly the Senate,
9 in its hearing and so forth, to improve this
10 consolidation, number one, I just want to
11 speak to the Division of Consumer Protection
12 which was part of that. It was something that
13 I felt was very poorly designed, from the
14 point of view that Consumer Protection was
15 going to get its funding from fines that it
16 could get from cohabiting with Insurance and
17 Banking, and kind of weird. So they have
18 moved that over to the Department of State at
19 the suggestion of several of our members, and
20 I think that was a very good idea.

21 Also, there's been a -- the
22 state-chartered banks are our lifeblood. They
23 fund our Banking Department. And in there is
24 an area that is going to promote the state
25 charter, encourage them to come back, that I

1 know that -- to return to the state charter.

2 And I know that you, Mr. President,
3 as chairman of the Banking Committee, and
4 myself as vice chairman, are going to work
5 very hard to promote the banking system and
6 keep New York State the financial center of
7 the world.

8 I vote aye.

9 ACTING PRESIDENT GRIFFO: Senator
10 Farley to be recorded in the affirmative.
11 Thank you.

12 Senator DeFrancisco to explain his
13 vote.

14 SENATOR DeFRANCISCO: Yes, I
15 just -- something occurred to me as I was
16 listening to the debate on both of these
17 bills, and that is it was obvious the depth of
18 the knowledge of the Transportation Department
19 part of the budget, the transportation part of
20 the budget that Senator Dilan had in
21 expressing his concern whether or not a very
22 serious issue was actually included. And it
23 was explained that that was included -- it's
24 going to be included in another Article VII
25 bill.

1 Similarly, with the last bill,
2 Senator Rivera obviously had an in-depth
3 knowledge of the Parole Department and the
4 Corrections Department and was able to analyze
5 the budget bill as it came out, to express his
6 point of view.

7 And I think what this demonstrates
8 is how important following the 2007 Budget
9 Reform Act is and how important it is for
10 everybody to be involved in the process by
11 these conference committees. That it's really
12 very -- it's very important, and I'm very
13 pleased to see that it happened. As ranking
14 member on the Finance Committee last year, I
15 knew nothing about anything until the final
16 budget surfaced.

17 So hopefully we can continue this
18 process in future years, follow the law. And
19 I think it's healthy for all members of this
20 body.

21 Thank you very much.

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco to be recorded in the affirmative.

24 Senator Marcellino to explain his
25 vote.

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

3 I would just like to point out -- I
4 will be supporting this bill. I'd just like
5 to point out that the Committee on
6 Investigations, which I chair, held a joint
7 hearing with the Banking Committee and the
8 Insurance Committee, and many of the
9 recommendations that came from that public
10 hearing are incorporated in these two bills
11 that we have been voting on today and others
12 that will come.

13 So I am very pleased that we were
14 able to contribute to the budget process. I
15 will be voting aye.

16 ACTING PRESIDENT GRIFFO: Senator
17 Marcellino to be recorded in the affirmative.
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 278, those recorded in the
21 negative are Senators Diaz and Duane.

22 Absent from voting: Senator
23 Perkins.

24 Ayes, 59. Nays, 2.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 can we now go to the reading of the
5 noncontroversial calendar, please.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 139, by Senator Fuschillo, Senate Print 3452,
10 an act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 182, by Senator DeFrancisco, Senate Print --

24 SENATOR DeFRANCISCO: Will you
25 lay that bill aside for the day?

1 And I thank Senator Dilan for
2 pointing out some deficiencies in the bill.

3 ACTING PRESIDENT GRIFFO: Lay it
4 aside for the day.

5 THE SECRETARY: Calendar Number
6 226, by Senator Golden, Senate Print 2209, an
7 act to amend the Penal Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the 90th day.

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO:
16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 226 are
19 Senators Duane, Hassell-Thompson, Huntley,
20 Montgomery, and Parker.

21 Ayes, 57. Nays, 5.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 244, substituted earlier today by Member of

1 the Assembly Cusick, Assembly Print Number
2 108, an act to amend Chapter 395 of the Laws
3 of 1978.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on April 1.

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 Senator Libous, that concludes the
15 noncontroversial reading, with Calendar Number
16 182, Senate Print 2903A, by Senator
17 DeFrancisco, laid aside for the day.

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

20 At this time we are going to just
21 stand at ease momentarily, and then I would
22 expect very soon I will be calling a meeting
23 of the conference committee. But that's not
24 going to take place yet, so if we would just
25 stand at -- what did I say, the conference

1 committee? Well, it's a new committee we
2 created under the rules yesterday. Didn't you
3 read it?

4 (Laughter.)

5 ACTING PRESIDENT GRIFFO: The
6 Senate will stand at ease pending an
7 announcement.

8 (Whereupon, the Senate stood at
9 ease at 7:39 p.m.)

10 (Whereupon, the Senate reconvened
11 at 8:05 p.m.)

12 ACTING PRESIDENT GRIFFO: The
13 Senate will please come to order.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President,
16 there will be an immediate meeting of the
17 Finance Committee in Room 332, and the Senate
18 will stand at ease.

19 ACTING PRESIDENT GRIFFO:
20 Immediate meeting of the Senate Finance
21 Committee in Room 332.

22 The Senate will continue to stand
23 at ease.

24 (Whereupon, the Senate stood at
25 ease at 8:06 p.m.)

1 (Whereupon, the Senate reconvened
2 at 8:21 p.m.)

3 ACTING PRESIDENT GRIFFO: The
4 Senate will come to order.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 could we go back to the reports of standing
8 committees.

9 ACTING PRESIDENT GRIFFO: Reports
10 of standing committees.

11 The Secretary will read.

12 THE SECRETARY: Senator
13 DeFrancisco, from the Committee on Finance,
14 reports the following bill direct to third
15 reading.

16 Senate Print 2800E, Senate Budget
17 Bill, an act making appropriations for the
18 support of government: STATE OPERATIONS
19 BUDGET.

20 ACTING PRESIDENT GRIFFO: Without
21 objection, the bill is reported to third
22 reading.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 there is a supplemental calendar. If we could

1 take up the bill on the supplemental calendar,
2 please.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 281, Senate Budget Bill, Senate Print 2800E,
7 an act making appropriations for the support
8 of government: STATE OPERATIONS BUDGET.

9 ACTING PRESIDENT GRIFFO: Senator
10 Libous.

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

13 ACTING PRESIDENT GRIFFO: There
14 is a message of necessity at the desk.

15 SENATOR LIBOUS: Mr. President, I
16 move to accept the message of necessity,
17 please.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of accepting the message of necessity
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO:
23 Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 message is accepted.

2 SENATOR BRESLIN: Lay it aside.

3 ACTING PRESIDENT GRIFFO: The
4 bill is laid aside.

5 SENATOR LIBOUS: Mr. President,
6 at this time could we now take up the
7 controversial supplemental calendar.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 SENATOR BRESLIN: Explanation,
12 please.

13 ACTING PRESIDENT GRIFFO: We're
14 going to let him read first, Senator Breslin,
15 and then an explanation has been called by
16 Senator Breslin. Senator DeFrancisco will be
17 ready.

18 THE SECRETARY: Calendar Number
19 281, Senate Budget Bill, Senate Print 2800E,
20 an act making appropriations for the support
21 of government: SENATE OPERATIONS BUDGET.

22 SENATOR BRESLIN: Explanation.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco.

25 SENATOR DeFRANCISCO: This Senate

1 Bill, 2800E, is summarized in a memo that is
2 on everybody's desk. And it basically
3 provides for the operations of government,
4 it's the appropriations bill for the
5 operations of government.

6 Generally speaking, this bill has
7 in it approximately a billion dollars in cuts,
8 accomplished primarily by the Governor's
9 proposed 10 percent across the board cuts for
10 all state agencies. The Department of
11 Corrections and Community Supervision was cut
12 \$253 million; State University, \$118 million;
13 CUNY, in parity with SUNY, \$55 million; State
14 Police, \$52 million; Children and Family
15 Services, \$27 million; Public Health,
16 \$19 million; Parks, Recreation and Historic
17 Preservation, \$12 million; General Services,
18 \$12 million; Environmental Conservation,
19 \$10 million; Temporary and Disability
20 Assistance, \$6 million; Criminal Justice
21 Services, et cetera, \$8 million; Law
22 Department, \$11 million; Audit and Control,
23 \$14 million; and others, approximately
24 \$87 million. That totals \$684 million.

25 Savings achieved in other funds:

1 State University, \$116 million; Mental
2 Hygiene, \$159 million; Transportation and
3 Motor Vehicles, \$76 million. Basically,
4 around a 10 percent cut across the board.

5 ACTING PRESIDENT GRIFFO: Is
6 there any other Senator wishing to be heard?

7 Senator Breslin.

8 SENATOR BRESLIN: Yes, through
9 you, Mr. President, will the sponsor yield for
10 a question or two.

11 ACTING PRESIDENT GRIFFO: Senator
12 DeFrancisco, do you yield?

13 SENATOR DeFRANCISCO: Yes, I
14 would.

15 ACTING PRESIDENT GRIFFO: Senator
16 Breslin.

17 SENATOR BRESLIN: Thank you.

18 About 5:15 we received the 700-page
19 Print D version of this bill of operations.
20 And we're now on E, I believe, is that
21 correct?

22 SENATOR DeFRANCISCO: Yes.

23 SENATOR BRESLIN: We had an
24 opportunity, albeit a little tight, to review
25 D. Through you, Mr. President, can you tell

1 us the differences between D and E?

2 ACTING PRESIDENT GRIFFO: Senator
3 DeFrancisco.

4 SENATOR DeFRANCISCO: There were
5 two things that were changed from Print D to
6 E. There was \$16 million more added to SUNY,
7 and a series of Governor's reappropriations
8 were put in this E print of the bill.
9 Ninety-nine percent of the bill is the
10 Governor's original budget, because the
11 Legislature agreed to go with the 10 percent
12 cuts that he had proposed in his budget.

13 SENATOR BRESLIN: Mr. President,
14 would the sponsor continue to yield?

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco, do you continue to yield?

17 SENATOR DeFRANCISCO: Yes.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR DeFRANCISCO: But I
21 misspoke, it was \$60 million restored to SUNY.

22 SENATOR BRESLIN: Would the
23 sponsor continue to yield.

24 That was the first question, can
25 you tell us what that \$60 million was for?

1 SENATOR DeFRANCISCO: It was
2 basically for the teaching hospitals that are
3 throughout the State of New York.

4 SENATOR BRESLIN: The SUNY --

5 SENATOR DeFRANCISCO: SUNY
6 teaching hospitals.

7 SENATOR BRESLIN: Again, would
8 the sponsor continue to yield?

9 ACTING PRESIDENT GRIFFO: Will
10 the sponsor yield?

11 SENATOR DeFRANCISCO: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields, Senator Breslin.

14 SENATOR BRESLIN: In this
15 operations budget, from the original proposal
16 of closing 3500 beds in the prison system,
17 it's now been increased to 3700 beds. Can you
18 tell us what the additional savings will be
19 for those incremental beds?

20 SENATOR DeFRANCISCO: I can't
21 tell you what the additional savings is, but
22 the procedure for those closures is really
23 left to the discretion of the Governor. And
24 if I knew what the 3500 beds savings was, I
25 could probably give you a good estimate what

1 3700 is. But I'll get that number as soon as
2 counsel -- as soon as you're ready here. It's
3 \$72 million. Whoever said it is correct.

4 SENATOR BRESLIN: Through you,
5 Mr. President, the additional 200 beds results
6 in a savings of \$72 million?

7 SENATOR DeFRANCISCO: The total
8 is \$72 million. There was no additional money
9 associated with the additional 200 beds.
10 That's the estimate of what the intent is to
11 try to close the additional 200 beds. DOB
12 will -- well, the Governor ultimately will
13 make that decision and DOB will tell us what
14 the ultimate savings might be.

15 SENATOR BRESLIN: And again
16 through you, Mr. President, will the sponsor
17 continue to yield.

18 SENATOR DeFRANCISCO: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR BRESLIN: In another
22 area, the Judiciary budget has been cut by
23 \$170 million. Can you tell us, because of the
24 extreme importance of the Judiciary and what
25 it does and what it performs, if any of those

1 cuts are substantive cuts that would affect
2 either programs or judges' ability to rule on
3 decisions in a proper and fair and timely way.

4 SENATOR DeFRANCISCO: Well, first
5 of all, the total cuts to the Judiciary is
6 \$170 million, and \$100 million of that was a
7 voluntary cut that the Judiciary graciously
8 agreed to do.

9 The Governor indicated that he felt
10 that the Judiciary should cut 10 percent like
11 the other state agencies and left it up to the
12 Judiciary, since it's a separate branch of
13 government, to determine where those cuts
14 should be.

15 The Judiciary has submitted to the
16 Governor and to the Legislature a proposal as
17 far as where that's going to go, how they will
18 make the cuts. And that is being reviewed as
19 we speak. That information will be part of
20 the Judiciary budget when it's presented
21 hopefully tomorrow.

22 SENATOR BRESLIN: And hopefully
23 through you, Mr. President, one last question.

24 From the D print to the E print,
25 there was mention of additional

1 appropriations. Can you tell us what those
2 appropriations were?

3 SENATOR DeFRANCISCO: They were
4 reappropriations of prior funds from prior
5 years, not new funding.

6 ACTING PRESIDENT GRIFFO: Senator
7 Breslin.

8 SENATOR BRESLIN: Through you,
9 Mr. President, can you tell us the amount?

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: It's cuts
13 across every single -- excuse me,
14 reappropriations across every single agency.
15 They weren't cuts, they were actually
16 reappropriations added to this budget.

17 No new spending associated with
18 those. These are reaprops for projects that
19 were already in the pipeline.

20 SENATOR BRESLIN: And again
21 through you, Mr. President, can you tell us
22 the purpose or use of those funds?

23 SENATOR DeFRANCISCO: I can't
24 give you a total breakdown of every reaprop,
25 but these were dollars that were authorized in

1 prior budgets that were not spent. And if I'm
2 not mistaken, some of those items were going
3 to simply be swept, and the Governor agreed to
4 reappropriate them so that they could be used
5 by each of the respective agencies.

6 SENATOR BRESLIN: One last
7 through you, Mr. President, if the sponsor
8 would yield.

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco yields, Senator Breslin.

12 SENATOR BRESLIN: Can you give us
13 any additional information on those
14 appropriations -- detail the numbers, the
15 amounts?

16 SENATOR DeFRANCISCO: There are
17 hundreds of reappropriations, and they all are
18 contained in the budget bill. I can't give
19 you a summary chapter and verse because of the
20 extensive number of them. But again, it's
21 nothing new, no new money, no new projects.
22 It was things that were appropriated in prior
23 years and each one of them appears in the
24 actual budget bill.

25 SENATOR BRESLIN: Thank you,

1 Mr. President.

2 Thank you, Senator DeFrancisco.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Senator Breslin.

5 Is there any other Senator wishing
6 to be heard?

7 Senator Stavisky.

8 SENATOR STAVISKY: Would the
9 Senator yield for a number of questions --

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco, do you yield?

12 SENATOR STAVISKY: -- on the
13 higher education part of the budget?

14 SENATOR DeFRANCISCO: Yes.

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco yields, Senator Stavisky.

17 SENATOR STAVISKY: It's sort of
18 difficult because this is the first I've seen
19 of the budget. So if it's already in there, I
20 apologize for the repetition.

21 First let's start with SUNY.
22 There's been talk of a rational tuition plan
23 proposed by the trustees of the State
24 University of New York. Is there anything in
25 the budget that talks about the rational

1 tuition plan for the future?

2 SENATOR DeFRANCISCO: No, that
3 was not placed in the budget. There was no
4 agreement on doing that between the Governor
5 and the two houses.

6 SENATOR STAVISKY: If the Senator
7 will continue to yield.

8 SENATOR DeFRANCISCO: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 Senator yields.

11 SENATOR STAVISKY: So there's no
12 provision to increase tuition either at the
13 State University of New York or at the City
14 University of New York?

15 SENATOR DeFRANCISCO: That is
16 correct.

17 SENATOR STAVISKY: In 2005 we
18 authorized an increase in tuition for
19 out-of-state students, and that apparently was
20 never implemented. Can you tell me what
21 happened to that authorization and whether the
22 increase in tuition for out-of-state students
23 has ever been collected?

24 SENATOR DeFRANCISCO: The
25 authorization was there. And whether it's --

1 it's up to SUNY whether to implement that
2 authorization. I quite frankly don't know
3 whether they did or didn't. But the authority
4 was there back several years ago, it may have
5 been 2005. And it was up to SUNY whether to
6 actually implement it. I don't know whether
7 they did or didn't.

8 SENATOR STAVISKY: If the Senator
9 would continue to yield.

10 ACTING PRESIDENT GRIFFO: Will
11 the Senator continue to yield?

12 SENATOR DeFRANCISCO: Yes.

13 ACTING PRESIDENT GRIFFO: Senator
14 Stavisky.

15 SENATOR STAVISKY: Can you tell
16 us what the appropriation is for SUNY and CUNY
17 and how this compares to the Governor's
18 original funding proposal?

19 SENATOR DeFRANCISCO: The only
20 change is the one that was mentioned before,
21 that there's an additional \$60 million for
22 SUNY teaching hospitals.

23 SENATOR STAVISKY: No, there's
24 been cuts --

25 ACTING PRESIDENT GRIFFO: Senator

1 Stavisky, are you asking the Senator to
2 continue to yield?

3 SENATOR STAVISKY: Yes, I am.

4 Senator, haven't there been cuts in
5 both operating aid for the four-year
6 institutions or base aid -- well, community
7 colleges are in the budget -- but the
8 operating institutions? There have been a lot
9 of cuts.

10 SENATOR DeFRANCISCO: Right,
11 but -- I'm sorry, I misunderstood you. I
12 thought you meant whether there was any
13 additional funds.

14 It's on page 9 of the memo, the
15 Legislature restores the \$60 million for the
16 SUNY hospitals, restores \$135 million for the
17 acquisition of Community General Hospital by
18 State University Hospital at Syracuse. And we
19 restore \$4.1 million to the Long Island
20 Veterans Home.

21 Other than those restorations, the
22 budget is as the Governor proposed. Whatever
23 the cuts were that he proposed are in there.

24 SENATOR STAVISKY: If the Senator
25 would continue to yield.

1 SENATOR DeFRANCISCO: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 Senator yields.

4 SENATOR STAVISKY: Of the
5 proposed cuts, how will the various branches
6 of the State University be affected, whether
7 it be Stony Brook or the University at Buffalo
8 or SUNY Albany, New Paltz?

9 SENATOR DeFRANCISCO: We can only
10 determine in the budget process what money is
11 spent and what money is available for
12 spending. As far as how those cuts are
13 absorbed, it's really up to the SUNY board of
14 trustees, the CUNY board of trustees and the
15 respective chancellors, and those are policies
16 they're going to have to make.

17 Obviously no one is happy,
18 including the chancellors of these
19 organizations. But there's nothing much we
20 can do at this point to lessen the burden.
21 They have to make the best decisions from an
22 educational standpoint with the funds
23 available.

24 SENATOR STAVISKY: Now, I'm
25 sure -- if the Senator would continue to

1 yield.

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 Senator yields.

5 SENATOR STAVISKY: I'm sure
6 you're familiar with the Central New York Cord
7 Blood Center.

8 SENATOR DeFRANCISCO: I am very
9 familiar with the inability to have that move
10 forward over the last five years, yes.

11 SENATOR STAVISKY: If the Senator
12 would continue to yield.

13 ACTING PRESIDENT GRIFFO: The
14 Senator yields.

15 SENATOR DeFRANCISCO: Yes.

16 SENATOR STAVISKY: In 2007-2008,
17 I believe, there was an appropriation of
18 approximately \$10.5 million, and there have
19 been appropriations in subsequent years in the
20 \$200,000 to \$300,000 range, approximately.
21 What's happening to that money? What happened
22 to the \$10 million, and what has happened to
23 the other appropriations for the blood center?

24 SENATOR DeFRANCISCO: The problem
25 is the dollars for that project -- by the way,

1 the Cord Blood Center is similar to a blood
2 bank, but it happens to have umbilical cord
3 blood that's from the umbilical cords after
4 births, which is a rich source of stem cells
5 that have cured people. In fact, in my
6 district, someone went to the Duke Hospital in
7 North Carolina to get cured by these stem
8 cells.

9 It's been held up for the last five
10 years, the \$10 million has not been spent.
11 For whatever reason, we can't seem to get it
12 off the ground. SUNY hasn't made it a
13 priority. Apparently they're now interested
14 in moving forward and making it a priority,
15 and hopefully that will happen.

16 That capital money is not in this
17 bill but it's going to be reappropriated, from
18 what I understand, in a subsequent capital
19 bill.

20 SENATOR STAVISKY: If the Senator
21 will continue to yield.

22 SENATOR DeFRANCISCO: Yes.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco yields, Senator Stavisky.

25 SENATOR STAVISKY: Since the

1 \$10.5 million appropriation has been sitting
2 there for the past close to five years now and
3 it doesn't seem anything seems to be
4 happening, wouldn't it be useful to use that
5 for some of the Upstate Medical Center
6 expenses?

7 SENATOR DeFRANCISCO: Absolutely
8 not. I think a priority -- everyone is being
9 cut in this budget in a proportional way as
10 best we can in accordance with what the
11 Governor thinks is the best judgment.

12 It seems to me that that dollars is
13 a small pittance of an investment to save some
14 lives of people that could use that blood
15 bank, the average citizen that doesn't have
16 money to store privately their umbilical cord
17 cells.

18 So I think it's a question of
19 priorities, and quite frankly I'm just very
20 upset that it hasn't happened yet. So it's a
21 question of priorities, and I think that's a
22 very important thing for the state to have
23 such a center like they do in states like
24 North Carolina.

25 SENATOR STAVISKY: Obviously I'm

1 not being critical of the concept or the
2 appropriation.

3 If the Senator would continue to
4 yield.

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT GRIFFO: The
7 Senator yields.

8 SENATOR STAVISKY: Let me switch
9 to the City University of New York.

10 I have been asking about the
11 \$40 million sweep from the Governor's
12 Executive Budget that was allocated by the
13 Governor for the midyear tuition increase for
14 the City University of New York. Has that
15 \$40 million been restored to the budget? I
16 cannot find it.

17 SENATOR DeFRANCISCO: That
18 \$40 million was scheduled dollars that was
19 actually not swept, it was money that would
20 have come from a tuition increase. But since
21 we rejected a tuition increase, those dollars
22 are not available and therefore were not
23 swept, they were simply eliminated from the
24 budget.

25 SENATOR STAVISKY: If the Senator

1 would continue to yield.

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT GRIFFO: Senator
4 DeFrancisco yields.

5 SENATOR STAVISKY: This
6 appropriation, though, was put into the
7 Executive Budget by the Governor, so
8 presumably the allocation is there, it was
9 going to be used, and it was taken out of the
10 budget. Isn't that correct?

11 SENATOR DeFRANCISCO: Not really.
12 Because that was anticipated revenue that he
13 put in his budget on the theory that there was
14 going to be a tuition increase. Since there
15 was no tuition increase, that anticipated
16 revenue was not correct or it was not realized
17 by not providing the tuition increase, so it
18 had to be taken out.

19 SENATOR STAVISKY: If the Senator
20 will continue to yield.

21 SENATOR DeFRANCISCO: Yes.

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco yields.

24 SENATOR STAVISKY: It's my
25 understanding that the CUNY trustees have

1 approved an increase, though, in tuition.

2 SENATOR DeFRANCISCO: That I'm
3 not aware of.

4 SENATOR STAVISKY: All right,
5 let's continue on the subject of the City
6 University.

7 SENATOR DeFRANCISCO: I've just
8 been informed a more complete answer. I
9 didn't know the answer. But I'll tell you
10 what the answer is, that that was authorized
11 but it was not allowed to be implemented. And
12 as a result, even though it was authorized,
13 it's not going to actually take effect.
14 That's the best answer I can give.

15 SENATOR STAVISKY: If the Senator
16 will continue to yield.

17 ACTING PRESIDENT GRIFFO: The
18 Senator yields.

19 SENATOR STAVISKY: I'm at a loss
20 to understand how it was not -- it was
21 authorized by the trustees. But it would be
22 implemented, presumably, in our budget, the
23 allocation would be in our budget.

24 SENATOR DeFRANCISCO: The tuition
25 increase was scheduled for the spring.

1 However, the authorization to spend the funds
2 from a tuition increase was not granted. Now,
3 whether CUNY actually goes ahead with the
4 increase or not, they may have a -- there may
5 be money that's out there, but they're not
6 authorized to spend that money. So it would
7 be a tuition increase that would be put in a
8 pot someplace without authorization to spend.

9 SENATOR STAVISKY: If the Senator
10 would continue to yield on a different area.

11 ACTING PRESIDENT GRIFFO: Does
12 Senator DeFrancisco yield?

13 SENATOR DeFRANCISCO: Yes, I
14 would.

15 ACTING PRESIDENT GRIFFO: Senator
16 Stavisky.

17 SENATOR STAVISKY: The press
18 reports that there is only a 2 percent
19 reduction in the state budget. Do you
20 consider education to be from kindergarten
21 through grade 16, through college?

22 SENATOR DeFRANCISCO: Do I
23 consider that?

24 SENATOR STAVISKY: K through 16,
25 as we like to talk about it.

1 SENATOR DeFRANCISCO: I think
2 education is a lifetime opportunity and a
3 lifetime goal that we all should have. In
4 fact, I'm learning things from you at this
5 moment.

6 SENATOR STAVISKY: And I from
7 you. It must be that Syracuse education.

8 Therefore, my question -- if the
9 Senator will continue to yield --

10 SENATOR DeFRANCISCO: Yes.

11 ACTING PRESIDENT GRIFFO: Senator
12 DeFrancisco yields.

13 SENATOR STAVISKY: Higher
14 education has been subject to a 10 percent
15 cut, which to me is disproportionate to the
16 rest of the budget. If education is only
17 going to be cut a small amount, higher
18 education has been singled out for excessive
19 cuts. Would you agree with that?

20 SENATOR DeFRANCISCO: Yeah, I
21 think that's probably true. I would agree
22 with you.

23 And, you know, there are some --
24 I'm not speaking for the conference, but there
25 are some who believe that a rational tuition

1 increase is something that ought to be done.
2 Unfortunately, it did not become part of this
3 budget. And hopefully, in order to provide
4 the funds necessary for a strong higher
5 education, that something like that -- that's
6 even asked for by students -- will ultimately
7 become part of the law of the State of
8 New York. But unfortunately not part of this
9 budget.

10 SENATOR STAVISKY: Two more
11 questions, if the Senator would yield.

12 ACTING PRESIDENT GRIFFO: Senator
13 DeFrancisco yields.

14 SENATOR DeFRANCISCO: Yes.

15 SENATOR STAVISKY: The budget
16 before us talks -- in relation to the City
17 University of New York, they refer to
18 fiduciary funds. And yet this is not the case
19 with the State University, where they are
20 subject to sweeps, periodic sweeps. And the
21 question has been if the State University --
22 let me ask you this. Has the State University
23 of New York funding been put into the
24 fiduciary funds, or is it in another part of
25 the budget, another part of the state?

1 SENATOR DeFRANCISCO: It hasn't
2 changed.

3 SENATOR STAVISKY: It hasn't
4 changed.

5 So the tuition money -- if the
6 Senator would yield.

7 SENATOR DeFRANCISCO: Yes.

8 SENATOR STAVISKY: This tuition
9 money, then, will not go to the campuses; is
10 that correct?

11 SENATOR DeFRANCISCO: I'm sorry,
12 I missed that.

13 SENATOR STAVISKY: The tuition
14 that's collected by SUNY does not go to the
15 individual campuses the way -- for the State
16 University, which is funded differently. The
17 City University, as you know, is in the local
18 assistance part of the New York City budget,
19 so they are not subject to the 10 percent
20 budget cut and the tuition goes to the
21 campuses.

22 The State University, the complaint
23 has been that tuition money should go to the
24 campus where it's collected. Is there
25 anything in this budget that helps the tuition

1 money wind up at the campus where it's
2 collected?

3 SENATOR DeFRANCISCO: All the
4 tuition money stays with the campuses.

5 As far as the sweeps are concerned,
6 in prior years SUNY authorized the sweeps.
7 The sweeps were in prior budgets. There's no
8 sweeps here in this budget. It's just that
9 they're not getting the funds that they
10 believe that they're authorized.

11 SENATOR STAVISKY: "Sweep" was
12 not the right word for me to use.

13 Lastly, if the Senator will yield.

14 SENATOR DeFRANCISCO: Yes.

15 SENATOR STAVISKY: NYHELPS, which
16 is part of the Higher Education Services
17 Corporation, is the student loan program,
18 which been very helpful to students. And yet
19 there are funding reductions in the NYHELPS
20 program. It's an acronym for the Higher
21 Education Loan Program.

22 There are going to be students who
23 will not be able to take advantage of the
24 NYHELPS program, where student loans are
25 somewhere in the 8.5 percent range, rather

1 than going to a private bank where the loan
2 rates are in double digits.

3 How many students are going to be
4 affected by the cuts to the NYHELPS program?

5 SENATOR DeFRANCISCO: Did you ask
6 how much?

7 SENATOR STAVISKY: How many
8 students.

9 SENATOR DeFRANCISCO: It depends
10 on who had applied for what amount of money,
11 depending on how many students would be
12 affected. But we simply adopted the
13 Governor's proposal.

14 And, you know, it's not a good
15 thing. I'm not going to stand here and
16 attempt to justify or say it's acceptable that
17 this is happening. But I can't say it's
18 acceptable that education funding is going
19 down and teachers are being laid off. Or that
20 different other bad things are happening in
21 the budget.

22 The fact of the matter is, just
23 like a family, a family that loses a job or
24 some of its income, the family has to cut
25 back, and the state does as well. So I could

1 go through every area of the budget and say
2 that this is not a good thing, including SUNY,
3 including NYHELPS. But it isn't going to
4 change the fact that we have to do what we
5 have to do this year.

6 SENATOR STAVISKY: Thank you,
7 Senator, for your responses.

8 On the bill very quickly.

9 ACTING PRESIDENT GRIFFO: Senator
10 Stavisky on the bill.

11 SENATOR STAVISKY: What we've
12 seen is the state support for higher education
13 being reduced year after year. In the last
14 twenty years or so, we've gone from somewhere
15 around 65 percent of the cost borne by the
16 state to below -- coming close to 40 percent
17 now. And I think it's time that we remember
18 that education starts perhaps in pre-K and
19 continues and certainly should include
20 college.

21 I'm very troubled by what I think
22 are disproportionate cuts to higher education.
23 I know it's a difficult time, but at the same
24 time I think we've got to be mindful of the
25 students in college.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Stavisky.

4 Senator Huntley.

5 SENATOR HUNTLEY: Yes,
6 Mr. President. Will the Senator --

7 SENATOR DeFRANCISCO: Yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 DeFrancisco yields, Senator Huntley.

10 SENATOR HUNTLEY: He's so kind.
11 Before I ask him, he's up. Thank you.

12 I would like to know, in the mental
13 health on the joint committees, I did not see
14 anything that talked about the lawsuit that --
15 the disabled advocates versus Paterson. As
16 you know, there was a lawsuit for about
17 \$42 million or more.

18 Now, I want to know what happens if
19 the state loses the appeal in the Second
20 Circuit and needs to comply with the court
21 decision. Where will the \$42 million come
22 from? I don't see it anyplace, so I was just
23 wondering.

24 SENATOR DeFRANCISCO: What I'm
25 told -- I wasn't familiar with this, the

1 dollars, but I was told that \$40 million is in
2 the budget as a reserve to take care of that
3 lawsuit if unsuccessful.

4 SENATOR HUNTLEY: So the money
5 has been appropriated for that.

6 SENATOR DeFRANCISCO: It's there.
7 It's in there, like Prego.

8 SENATOR HUNTLEY: Because I
9 didn't see it. That's why I'm asking.

10 SENATOR DeFRANCISCO: It's in
11 there. I've been assured that it's in there.

12 ACTING PRESIDENT GRIFFO: Senator
13 Huntley, are you asking Senator DeFrancisco to
14 continue to yield.

15 SENATOR HUNTLEY: Through you,
16 Mr. President, would he continue to yield.

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco yields.

19 SENATOR HUNTLEY: The 600 beds,
20 how did the Senate arrive at a cap of 600
21 beds? Mental health, I'm talking about.

22 ACTING PRESIDENT GRIFFO: Senator
23 Huntley, can you speak up, please, into the
24 mike.

25 SENATOR HUNTLEY: How did the

1 Senate arrive at a cap of 600 beds? The
2 Governor's original proposal did not call for
3 a cap. So I wondered how you arrived at the
4 mental health at 600 beds. Because there was
5 no cap.

6 SENATOR DeFRANCISCO: What it is,
7 I think the cap is for the protection of
8 people in need of beds. Because the
9 Governor's proposal just indicated that there
10 would be cuts in numbers of beds without
11 giving an amount of beds. The purpose of the
12 cap was to make sure it would not go beyond
13 that number and that there was some control so
14 that it wouldn't be 1200 beds.

15 So the cap, I think, is to the
16 advantage of those who may need those beds at
17 some time in this next year.

18 SENATOR HUNTLEY: So there's no
19 cap for the beds.

20 SENATOR DeFRANCISCO: There is a
21 600 --

22 SENATOR HUNTLEY: Well, there's
23 a -- yes. But I think what happened is the
24 Governor's original proposal did not call for
25 a cap.

1 SENATOR DeFRANCISCO: Right. And
2 that's the point. The point is his proposal
3 was he could close beds. Closing beds could
4 mean 600, 1200, 1500. The cap was in order to
5 make sure there was a limit as to how many
6 beds could be closed.

7 SENATOR HUNTLEY: Okay. So the
8 purpose of the closure is to get the
9 10 percent.

10 SENATOR DeFRANCISCO: The purpose
11 of the closing of beds, right, is to reach for
12 that 10 percent or thereabouts in savings.
13 But again, the Legislature wanted to make sure
14 there was a limit as to the number of beds
15 that could be closed.

16 SENATOR HUNTLEY: I --

17 ACTING PRESIDENT GRIFFO: Senator
18 Huntley, are you asking him to yield?

19 SENATOR HUNTLEY: I'm sorry.
20 Through you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 DeFrancisco yields.

23 SENATOR HUNTLEY: Will you yield?

24 SENATOR DeFRANCISCO: Yes.

25 SENATOR HUNTLEY: How do you know

1 the 600 will get you there?

2 SENATOR DeFRANCISCO: All I can
3 tell you is that in this case we relied on
4 what the Division of the Budget indicated
5 would be enough beds in order to reach that
6 percentage. And we're relying on that number.

7 SENATOR HUNTLEY: Okay. Would
8 you yield for another question?

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields.

12 SENATOR HUNTLEY: I want to go
13 back to the \$42 million for the lawsuit.
14 Could you exactly tell me where that is in the
15 budget? Because I have not been able to find
16 it. And I'd like to know where it is so I
17 could --

18 SENATOR DeFRANCISCO: It's in the
19 local assistance portion of one of the other
20 bills -- the local assistance bill will have
21 those dollars spelled out. And you'll see
22 those hopefully tomorrow, if that bill is
23 ready.

24 SENATOR HUNTLEY: Okay. Thank
25 you.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Huntley.

3 Is there any other Senator wishing
4 to speak? Seeing none, the debate is --
5 Senator LaValle.

6 SENATOR LaVALLE: Thank you,
7 Mr. President. On the bill. I just want to
8 talk a little bit about the higher education
9 portion of the budget.

10 This year I think the committee
11 worked very hard, very diligently in creating
12 a new process that allowed every member to go
13 through both the SUNY and the CUNY budget line
14 by line. And I think the committee members
15 learned a lot about what was in the bill and
16 what was not in the Governor's legislation.

17 That was followed by a series of
18 conference committees that many people
19 participated in. And when we reached a final
20 decision -- and Senator DeFrancisco talked
21 about the things that we added back into the
22 budget -- with one dissenting Assembly vote,
23 it was unanimous.

24 During our deliberations in the
25 conference committees, I talked about over the

1 last four budgets that the State University
2 had lost \$1.5 billion, it's leaner by
3 \$1.5 billion including this. Our house, this
4 majority, this majority fought very hard to
5 get a higher amount in the budget to deal with
6 a problem for the State University hospitals.
7 And two of the hospitals, without additional
8 support, could be in great trouble.

9 So in this budget that's
10 \$60 million. Along with other relief that
11 will represent another \$28 million in pension
12 relief for the three hospitals, it adds
13 \$88 million. In our one-house bill we had put
14 in \$115 million. But the process is very
15 fluid. It's a give-and-take. The Assembly's
16 number-one priority was also the hospitals,
17 under the amount that the Senate put in.
18 Again, we put in \$115 million, the Assembly
19 put in some \$60 million.

20 The other priority that was
21 identical was that we restore money for our
22 community colleges. When we finished, we were
23 below the amount that we had really targeted
24 in our one-house budget bill.

25 But I would say some of the other

1 issues that came up -- and we discussed it
2 openly in the conference committee, and we
3 discussed it when we passed our one-house
4 bill -- was things like maintenance of effort
5 and Senator Stavisky's question about the
6 fiduciary fund, that we wanted to make sure
7 there was a wall around that so it could not
8 be invaded. We actually had language and had
9 hoped to get that language into the budget.

10 Senator DeFrancisco talked about
11 and I talked about openly in the conference
12 committee was rational tuition policy. This
13 house brought up rational tuition policy, but
14 quite honestly time ran out, so we could not do
15 that. We have other needs. We talked about
16 City University -- that could be on the table
17 when we discuss rational tuition policy --
18 UB 2020 and other related things.

19 From my perspective as chairman, I
20 have great hopes -- sometimes hopes are
21 dashed, but I'm optimistic that we will
22 address these very issues that have been
23 brought up. They were discussed thoroughly in
24 the conference committee, they were voted upon
25 by the conference committee, what was on the

1 table that Senator DeFrancisco talked about.
2 And as I indicated, one dissenting Assembly
3 vote.

4 I think, given the resources and
5 the budget deficit that we had, we plugged
6 some holes for the hospitals, to save those
7 hospitals, with the community college and some
8 other items both for SUNY and CUNY.

9 So with that, Mr. President, I
10 think that Senator DeFrancisco did a really
11 terrific job in talking about the questions
12 that Senator Stavisky asked him. I just
13 wanted to round out, as the chair, to bring
14 all the members up to date as to where we are.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger.

17 SENATOR KRUEGER: Thank you very
18 much.

19 Through you, Mr. President, if the
20 sponsor would please yield to a question.

21 ACTING PRESIDENT GRIFFO: Will
22 the sponsor yield?

23 SENATOR DeFRANCISCO: Yes.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco yields, Senator Krueger.

1 SENATOR KRUEGER: Thank you.

2 As I am combing through the memo
3 and the legislation, I come across a section
4 on miscellaneous items; it's page 7 in the
5 memo. Can you explain what the special
6 emergency appropriation of \$100 million and
7 the special federal emergency appropriation of
8 \$1 billion are and will be used for?

9 SENATOR DeFRANCISCO: What page
10 are you on?

11 SENATOR KRUEGER: Page 7 of the
12 memo, miscellaneous items, third bullet from
13 the bottom.

14 SENATOR DeFRANCISCO: I've been
15 informed that the \$100 million is a dry
16 appropriation, that it's the authorization in
17 case of emergency to spend for that emergency.
18 However, there's no cash behind it.

19 Is that correct? That is correct.

20 SENATOR KRUEGER: Thank you,
21 Mr. President, if the sponsor would please
22 yield to an additional question.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco, do you yield?

25 SENATOR DeFRANCISCO: Yes.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger.

3 SENATOR KRUEGER: Thank you.

4 A year ago when we were dealing
5 with the budget and we were on the other side
6 of the aisle, we were asked in debate why we
7 were hiding this billion dollars of special
8 federal emergency appropriation money. In
9 fact, Senator Young was on record in the press
10 that we received a billion dollars in
11 unrestricted federal funds which we could be
12 using to help our dairy farms as well as
13 restore other funds to other programs.

14 So I guess now that we're on the
15 reverse side of the aisle, I'm curious to just
16 get a clarification. Can we use this billion
17 dollars for other programs that we're
18 apparently cutting, in fact, 10 percent across
19 the board at this time?

20 SENATOR DeFRANCISCO: We cannot.

21 SENATOR KRUEGER: We cannot. So
22 thank you, sponsor. And we could not a year
23 ago.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Krueger.

2 Senator Hassell-Thompson.

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

5 I think some of the questions that
6 I'd like to ask probably would be better asked
7 of Senator Nozzolio, perhaps, if that's
8 appropriate.

9 ACTING PRESIDENT GRIFFO: Senator
10 Nozzolio has not spoken, and the rules of the
11 Senate do not allow that. So I would --

12 SENATOR DeFRANCISCO: I would
13 yield the floor to him. I'm getting kind of
14 tired anyways.

15 (Laughter.)

16 SENATOR DeFRANCISCO: I'll try to
17 answer it. And if I can't, maybe he can help
18 me.

19 SENATOR HASSELL-THOMPSON:
20 Through you, Mr. President, if the Senator
21 would then yield.

22 SENATOR DeFRANCISCO: Yes.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco yields, Senator Hassell-Thompson.

25 SENATOR HASSELL-THOMPSON: Thank

1 you.

2 Senator DeFrancisco, I listened to
3 the answers that you gave when Senator Breslin
4 asked you about the bed closures, the
5 additional 200, and you talked about what the
6 savings would entail. And I just -- was there
7 an exact procedure by which these prison
8 closures were agreed upon by the Senate
9 Republicans?

10 SENATOR DeFRANCISCO: You mean a
11 procedure by which facilities would be closed?

12 SENATOR HASSELL-THOMPSON: Yes.

13 SENATOR DeFRANCISCO: The budget
14 language does not have any particular
15 procedure. It leaves it in the control of the
16 Governor.

17 But I know I was at the news
18 conference where the budget agreement was
19 announced on Sunday at about 4:30, and the
20 Governor at that news conference indicated
21 that he wanted to do it with the consultation
22 of the Legislature and also make it
23 geographically fair. And there was sort of
24 his word that that's the way it would go.

25 But according to the actual

1 language, the language really leaves it up to
2 the Governor.

3 SENATOR HASSELL-THOMPSON: So am
4 I correct -- through you, Mr. President. So
5 am I clear, then, Senator, that the language
6 is unclear to you in terms of what that
7 process would be, that there's a promissory on
8 the part of the Governor to include the
9 Legislature but there's no real language that
10 spells out how that's going to happen?

11 SENATOR DeFRANCISCO: The
12 language is very clear. It leaves it to the
13 total discretion of the Governor. But his
14 announcement indicated that was a procedure he
15 expected to follow.

16 SENATOR HASSELL-THOMPSON: Okay.
17 So you don't know who will be involved in the
18 process other than the Governor himself.

19 SENATOR DeFRANCISCO: The
20 Governor, if he chose to close whatever
21 prisons he wanted to close, he could do that.
22 But I would expect, in view of the trust I
23 believe that's been established during this
24 budget process, and everybody trying to work
25 together, both houses, I would imagine that he

1 would be true to his word that he would
2 involve at least the legislative leadership in
3 those decisions.

4 SENATOR HASSELL-THOMPSON: One of
5 the things that --

6 ACTING PRESIDENT GRIFFO: Senator
7 Hassell-Thompson, are you asking Senator
8 DeFrancisco to yield?

9 SENATOR HASSELL-THOMPSON: Thank
10 you, Mr. President. Through you.

11 ACTING PRESIDENT GRIFFO: Senator
12 DeFrancisco, do you yield?

13 SENATOR DeFRANCISCO: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 Senator yields.

16 SENATOR HASSELL-THOMPSON: One of
17 the things that was very clear in each of the
18 prison closures that I've been involved in in
19 the years that I've been here is that the
20 community has a major stake in these closures.
21 Is there any indication that the community
22 will be involved in any way in this process of
23 a closure?

24 SENATOR DeFRANCISCO: No, there's
25 no language to do that. And -- but there is

1 some economic development money that is going
2 to be in one of the other budget pieces, I
3 think. I know it's going to be in. I don't
4 think it's in this budget.

5 And that economic development money
6 is in order to help those communities attract
7 businesses and jobs to try to offset some of
8 the economic problems that those communities
9 might experience.

10 SENATOR HASSELL-THOMPSON:
11 Through you, Mr. President, if the Senator
12 will continue to yield.

13 ACTING PRESIDENT GRIFFO: Senator
14 DeFrancisco, do you continue to yield?

15 SENATOR DeFRANCISCO: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields.

18 SENATOR HASSELL-THOMPSON: Thank
19 you.

20 I'm a little bit confused, and I
21 think I'm not the only one in here perhaps who
22 is. But we're talking about the closure of
23 prisons and we've increased the numbers of
24 beds that are going to be included in that by
25 an additional 200. It's unclear what factors

1 will be used to determine which prisons will
2 be closed, how many will be closed. This
3 totally is being left up to the discretion of
4 Governor. And what did you get for all that?

5 SENATOR DeFRANCISCO: We got an
6 on-time, early budget. And we got a
7 commitment from the Governor that he would
8 discuss the process and what prisons were to
9 close with the legislative leaders, and he
10 gave his word that it would be geographically
11 balanced.

12 And for that, we're going to have
13 the first early budget in my tenure and I
14 assume in the tenure of everyone here -- most
15 people here, I should say. Most people here.
16 So, you know, that's what we got for it.

17 SENATOR HASSELL-THOMPSON: Okay.
18 Current law requires both 12 months' notice
19 and the development of an adaptive reuse plan
20 prior to these closures. Now, over the next
21 year, will the Executive be required to abide
22 by this statutory condition?

23 SENATOR DeFRANCISCO: No. That's
24 changed -- the one-year notice, is that what
25 you're referring to?

1 SENATOR HASSELL-THOMPSON:

2 Mm-hmm.

3 SENATOR DeFRANCISCO: That in
4 this budget is changed -- as soon as they stop
5 talking -- 60 days, correct? Sixty days.

6 SENATOR HASSELL-THOMPSON: So
7 through you, Mr. President --

8 SENATOR DeFRANCISCO: For this
9 year only. For this year only.

10 ACTING PRESIDENT GRIFFO: Senator
11 Hassell-Thompson is requesting the sponsor to
12 yield.

13 SENATOR DeFRANCISCO: Yes. Yes,
14 I would yield to any questions without having
15 to ask me every time.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco yields.

18 SENATOR HASSELL-THOMPSON: Again,
19 I guess the more questions I ask, the more
20 confused I get. And that's not usual for me.
21 So I publicly admit that. But I think --

22 SENATOR DeFRANCISCO: Maybe you
23 should listen more carefully, because I think
24 I'm very clear.

25 SENATOR HASSELL-THOMPSON: I'll

1 try. I'll try. Speak into your mike and I'll
2 try.

3 But in the meantime, what I think
4 what the confusion is, not necessarily what
5 you're saying or not saying, is necessarily
6 that we fought so hard last year to save two
7 upstate prisons, Ogdensburg and Moriah. And
8 if the next year the commissioner were to give
9 60-day notices that Ogdensburg and Moriah
10 Shock were going to close, what recourse would
11 Senator Little or Senator Ritchie have to save
12 these prisons under this budget agreement?

13 SENATOR DeFRANCISCO: We all
14 happen to be residents of the same state that
15 has a fiscal crisis at the moment. It's not a
16 matter of recourse, it's a matter of trying to
17 get the budget in place and closing beds that
18 have to be closed.

19 We trust the Governor's word that
20 it's going to be geographically balanced and a
21 process by which economic development dollars
22 will be provided to create more jobs in
23 whosoever district it's put in. And there is a
24 level of trust that this is going to be done
25 fairly. Maybe last year there wasn't a level

1 of trust with the prior governor. There is
2 with this governor. And that's all I can tell
3 you.

4 And all of us are concerned about
5 our parochial interests, but there's a state
6 problem here that we're trying to correct.
7 And with the Governor's word that it will be
8 geographically fair and that there will be
9 economic development money to try to offset
10 that. That's what we have in the budget, and
11 we believe that's a good approach and that's
12 the best approach to get this budget done in
13 this fashion.

14 And I hope I spoke loudly enough
15 and into my mike so you could hear me.

16 SENATOR HASSELL-THOMPSON: Okay.
17 Through you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 DeFrancisco yields.

20 SENATOR DeFRANCISCO: Yes.

21 SENATOR HASSELL-THOMPSON: Let me
22 ask you this, then, Senator DeFrancisco. It's
23 been said by one of the members who has
24 prisons in his district that 20 prisons across
25 the state virtually sit next to one another.

1 Let me ask you about a stretch of prisons that
2 are virtually next to each other across
3 upstate New York. That's geographically
4 across upstate New York.

5 In Senator Gallivan's district
6 there's Collins medium facility, Gowanda
7 medium facility, Buffalo medium facility,
8 Wendy medium security. In the district of
9 Senator Nozzolio is Attica maximum security,
10 Wyoming CASAT facility, Livingston medium
11 county, Groveland medium facility, Orleans
12 medium security facility, Butler medium
13 security, Five Points maximum -- and I can go
14 on and on and on.

15 And I can go to Senator Griffo's
16 district: Mid-State medium security, Marcy
17 medium security. In Senator Farley's
18 district, the Hale Creek CASAT facility in
19 Fulton County, the Mount McGregor medium
20 secure facility. In Senator Seward's
21 district, the Summit shock facility, Greene
22 medium facility, Cossackie medium facility.
23 In Senator Little's district, Washington
24 medium security; Great Meadow maximum. In
25 Saland's district, Hudson medium security

1 facility.

2 Now, under this budget currently
3 written, could the commissioner close any one
4 of these facilities with as little as 60-day
5 notices and still be geographically fair?

6 SENATOR DeFRANCISCO: It's not up
7 to me to make those determinations.

8 But I believe that what -- number
9 one, last year the last closures happened to
10 be in only Republican districts. So I'm happy
11 to hear that you are concerned about only
12 those prisons in Republican districts this
13 year, because we are concerned about all
14 districts throughout the state.

15 As far as geographically balanced,
16 I think the general population centers in the
17 State of New York are upstate and the New York
18 City metropolitan area. I would think
19 geographically balanced would mean, to me --
20 it's my definition -- upstate and downstate.
21 But the Governor has not committed to any of
22 those, and any of these prisons could be fair
23 game.

24 Lastly, at our table and in our
25 one-house budget we proposed consolidating

1 administrations of various prisons in order to
2 save money, rather than close prisons. And
3 unfortunately the Assembly did not believe
4 that was the right way to go, and it didn't
5 happen.

6 SENATOR HASSELL-THOMPSON: On the
7 bill.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hassell-Thompson on the bill.

10 SENATOR HASSELL-THOMPSON: There
11 is nothing in the language of this bill that
12 protects any prison anywhere. And I'm not
13 questioning the veracity or the integrity of
14 the Governor's word or whatever that means.

15 But what I am saying, that the
16 prisons upstate are maximum and minimum
17 security prisons, and the prisons downstate
18 are work release programs. They don't fit
19 into the same category. That's number one.

20 Number two, if this is the case,
21 why does this budget -- which has been
22 negotiated, admittedly, by the Republicans.
23 Everybody is taking credit for this on-time,
24 very committed budget-saving budget. How does
25 it give you any legislative oversight or

1 protection for prison closures for the next
2 12 months? And also, have you heard from
3 NYSCOBA about your agreement in any of these
4 approvals?

5 It amazes me that communities who
6 have so much at stake, who have built their
7 townships around these prisons, are going to
8 have -- are going to be the most devastated
9 and take the greatest loss. And yet on a
10 word, and not words that are written in stone,
11 are we making a commitment to allow prisons to
12 be closed.

13 I think it's disingenuous of you,
14 Senator DeFrancisco, to suggest to me that --
15 particularly since the work that I've done has
16 always been in Republican prisons. So to even
17 to infer or to imply that I have no concern
18 about the entire State of New York is totally
19 unfair and inappropriate for you to make
20 toward me. You may make that to almost
21 anybody else in these chambers. But I think
22 that I have demonstrated, in the years that I
23 have stood here in this place and represented
24 the people who are in those prisons -- because
25 they happen to live in my district, which is

1 interesting. But more than that, I have cared
2 about the townships and the communities that
3 were built around the prisons. And I've gone
4 to those communities, spoken with townships,
5 with municipalities, and heard the stories and
6 have spoken with teachers, with store owners,
7 with people who when those prisons are closed,
8 will have nowhere to go.

9 Those correction officers can be --
10 based on their seniority, can be -- on a bump
11 system can be placed anywhere in the state
12 that there's a job for them. But for the
13 people who are stuck there, who came there,
14 who built their lives around those prisons,
15 they're going to be devastated.

16 And there is nothing that is
17 demonstrated in this budget or in the budget
18 plan that goes forward that says that there
19 are any protections for those prisons or for
20 the people in those communities.

21 So it saddens me --

22 ACTING PRESIDENT GRIFFO: Senator
23 Libous, why do you rise?

24 SENATOR LIBOUS: Would the
25 Senator yield for a question.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hassell-Thompson, would you yield for a
3 question from Senator Libous?

4 SENATOR HASSELL-THOMPSON:
5 Certainly, Senator Libous.

6 ACTING PRESIDENT GRIFFO: Senator
7 Libous.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

10 Senator, I believe your passion. I
11 really do. But where was your passion in 2009
12 when you controlled this house and my prison
13 closed? And they only had 60 days -- because
14 that's what was changed in the budget -- they
15 didn't give them a year, and I now have
16 260 acres of open space, and it's closed. And
17 yet I didn't see this same concern and passion
18 from you when I stood on the floor and talked
19 about the closing of my prison.

20 Now, I believe you're sincere. But
21 yet the rules change. The --

22 SENATOR HASSELL-THOMPSON: Are
23 you asking a question?

24 ACTING PRESIDENT GRIFFO: You've
25 yielded to Senator Libous to ask a question.

1 SENATOR HASSELL-THOMPSON: Well,
2 ask a question.

3 ACTING PRESIDENT GRIFFO: Senator
4 Libous is posing his question, Senator
5 Hassell-Thompson. Please be patient.

6 SENATOR HASSELL-THOMPSON: Okay.
7 I'm waiting for --

8 SENATOR LIBOUS: Mr. President,
9 she's right. I asked her a question, and
10 sure, I would yield for the answer.

11 SENATOR HASSELL-THOMPSON: The
12 answer to your question, Senator Libous --
13 through you, Mr. President -- from the moment
14 your prison began to close, I began to work,
15 because I was on the committee. I wasn't the
16 chair of the committee, but I was on the
17 committee. And I actively began to look at
18 what kind of legislation we needed to do in
19 order to keep prisons from closing without
20 notice.

21 I happened to -- at the time your
22 prison closed, there was conversation about
23 closing Fulton, which is in my district. And
24 so we had something in common, Senator Libous.

25 And if you will remember the

1 history accurately, you will know that that
2 was the moment that I began to have
3 conversations with Betty Little and some of
4 the other Senators in these chambers about the
5 prisons that are in their district. And
6 that's when we began to do the work that
7 culminated in the bill that we passed last
8 year.

9 SENATOR LIBOUS: Mr. President,
10 would the Senator yield for one other
11 question.

12 ACTING PRESIDENT GRIFFO: Senator
13 Hassell-Thompson, will you yield?

14 SENATOR HASSELL-THOMPSON: Yes,
15 certainly.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields.

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

20 Senator, did your prison close?

21 SENATOR HASSELL-THOMPSON: No, my
22 prison did not close.

23 SENATOR LIBOUS: Okay, thank you.

24 ACTING PRESIDENT GRIFFO: Senator
25 Hassell-Thompson, are you still on the bill?

1 SENATOR HASSELL-THOMPSON: Yes,
2 thank you, Mr. President.

3 It seems to have escaped notice
4 that I also was one of the hardest fighters
5 for the reuse adaptive plan that was proposed
6 and passed in these chambers last year. And
7 is there a reuse plan in this budget? No.

8 Mr. President, I think that we're
9 obviously disappointed and frankly disturbed
10 that the leaders in Albany have chosen to make
11 drastic, unnecessary cuts to many of our
12 prison systems rather than seeking to cut the
13 ever-growing and costly bureaucracy that is a
14 part of the Department of Corrections. The
15 announced cuts will have very serious impacts
16 on the safety of our jails, putting more lives
17 at risk and jeopardizing the structure of the
18 entire New York State prison system.

19 With this budget, the leaders in
20 Albany have stated unequivocally "We care more
21 about numbers on the spreadsheet than the
22 lives of the people and their safety."

23 I'm sorry that that's the response
24 that we have given, but that's what this
25 budget reflects to me.

1 Thank you for your indulgence,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Diaz.

5 SENATOR DIAZ: Thank you,
6 Mr. President.

7 Would Senator Ruth Hassell-Thompson
8 yield for a question or two?

9 ACTING PRESIDENT GRIFFO: You're
10 asking Senator DeFrancisco to yield, Senator
11 Diaz?

12 SENATOR DIAZ: No, Senator
13 Hassell-Thompson.

14 ACTING PRESIDENT GRIFFO: Senator
15 Hassell-Thompson, will you yield for a
16 question?

17 SENATOR HASSELL-THOMPSON: Yes,
18 Senator Diaz, I will.

19 SENATOR DIAZ: There was a prison
20 in my district called Pyramid. And when that
21 prison was marked for closing, I did
22 everything in my power, in my duties, to keep
23 it open, to the point that I even crossed the
24 aisle and went to Joe Bruno and asked him to
25 help me. And that prison was open that year.

1 Then the next year they closed it on me.

2 So I'm saying this to make clear
3 that I have been working and I've always tried
4 to protect my prison. Because when people
5 elected me, they elected me to protect them.
6 To protect their jobs, to protect their turf,
7 to protect their services.

8 So, Senator Thompson, I heard here
9 that Senator DeFrancisco said to you that we
10 have given up everything to the Governor in
11 the name of an on-time budget. Is that --
12 that's what he said?

13 SENATOR HASSELL-THOMPSON: That's
14 what I heard. Through you, Mr. President,
15 that's what I heard.

16 SENATOR DIAZ: Mr. President,
17 could I -- could Senator Hassell-Thompson
18 yield for another question?

19 ACTING PRESIDENT GRIFFO: Senator
20 Hassell-Thompson, will you yield for another
21 question?

22 SENATOR HASSELL-THOMPSON: Yes.

23 ACTING PRESIDENT GRIFFO: Senator
24 Diaz.

25 SENATOR DIAZ: So you are telling

1 me -- you've got to enlighten me because I
2 have to be clear on what I understand. So you
3 are telling me that elected officials, people
4 that are elected to protect their services and
5 their jobs, have given up everything just for
6 the sake of an on-time budget? That's what
7 you're telling me that he said?

8 SENATOR HASSELL-THOMPSON:
9 Through you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Hassell-Thompson.

12 SENATOR HASSELL-THOMPSON: When I
13 asked the question "What did you get?" the
14 answer that I heard was "We got an on-time
15 budget."

16 SENATOR DIAZ: Mr. President,
17 would Senator Thompson still yield for a
18 question?

19 ACTING PRESIDENT GRIFFO: Senator
20 Hassell-Thompson, do you continue to yield to
21 Senator Diaz?

22 SENATOR HASSELL-THOMPSON: Yes.
23 Yes, Mr. President.

24 SENATOR DIAZ: So those jobs --
25 and I protected my prison to the point that I

1 cross the aisle to the Republicans to help me.
2 So nobody could tell me that I didn't -- have
3 not done that before. And I am angry because
4 I lost the prison.

5 But to those people in the areas
6 where those prisons are going to be closed and
7 their jobs are going to be lost and their
8 means of supporting their family might be
9 lost, what would their elected official tell
10 them? "Oh, I'm sorry, but I did it for an
11 on-time budget?" Would you think that's
12 right? Senator Thompson, would that be right,
13 to go to those people and tell them, "Oh, I'm
14 sorry, but it's an on-time budget"? You're
15 going to lose your job, you're going to lose
16 your means of supporting your family, you are
17 going to lose everything that you have worked
18 for, you're going to be in the street, but we
19 have an on-time budget. Is that right,
20 Senator Thompson?

21 SENATOR HASSELL-THOMPSON:
22 Through you, Mr. President. I'm fairly sure,
23 Senator -- first of all, the short answer to
24 your question is no, that's not right.

25 But I'm fairly sure, Senator Diaz,

1 that's not what will be told back in the
2 district.

3 SENATOR DIAZ: So when we are --

4 ACTING PRESIDENT GRIFFO: Senator
5 Diaz.

6 SENATOR DIAZ: Through you,
7 Mr. President, will Senator Thompson still
8 yield for another question?

9 ACTING PRESIDENT GRIFFO: Senator
10 Hassell-Thompson, do you yield for an
11 additional question?

12 SENATOR HASSELL-THOMPSON: Yes,
13 Mr. President.

14 SENATOR DIAZ: So when we all go
15 campaigning and asking the people to vote for
16 us, do we tell the people, you know, you vote
17 for me, but when the time comes for an on-time
18 budget, I'm going to throw you under the bus?
19 Is that what -- we said that when we were
20 campaigning?

21 SENATOR HASSELL-THOMPSON:
22 Through you, Mr. President. One of the
23 difficulties -- let me answer the question
24 this way, Senator Diaz. One of the
25 difficulties is that the press has done a very

1 good job of convincing the people of this
2 state that they need an on-time budget and
3 that Albany is broken. And so in their zeal
4 to cater to the press and not to the people,
5 we have an on-time budget.

6 Now, if this is a good budget, the
7 best budget that's in the best interests of
8 all of the people of the State of New York,
9 I'm not clear that that was taken totally into
10 consideration by anybody. But I do know that
11 the thing that people promised their
12 constituents, they would give them an on-time
13 budget. Well, they got it.

14 But one of the things, Senator
15 Diaz, that I told the people in my district,
16 I'm not voting for an on-time budget. I'm
17 voting for a budget that's in the best
18 interests, and I will stay here and I will
19 keep the budget process open for as long as I
20 can. And if that's the process by which you
21 determine that you want an on-time budget, you
22 can have an on-time budget. In fact, we could
23 have passed the budget when the Governor
24 handed the budget down in January. They would
25 have had an on-time budget.

1 But would they have had Title 20
2 put back in the budget? Would they have had
3 \$270 million put back into the education
4 budget? Would they have had any of the things
5 that have been restored in the budget if we
6 had done it in January? And the answer to
7 that is no.

8 And if we stayed a little longer,
9 the \$8 million that my district is going to
10 lose in the education of the poorest children
11 might get put back in the budget. And in
12 Andrea's district, \$17 million might get put
13 back in the budget. But because we're going
14 to get an on-time budget, two communities in
15 Westchester County with the poorest children
16 are going to lose \$25 million so that we can
17 have an on-time budget.

18 Do you have any more questions for
19 me, Senator Diaz?

20 SENATOR DIAZ: Yes --

21 (Laughter.)

22 SENATOR DIAZ: Mr. President,
23 would Senator Thompson yield for another
24 question?

25 ACTING PRESIDENT GRIFFO: Senator

1 Hassell-Thompson, will you yield?

2 SENATOR HASSELL-THOMPSON: Yes, I
3 will, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Hassell-Thompson yields.

6 SENATOR DIAZ: Are you getting
7 angry at me, Senator Thompson?

8 SENATOR HASSELL-THOMPSON: No,
9 sir. No, absolutely not.

10 SENATOR DIAZ: Because I'm with
11 you.

12 ACTING PRESIDENT GRIFFO: Senator
13 Diaz, will you pose your question, please.

14 SENATOR DIAZ: Yeah, the question
15 is --

16 ACTING PRESIDENT GRIFFO: Can I
17 have some order in the chamber, please.

18 SENATOR DIAZ: Senator Thompson,
19 so there are going to be prisons that are
20 going to be closed again. People are going to
21 lose services and people are going to lose
22 their jobs. And could you show me the names
23 of the prisons again that are going to be
24 closed and the name of the areas where they
25 might be closed? Please, will you read it to

1 me again?

2 SENATOR HASSELL-THOMPSON: Read
3 it to you, sir?

4 SENATOR DIAZ: Yeah, the name of
5 the prisons, will you please read it to me
6 again?

7 SENATOR HASSELL-THOMPSON:
8 Through you, Mr. President. In Senator
9 Gallivan's district --

10 SENATOR DIAZ: Senator who?

11 SENATOR HASSELL-THOMPSON:
12 Gallivan. Senator Gallivan.

13 -- Collins medium security, Gowanda
14 medium security, Buffalo medium security,
15 Wendy maximum security.

16 In Senator Nozzolio's district,
17 Attica maximum security, Wyoming CASAT
18 facility, Livingston medium county, Groveland
19 medium security, Orleans medium security
20 facility, Butler medium security, Five Points
21 maximum security, Willard Drug Treatment
22 Facility, Auburn maximum security, Cayuga
23 medium security.

24 Senator Griffio's district:
25 Mid-State medium security, Marcy medium

1 security facility.

2 In Senator Farley's district, it's
3 Hale Creek CASAT facility in Fulton County,
4 the Mt. McGregor medium security facility.

5 In Senator Seward's district, the
6 Summit shock facility, the Greene medium
7 security, Coxsackie medium security.

8 Senator Little's district:
9 Washington medium security, Great Meadow
10 maximum security.

11 In Senator Saland's district,
12 Hudson medium security facility.

13 SENATOR DIAZ: So through you,
14 Mr. President, will Senator Thompson yield for
15 another question?

16 ACTING PRESIDENT GRIFFO: Senator
17 Hassell-Thompson, do you yield for another
18 question?

19 SENATOR HASSELL-THOMPSON: Yes,
20 Mr. President.

21 SENATOR DIAZ: So Senator
22 Thompson, we could all, at once, could tell
23 all the people that might lose their jobs in
24 these districts "We have on-time budget,
25 bingo."

1 ACTING PRESIDENT GRIFFO: Senator
2 Diaz, could you pose your question, please?
3 Are you speaking on the bill or are you asking
4 a question?

5 SENATOR DIAZ: No, I am asking a
6 question.

7 ACTING PRESIDENT GRIFFO: Then
8 pose the question, please.

9 SENATOR DIAZ: The question is
10 Senator Thompson, can we all at once tell all
11 those communities that might be losing their
12 jobs and that might be losing their way of
13 earning a decent living, could we all together
14 could tell them, "Hey, we have an on-time
15 budget"? Could we, and that would solve their
16 problem?

17 SENATOR HASSELL-THOMPSON:
18 Through you, Mr. President. No, Senator Diaz.
19 I don't think that that would solve their
20 problem at all.

21 SENATOR DIAZ: Thank you.
22 On the bill.

23 ACTING PRESIDENT GRIFFO: Senator
24 Diaz on the bill.

25 SENATOR DIAZ: We have a big

1 problem here, ladies and gentlemen. I lost --
2 they closed a prison in my district. And I
3 know what it is, I know what it is for people
4 that depend on those jobs to be on the street
5 without those services and those -- and that
6 way of earning a decent living. So I know
7 what I'm talking about.

8 And now for us to come here and say
9 that we have given the Governor, that we have
10 given the Honorable Andrew Cuomo all the power
11 in the world to decide upon himself to close
12 these prisons and that we trust him and that
13 we are telling all those residents and all
14 those districts, elected officials are
15 telling, are telling their communities "Oh,
16 don't worry, we have an on-time budget, and we
17 trust the Governor."

18 Well, ladies and gentlemen, if that
19 is the way that people do campaigning
20 upstate -- in the South Bronx, this black guy
21 with kinky hair from Puerto Rico, I campaign
22 different. I promise my people that I will
23 support and protect them, and I trust no one.
24 I trust no one. Not the Governor, not the
25 Lieutenant Governor that he disappeared from

1 the chamber -- come on, I'm serious here.
2 Not -- not -- no one. When it comes -- when
3 it comes to the well-being of the residents of
4 the 32nd Senatorial District that I represent,
5 I trust no one.

6 And for me to hear, to hear that
7 people are saying to their district and to
8 their -- to the residents of the districts
9 that they represent, "Oh, don't worry, we
10 trust the Governor," I hope, ladies and
11 gentlemen, I hope that those residents
12 remember that. Because if this is the way we
13 do business, we should then abolish our
14 duties. We have no reason to be. We have no
15 reason to be.

16 If the way to do it is, "Oh, we
17 need an on-time budget, we trust the Governor;
18 Governor, go ahead, do whatever you want,"
19 then what they do they need us for? Shame,
20 shame, shame, to come here and say we tell the
21 Governor to do whatever he wants and we have
22 an on-time budget. I mean, this is -- do we
23 understand what we're saying here? Do you
24 people understand what you're saying? We tell
25 the Governor we have on-time budget -- do

1 whatever you want, Governor, but we have an
2 on-time budget.

3 I am black, I'm Puerto Rican, and I
4 have broken English -- I don't even
5 understand. Maybe I'm from another planet.
6 But to hear, to hear lawyers, people that went
7 to Yale and Harvard and Princeton to come here
8 and say, "Hey, we trust the Governor, and the
9 Governor told us to trust him and we have an
10 on-time budget" -- bingo, we have an on-time
11 budget -- in the words of the Governor, "I am
12 not that type of person."

13 And whoever, whoever, whoever plays
14 with the rice and beans and the services of
15 their constituents that way doesn't deserve to
16 be reelected. Anybody that plays, that plays
17 with their constituents' rice and beans and
18 ways of living, earning a decent living to
19 play this way and come here publicly and say,
20 Yes, Governor Cuomo told me to trust him --
21 trust Governor -- trust Governor Cuomo.

22 He wants to be president. Governor
23 Cuomo wants to be president, and he will do
24 anything to be president. He will take away
25 the Medicaid from the people, he will take the

1 services from the poor, he will take the money
2 from education, he will close all your areas
3 and he will put everybody on the unemployment
4 line and then he will say "I balanced the
5 budget. Elect me for president." Shame on
6 you.

7 Thank you very much.

8 SENATOR DeFRANCISCO: Excuse me,
9 may I be recognized?

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: I need to
13 answer that diatribe if I could, please. And
14 it will be very brief.

15 First of all, if anyone wondered
16 about the merits of having this group of human
17 beings in charge of this body and the
18 individuals who entered into that charade of a
19 debate by asking questions upon questions
20 about nonsense surely would have their
21 doubts -- their doubts --

22 SENATOR SMITH: Mr. President.
23 Mr. President --

24 SENATOR KRUEGER: Point of order,
25 Mr. President.

1 SENATOR DeFRANCISCO: -- would
2 have their doubts --

3 ACTING PRESIDENT GRIFFO: Senator
4 Smith, why do you rise?

5 SENATOR SMITH: I have a point of
6 order, Mr. President.

7 SENATOR DIAZ: I'm rising too.

8 ACTING PRESIDENT GRIFFO: You are
9 not recognized. Senator Smith is recognized.
10 Please take your seat, Senator Diaz.

11 Senator Smith, you're recognized
12 for your point of order.

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

15 Mr. President, I know that this is
16 a late hour and it's getting emotional. But I
17 would ask Senator DeFrancisco if he wouldn't
18 mind controlling that type of personal attack.
19 Talk about "these people" versus "these
20 people" does no good for either side of this
21 chamber.

22 For those that are watching, this
23 is a very distinguished body of individuals.
24 Senator DeFrancisco, Senator Skelos is doing a
25 great job as Majority Leader, as he should be

1 doing. Senator Sampson is doing the same.
2 And I think we all deserve the type of decorum
3 that is necessary of professionals that are on
4 this floor.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Smith. Your point is noted.

7 Senator DeFrancisco, you have the
8 floor.

9 SENATOR DeFRANCISCO: I'm
10 responding to the personal attacks that I just
11 heard from Senator Diaz talking about how he
12 cannot understand how people with certain
13 educations could possibly say what was said in
14 response to the questions that were answered
15 before.

16 I want to make it very clear that
17 in addition to the fact that we have a budget
18 agreement, that I indicated quite clearly that
19 there was funds available and economic
20 development dollars that will assist those
21 communities who are unfortunate enough to have
22 a prison closed and lose some jobs.

23 In the revenue bill which will come
24 out tomorrow, the tax credit program will be
25 clearly spelled out which shows exactly the

1 economic development benefits companies will
2 have in order -- if they create jobs within a
3 five-mile radius of a closed prison. I'm not
4 going to go through them now, I'll go through
5 them another time.

6 That was negotiated by the
7 Legislature, by this house. It was not in the
8 Governor's budget. So the comment that we're
9 simply abdicating our responsibility and
10 giving the Governor clear control of
11 everything that goes on in this city is not
12 correct.

13 It may very well be that Senator
14 Thompson after the closures went into those
15 districts and went to meetings and was on a
16 commission and was compassionate with people
17 who lost jobs. That's great. That didn't
18 save one job or do anything other than give
19 the people in the community some sense that
20 someone cares.

21 Well, we did more than that in this
22 budget, and you'll see it in the revenue bill.
23 We created a vehicle whereby businesses will
24 be encouraged by tax credits to come to those
25 areas, wherever they might be, in order to

1 create jobs that were lost. As the Governor
2 has said many times, prisons are not an
3 employment agency. If we've got to downsize,
4 we've got to downsize. But we owe it to those
5 communities to provide a vehicle to get those
6 jobs back.

7 So we didn't abdicate anything. We
8 negotiated a very important component of this
9 prison closure issue. And we should be proud
10 of that component and not derided for it as
11 abdicating our responsibility, because there's
12 nothing further from the truth.

13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator DeFrancisco.

16 Senator Nozzolio on the bill.

17 SENATOR NOZZOLIO: Thank you,
18 Mr. President.

19 The time is not for rhetoric, the
20 time is for seriousness. And this debate is
21 one of serious consequence to the citizens of
22 the State of New York. We stand here deeply
23 concerned with the fiscal condition of the
24 State of New York. We are on the precipice of
25 economic ruin. This is not a time to laugh.

1 This is not a time to joke. This is not a
2 time for theatrics. It's a time for serious
3 consideration of the dire economic
4 consequences faced by every tax-paying citizen
5 of this state, every job producer of this
6 state.

7 Those of you who have been in this
8 chamber for a number of years know that I have
9 stood many times in support of a rational
10 prison system in New York State, a system that
11 protects primarily the people who work there,
12 the brave men and women who walk the toughest
13 law enforcement beat in America, the
14 correction officers and other correctional
15 personnel, and to keep our citizens safe.

16 During that period of time when I
17 stood at this place, on this spot, and talked
18 about prison conditions and consequences of
19 policies, we heard a great deal of rhetoric
20 from those who represent nonprison areas
21 saying that prisons are just job factories for
22 upstate New York.

23 I contend, Mr. President, that we
24 do not build prisons to create jobs, we build
25 prisons and keep prisons operating to keep

1 people safe and primarily people safe in the
2 City of New York. Because that's where the
3 major concentrations of crime occur, although
4 crime is not -- there's no place in this state
5 that's immune from violent crime.

6 We stand today with a very
7 difficult decision before us. The economic
8 consequences that we are confronted with
9 require cuts across the board. And this
10 conference, this Republican conference, this
11 Republican conference that has advocated time
12 and time again for the safety and protection
13 and a rational prison system must be faced
14 with having to make difficult economic
15 decisions. And among those decisions are to
16 join Governor Cuomo's position as he laid out
17 in his budget address to close a number of
18 correctional facilities.

19 We are not happy about that
20 decision. We only support that decision out
21 of the dire consequences that are resulting
22 from a budget that has for two years spent too
23 much and taxed too much.

24 And when you closed prisons in 2009
25 and 2010, they were all upstate facilities and

1 they were all in areas represented by
2 Republican Senators. And you tell me that
3 that is fair? You tell me that that is
4 rational? You tell me that that has any
5 consideration whatsoever with the economic
6 situations confronted by those communities
7 that had prisons closed? I stood during that
8 debate the last two years, I don't recall
9 anyone referencing a concern on the other side
10 of the aisle at all about any of those
11 concerns.

12 Senator DeFrancisco just talked
13 about establishing a transformation program
14 where tax credits and other economic
15 development incentives are part of this budget
16 because the Senate Republicans, working with
17 the Governor, have achieved that objective.
18 So at least we will have some economic
19 development incentives for those communities
20 confronted with this dire situation.

21 But let's understand historically
22 why this has happened. The drain in our
23 prison population has occurred in great part
24 because of the so-called Rockefeller Drug Law
25 reform that we saw took place two years ago.

1 And I stood on this floor and warned you all
2 who were voting for it that that was in fact
3 the "Drug Dealer Protection Act" that allowed
4 a get-out-of-jail-free card for not just drug
5 offenders but very violent, very violent
6 offenders who also committed crimes with
7 drugs.

8 Governor Cuomo has been vilified by
9 members of the other side of the aisle. We're
10 not happy with the decision that needs to be
11 made, but we're willing to make the decisions
12 that need to be made. And those decisions are
13 that we need to cut spending across the board.

14 I could argue forever on the wisdom
15 of those so-called reforms that helped create
16 additional murderers in Syracuse and Rochester
17 and even the small city of Geneva where I
18 represent. One let out of jail because of the
19 Rockefeller Drug Law reforms but had a violent
20 history that was suppressed because of these
21 so-called reforms that were placed.

22 Governor Cuomo made the commitment
23 publicly. And I believe that he will live by
24 this commitment, that the system will not be
25 targeting prisons but those that will be

1 rationalized and cut will be across the board
2 in a way that has geographic balance. And
3 geographic balance is the best that we can
4 hope for in these troubled economic times.

5 We've rejected the elimination of
6 the 12-month notice requirement so that, when
7 economic times are better, that there will be
8 broader notice if there are any other
9 facilities that need to be closed in the
10 future. But this temporary suspension, that
11 gives them 60 days. That's 60 days more than
12 Lion Mountain received last time it was
13 closed, 60 days more than the Washington
14 Correctional Facility in Senator Little's
15 district, the annex that was closed, 60 days
16 more than Camp Gabriel when it was closed,
17 60 days more than Senator Libous received when
18 Camp Pharsalia was closed, and 60 days more
19 than I received when part of the Butler
20 Correctional Facility was closed. All
21 Republican districts, all upstate New York.

22 Mr. President, my colleagues, this
23 is not the policy that we would prefer. It's
24 not what we like to do. But under the
25 circumstances, it is what we must do. And

1 that's why I believe this measure should be
2 supported and voted on in the positive.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Nozzolio.

6 Senator Saland.

7 SENATOR SALAND: Thank you,
8 Mr. President. The hour is late; I'll be
9 brief.

10 What seems to have been overlooked
11 during this entire debate is that this
12 conference, through our public protection
13 budget conference subcommittee, in fact
14 offered a proposal which contains some
15 \$42.5 million worth of savings, savings that
16 were intended to mitigate the closings that
17 were proposed by the Governor. We strove
18 mightily to mitigate those closings but lacked
19 a partnership. Neither the Governor nor the
20 Assembly would accept those cost-saving
21 measures. They basically dealt with
22 nonpersonal services and, as somebody -- I
23 believe Senator DeFrancisco -- alluded to
24 earlier, savings derived from duplicative
25 administrative personnel in prisons in close

1 proximity. A perfectly reasonable proposal,
2 but one which again our friends in the
3 Assembly and the other side of the aisle and
4 the Governor saw fit to reject and not to
5 consider.

6 I heard talk about somehow or other
7 falling, worshipping before this idol of an
8 on-time budget. Perhaps some of us forgot our
9 civics lessons. Giving due to the reality of
10 the situation in which we find ourselves, we
11 have what is the most powerful Executive of
12 any in the 50 states. And that was certainly
13 buttressed by the Court of Appeals decisions I
14 believe in '04 and/or '05.

15 This Governor, as has been widely
16 publicized, has basically said "I'm going to
17 ram it down your throat if you don't negotiate
18 the closure in time." And the simple fact of
19 the matter is this house negotiated, under the
20 most strenuous and challenging of
21 circumstances, any number of concessions and
22 any number of modifications in this budget
23 that are going to benefit our constituents
24 from one end of the state to another.

25 So when we look at the current

1 moment, and it's quite literally nearly
2 10 o'clock, I would merely remind those who
3 engaged in at times a seemingly harsh if not
4 vitriolic treatment of this side of the aisle
5 that for some two years we endured what was
6 among the most bizarre of governmental
7 behavior in a one-house or one-party-dominated
8 system.

9 And when one of my colleagues said
10 one of the difficulties is the press has
11 convinced people that the system is broken, it
12 didn't take a lot of convincing. Because
13 certainly the last two years, if there were
14 any doubters, made everybody well aware, as
15 we -- we? -- as the system, as the
16 one-party-dominated system taxed and spent to
17 the tune of some \$14 billion, not taking into
18 account what the aftermath would be as if we
19 could go on forever.

20 We can't go on forever. We're here
21 to pay the piper. And the decisions are
22 painful. Nobody envies us the decisions we
23 have to make. But governance at times is
24 about making difficult decisions. And if you
25 weren't prepared to make them, we

1 unfortunately find ourselves in a situation
2 where we're going to have to make them for
3 you.

4 So, Mr. President, with that little
5 reminder of history, with that little reminder
6 of our system of government, and with that
7 little reminder of our efforts to try and
8 mitigate the prison closures, I would merely
9 echo the comments of Senator DeFrancisco and
10 Senator Nozzolio and certainly will be
11 supporting this measure.

12 ACTING PRESIDENT GRIFFO: Senator
13 Adams.

14 SENATOR ADAMS: Thank you,
15 Mr. President. I just want to respond in an
16 uncharacteristically calm way to --

17 ACTING PRESIDENT GRIFFO: That is
18 greatly appreciated, Senator.

19 SENATOR ADAMS: -- to some of the
20 comments that were made. And I think that to
21 allow them to stay out there would be
22 incorrect.

23 First of all, the prison population
24 did not decrease based on Rockefeller Drug
25 Laws. It decreased because men and women

1 throughout the state that adorn law
2 enforcement uniforms, which I happen to have
3 been one of them, was resilient and dedicated
4 to protecting the people of this state. It
5 started long before two years ago, the
6 decrease in crime that permitted our prison
7 population to decrease.

8 So anyone that states that prison
9 population decreases merely because of the
10 Rockefeller fair drug laws is incorrect.

11 The second thing that needs to be
12 important to mention, we did not do soft
13 crimes that cause crimes to escalate in other
14 parts of the state. New York State has become
15 one of the safest states in the nation because
16 of correct law enforcement policies. And
17 that's commendable for the entire State of
18 New York.

19 And I don't believe my colleague
20 Senator Ruth Hassell-Thompson or even Senator
21 Diaz, Ruben Diaz -- they were merely making a
22 point that I've heard several times on this
23 floor. The goal in our state is not an
24 on-time budget, it's a right budget. And if
25 it means we need to be late in doing so to

1 ensure that we're not harming the lives of
2 New Yorkers, then we have to do so.

3 This is not a race, a 50-yard dash.
4 This is a marathon. Because the people of
5 this state expect for us to deliberate,
6 debate, argue, and come up with the right
7 budget. I heard on this floor today we would
8 have done better in education but we ran out
9 of time. What time? I don't know what clock
10 we're going by. I'm going by the clock that
11 states when we get it right, we leave here.

12 So I'm proud that last year it took
13 us longer. I'm proud that last year we went
14 beyond the designated time. I'm proud that we
15 were resilient enough to say we're going to
16 get it right, because we've got to make tough
17 decisions that's going to impact people and
18 we're going to stay here until we get it
19 right.

20 Those who want to just go after an
21 April 1st deadline, that is not why I came to
22 Albany. I came to Albany that when I make
23 decisions that's going to take funding from
24 public schools, when I make decisions that's
25 going to take funding from CUNY and SUNY, when

1 I make decisions that's going to close senior
2 citizen centers, when I make decisions that's
3 going to state that the people who are
4 dependent on us needs to know that we made the
5 right decision, I want to go back to my
6 district in good conscience to state that if I
7 have to stay up here longer, if I have to stay
8 through the weekend, if I have to stay into
9 the month of April and May, I'm willing to do
10 so.

11 I'm not on a clock. I want to make
12 sure that we do what is right for the people
13 of my district, because that's what the 20th
14 Senatorial District sent me here for. When I
15 go back to them, they don't want to know,
16 Eric, did you finish by April 1st? They want
17 to know: Eric, did you do the right thing?

18 So we did not cause the dismantling
19 of our prison system. We did the right thing
20 by having the right laws, and we have the best
21 law enforcement officers in the entire country
22 that did the right thing to prevent crimes in
23 the State of New York.

24 So I want the record to be clear,
25 because anyone who stated that Rockefeller

1 Drug Law emptied the prisons, that is not
2 true. That is inaccurate and that is not what
3 took place.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Adams.

7 Senator Breslin.

8 SENATOR BRESLIN: Thank you,
9 Mr. President.

10 At the risk of extending what is
11 already a very long night, I stand to salute
12 my fellow Democrats for the passion that they
13 have exhibited, a passion that comes -- and I
14 salute the majority side for their passion as
15 well. I salute our side because we represent
16 everyone -- upstate, downstate, black, white,
17 men, women -- and we are in suffering
18 districts that are losing money for schools.
19 And we are, as Senator Adams said, senior
20 citizen centers being affected. We are, as
21 Senator Ruth Hassell-Thompson and Senator Diaz
22 said, wondering where those 3700 beds are
23 going to come from for many prisoners or many
24 prisons that are located so far away from the
25 families of the defendants.

1 So there are many, many issues that
2 confront us. But at the same time we look at
3 a \$10 billion deficit, other states looking at
4 us and seeing how we're going to cure it, and
5 we do have a budget that's been presented that
6 has no borrowing and no taxes. And we can
7 argue whether that's right or wrong, but we
8 are approaching an on-time budget and we're
9 approaching an on-time budget where this
10 Governor, a Governor of our own party, will be
11 given a great deal of confidence from all of
12 us to make decisions that really at times
13 we've made in the past, including which
14 prisons will be closed.

15 I for one have confidence that
16 those decisions will be made in the best
17 interests of the people sitting here and the
18 best interests of the families of those people
19 across the state. Can I guarantee it to
20 anyone? No. Do I have trust? And maybe that
21 trust is misplaced, but I do have that trust.

22 And I think it's about time that we
23 do begin to create a trust in ourselves, a
24 trust in others who are elected officials,
25 including the Governor, so that we can turn

1 this state around. And turn this state around
2 not in bickering back and forth, but trusting
3 in what we do to make this state a lot better.
4 And without that trust, we fall apart. We
5 fall apart as a state.

6 And I believe and trust in my
7 Democratic conference, that with our passion
8 and with our trust we can help turn this state
9 around. And accordingly, I vote aye.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Breslin.

12 Senator Parker on the bill.

13 SENATOR PARKER: Thank you,
14 Mr. President. On the bill.

15 ACTING PRESIDENT GRIFFO: Senator
16 Parker on the bill.

17 SENATOR PARKER: I actually
18 intend, despite my displeasure with large
19 parts of this budget, to actually vote yes on
20 this budget and -- on parts of it at least.
21 And the part we're voting on at this moment
22 I'm going to vote yes on.

23 But, you know, this is not a good
24 budget, Mr. President. It's not a good budget
25 year. I know we all understand that. What

1 there is some disagreement about in this
2 chamber is how we got there. I initially got
3 on the list to speak because I wasn't happy
4 with some of the comments that were being
5 made. But this is really not a time to assign
6 blame. This is really a time to start looking
7 and figuring out how we can work together on
8 solutions.

9 There's no one in here who wants to
10 see teachers fired or schools closed. We all
11 would like to see us be able to afford to do
12 different things with education. We would
13 like to see -- I know especially my colleague
14 Senator McDonald, and the work he does around
15 autism and people with disabilities -- would
16 like to see that budget restored in full, in
17 fact increased, because we really can't do
18 enough to protect people in our communities,
19 in all of our communities, with things like
20 autism and other kinds of disabilities.

21 But we can't do those things now.
22 And we've decided to go down a course and the
23 budget is closed out and we're now taking
24 votes on that budget. But we should be clear
25 about what our values are and the things that

1 we care about. That I know, from my
2 conversations with everybody in this room,
3 that everybody here cares about their
4 families. They care about the children in
5 their communities and their constituents.
6 That we all want to see a state that educates
7 every single child beyond just a regular
8 level, but that we fully educate people so
9 they can become full participants in our
10 communities, so that the life chances of
11 people in our community can be as bright for
12 every single person from Buffalo to Brooklyn,
13 from Bath, New York, to Brookhaven, Long
14 Island. And I think we're only going to get
15 there if we continue to try to work through
16 some of these things together.

17 I think that what we're doing this
18 year I really disagree with. And I am
19 dismayed that we look like we are in fact
20 balancing the budgets on people who need
21 social services, we're balancing the budgets
22 on the backs of children who are going to
23 public schools across our districts, and at
24 the same time giving a tax cut to the rich.
25 In this budget we're going to be voting on,

1 we're going to be cutting the corporate taxes.
2 We have restructured the Excelsior program
3 such that we can give more tax breaks to large
4 corporations, many of which haven't created a
5 jobs since they've been in the program. We
6 are, you know, doing lots of things that are
7 supposed to help us but I'm not convinced that
8 those things in fact will get us there.

9 I do know that over the previous
10 two years we spent a lot of time trying to
11 right the wrongs that were done to many
12 communities over the state. And Rockefeller
13 Drug Laws, whether people agree with them or
14 not in this chamber, we can disagree about our
15 perceptions, but we can't disagree about the
16 facts.

17 And the facts of the matter are
18 mandatory minimum sentences and the kinds of
19 things we were doing vis-a-vis Rockefeller
20 Drug Laws did not work in this state. They
21 have not worked in the states across this
22 country. They have not worked on the federal
23 level. Which is why there are in fact federal
24 proposals to get rid of mandatory minimums and
25 get rid of the laws that look like Rockefeller

1 Drug Laws in this state.

2 We have for such a long time in
3 this state made a bad economic decision in how
4 we structure economic development. And we've
5 done it from a top-down perspective, and we're
6 going to continue to do that in this budget.
7 But I'm hoping that as we go forward that we
8 really look at how jobs are created. But
9 right now, as much as we talk about job
10 creation, we have in this body -- and it's my
11 fault as much as anybody else's in the
12 Legislature -- that we have not developed a
13 small business program.

14 When we look at how jobs are
15 created in this country, you know, 70 percent
16 of all jobs that are created are in small
17 businesses. Right? Those are businesses
18 defined by, you know, employers who employ a
19 hundred or less people. And then of that
20 70 percent, about 50 percent are actually
21 employed in mom-and-pop shops, which are
22 defined by employers who employ 25 or less
23 people.

24 And we haven't done anything in
25 this budget to help those people. And those

1 are the people we need to put back to work.
2 We need to give those folks full-time jobs at
3 a living wage with benefits so that they can
4 in fact take care of their families. Because
5 that's all everybody wants to do. And so that
6 they can in fact contribute to our tax base so
7 that we can in fact help those people take
8 care of those who can't take care of
9 themselves. That's what our role is here in
10 government.

11 And so as we go forward with just
12 this debate tonight and the rest of the debate
13 over the next couple of days, I hope that we
14 in our conversations discuss the
15 controversies, that we look at the places in
16 which there is in fact conflict and try to
17 figure out how we work by those things. But
18 remember to keep our eyes on the prize and
19 work on our collective values of providing
20 full-time jobs at a living wage with benefits
21 for our communities, for educating every
22 child, making sure that people with
23 disabilities in fact have the same kind of
24 opportunities as those who are supposedly
25 fully functioning in our communities, and to

1 make sure that we have a healthcare system
2 that's both affordable and accessible to
3 everybody who needs it. Because there's only
4 two kinds of people in the world, people in
5 hospitals right now and people who are going
6 to need hospitals at some point in their
7 lives.

8 And so this is not at all what I
9 got up to say, but I'm hoping that as we go
10 forward that -- we're stuck with this budget.
11 We're stuck with it at this point -- but that
12 next year that we get to a place where we're
13 really doing some meaningful things in this
14 budget, in a bipartisan way, that our
15 conversations will lead us to a place where
16 everybody can get taken care of.

17 Because I honestly believe there's
18 enough resources even in a reduced \$132.75
19 billion budget. If you divide that, you know,
20 by 20 million, there's enough resources in the
21 State of New York to make sure that every man,
22 woman and child has the resources that they
23 need so they can achieve their life chances.

24 ACTING PRESIDENT GRIFFO: Senator
25 Montgomery.

1 SENATOR MONTGOMERY: Yes, thank
2 you, Mr. President.

3 I won't let this moment pass
4 without this historical statement that I'm
5 going to make. And that is I want to say that
6 for the first time in my life I agree with
7 some of Senator Nozzolio's sentiments.

8 (Laughter.)

9 SENATOR MONTGOMERY: So I could
10 not -- I could not let that moment go.

11 I do -- I have said to, you know,
12 people that I speak to that one of the dark
13 secrets of our state is that we have built
14 this economy based on a growing, extensive
15 prison system. And it's costed us
16 extremely -- a lot of resources, both human
17 resources as well as financial. And in fact I
18 think that the largest manufacturing system in
19 our state may be in that prison system.

20 So this is quite shameful. And of
21 course we have been addicted by it because
22 it's pretty easy. Between us here, the bills
23 we pass gets passed down, and then communities
24 like mine ship these people up. And
25 everybody's happy. And we've lived with that.

1 But finally our Governor has said
2 that is immoral. And I am so proud of him for
3 making that statement. It was time for a
4 Governor to make that statement. Because a
5 lot of us have been in the wilderness talking
6 about it, but he is in a position to change
7 how we do business in our state. And I'm
8 happy that he's willing to do that.

9 And I just want to say that I am
10 proud of the Republicans who did agree to take
11 this very painful piece and negotiate it.
12 Because closing a prison for you is like
13 closing a hospital for me. That's the same
14 problem. We have it on both sides of the
15 aisle. And we all have to make those painful
16 decisions.

17 So I'm not going to complain. I --
18 in fact, I complain about you all the time.

19 (Laughter.)

20 SENATOR MONTGOMERY: Every day.
21 But at this moment I am only going to
22 compliment the Republican Party for standing
23 up to say we agree with the Governor, we must
24 move away from this system of this massive
25 incarceration program of a certain part of our

1 population in order to employ another part of
2 the population.

3 We all agree that was wrong. We
4 were just addicted to it. We couldn't give it
5 up. But with the Governor's help, we're
6 moving away from that. And I applaud that. I
7 just want my people and I want you to know
8 that's how I feel. Notwithstanding whatever
9 else you've heard, let's do this.

10 And the Governor has offered to
11 help us do it. He's offered to figure out a
12 way to repay those areas and help us move to
13 another system of an economic engine. And
14 that's what's going to keep our young people
15 in the parts of the state like Buffalo and
16 like Watertown and Senator Little's district.
17 I want to see some young people who want to
18 stay there and not have to choose between
19 leaving and working for 30 years in a prison.

20 So I'm very happy that we're moving
21 in the right direction, and definitely I am
22 voting for this bill. So I'll be voting aye.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger.

25 SENATOR KRUEGER: Thank you,

1 Mr. President.

2 Well, clearly passions run high.
3 We're all upset. We all know we need to get a
4 budget done. We all know there's a
5 \$10 billion deficit. We all know there will
6 be large cuts on many, many parts of the
7 budget that we each care about. And sometimes
8 passions run high and people might say the
9 wrong thing. But I did want to make sure
10 before we close that we set the record
11 straight on a few things that were said.

12 I want to thank Senator Adams for
13 getting up and clarifying the reality that
14 prisoner reduction is not due to what we did
15 with Rockefeller Drug Law. It's simply not
16 the fact. And it's also true that there are
17 reasons why the crime rate is going down,
18 because of very hard work by our police and in
19 our communities. And that is a win/win for us
20 all.

21 There was also some aspersions
22 thrown at when we, the Democrats, controlled
23 the Senate for two years out of, oh, most of
24 the last century. The budget increased a
25 hundred percent, \$60 billion to \$120 billion

1 between 1996 and 2008 when we had a Republican
2 Senate and a Republican Governor. Our debt
3 doubled during that time period from
4 \$25 billion to \$52 billion. Between '89 and
5 2008, this house, under Republican control,
6 voted to raise taxes by \$131 billion. And the
7 budget was late, 1999 to 2006, by 819 days.

8 So we all can share blame. And we
9 all have to take responsibility for getting it
10 right now and dealing with the tough issues.
11 But to make statements on the record of the
12 Senate without making sure that they are
13 clarified, for the facts to be written into
14 the record of this wonderful institution, is
15 that this was not something because of this
16 side for two years or that side for 92 years.

17 (Laughter.)

18 SENATOR KRUEGER: We all have
19 responsibility to bear. And we need to move
20 forward.

21 And I think that some of my
22 colleagues were passionate about their anger
23 about some of the cuts in this budget on both
24 sides of the aisle. And that's real. And
25 whoever told us that watching the sausage

1 being made was all nice and easy and pretty?
2 It's not. We're watching, we are making the
3 sausage here tonight. And it's not pretty.
4 But it's going to get done in a reasonable
5 period of time.

6 And I agree with my colleagues it
7 won't be the best budget we could have done,
8 and it's not going to be a good budget for
9 many people in many of our communities. But
10 we have to go forward and we have to go
11 forward with civility on both sides of the
12 aisle.

13 And despite the fact that I have
14 major problems with much of the budget, I also
15 tonight will be voting yes on this bill and
16 believe that we will be passing it soon.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Seeing
19 no other Senator wishing to be heard, debate
20 is closed and the Secretary will ring the
21 bell.

22 SENATOR SKELOS: Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Skelos.

25 SENATOR SKELOS: If I could just

1 mention that I think it's totally
2 inappropriate for anybody, including members
3 and nonmembers, to be taking pictures in this
4 chamber when on the floor.

5 ACTING PRESIDENT GRIFFO: The
6 point is well-taken, Senator Skelos, and I
7 would ask the Sergeant-at-Arms to please
8 comply with all the rules of the chamber.

9 Technically, electronic devices are
10 not to be used in the chamber, by rules of the
11 Senate. And there should be no one taking
12 pictures in this chamber. So I would again
13 ask the Sergeant-at-Arms to please be aware
14 and to enforce the rules of the Senate.

15 SENATOR LIBOUS: Mr. President,
16 you mean with the exception of the Senate
17 photographers, of course.

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: With
20 the exception of the Senate photographers.

21 Read the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Robach to explain his vote.

4 SENATOR ROBACH: Yes,
5 Mr. President, very briefly.

6 I'm going to support this. And
7 while I would agree with many of the
8 colleagues' comments on this not being
9 perfect, it is certainly a responsible step
10 and one we have to take.

11 I could say that I'm happy that
12 we're here three days before the budget
13 deadline getting this done, because I do think
14 transparency and timeliness are important. I
15 could not disagree more with the comments made
16 that the timeliness of the budget --

17 ACTING PRESIDENT GRIFFO: Senator
18 Robach, excuse me.

19 Can I have order in the chamber.
20 We have a member speaking, please.

21 Senator Robach.

22 SENATOR ROBACH: I couldn't
23 disagree more with the comments that the
24 timeliness of the budget doesn't matter. If
25 you want to put content or perfection on

1 anything, we'd never get anything done in this
2 chamber.

3 And when you talk about protecting
4 the law or abiding by the law, it is the
5 Constitution of the State of New York which
6 says we should have the budget done on
7 April 1st. Which you're right, we can all
8 take some concern with we haven't for a long
9 time. But we should. People that go to work
10 every day have to show up on time, get their
11 duties done. We should too. We owe that to
12 the people of New York. So I'm happy for that
13 part.

14 And then also, while there's many
15 challenges and things I would have
16 differently, I think it's very important that
17 everybody understands in this process that
18 there's been an exodus of people in upstate
19 New York, where I live, the census data came
20 out, because we have overtaxed, overspent,
21 driven business out. And no matter how hard,
22 we need to move in a different direction.

23 This budget does that. People
24 talked about hopefully we can do something
25 down the road. In order to do something down

1 the road, you have to make changes today to
2 accommodate that. We can no longer stick our
3 head in the sand, kick the can down the road,
4 so to speak, or do that. That's been done far
5 too long.

6 So I applaud the Governor, the
7 people that worked very hard on both sides of
8 the aisle in the conference committees to get
9 this done and start the process. And I think
10 this will send a message for the first time in
11 a long time to people all across the state,
12 but especially the ones that I have the
13 privilege to represent, to say we hear you.
14 We're not spending more money than we have.
15 We, like you, in our household budgets are
16 making some tough decisions, just like you
17 have to in your budget to get this done.

18 I know I'm over my two minutes, but
19 I do think this is important. And I really do
20 think that this is the right thing in the
21 right direction. It's something we need at
22 this time. Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Robach to be recorded in the affirmative.

25 Senator Libous to explain his vote.

1 SENATOR LIBOUS: Senator Libous
2 wants to say is there any further business.

3 ACTING PRESIDENT GRIFFO: Is
4 there anybody else wishing to speak?

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 281, those recorded in the
8 negative are Senators Diaz and Duane.

9 Absent from voting: Senator C.
10 Kruger and Senator Perkins.

11 Ayes, 58. Nays, 2.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President,
16 is there any further business at the desk?

17 ACTING PRESIDENT GRIFFO: There
18 is no further business before the desk.

19 SENATOR LIBOUS: All right, I
20 have an announcement. The Republicans will
21 conference at 9:30 tomorrow morning.

22 Mr. President, there being no
23 further business before the Senate this
24 evening, I move that we adjourn until
25 10:00 a.m. on Wednesday.

1 ACTING PRESIDENT GRIFFO: The
2 Republican conference will conference at
3 9:30 a.m. And there being no further business
4 before the Senate, the Senate stands adjourned
5 until tomorrow, Wednesday, at 10:00 a.m.

6 SENATOR LIBOUS: Mr. President,
7 I'm sorry, would you please call on Senator
8 Hassell-Thompson for an announcement.

9 ACTING PRESIDENT GRIFFO: Senator
10 Hassell-Thompson for an announcement.

11 SENATOR HASSELL-THOMPSON: Thank
12 you, Mr. President. There will be a
13 Democratic conference at 9:00 a.m. tomorrow
14 morning.

15 ACTING PRESIDENT GRIFFO: There
16 will be a Democrat conference in the Democrat
17 Conference Room at 9:00 a.m. tomorrow morning.

18 And there being no further business
19 to come before the Senate, on motion, the
20 Senate stands adjourned until Wednesday,
21 March 30th, at 10:00 a.m.

22 (Whereupon, at 10:24 p.m., the
23 Senate adjourned.)

24
25