

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 11, 2013

11 3:12 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO: Today's  
10 invocation will be offered by Rabbi Shmuel M.  
11 Butman, from Lubavitch Youth Organization in  
12 Brooklyn, New York.

13 Rabbi.

14 RABBI BUTMAN: {In Hebrew} Our  
15 heavenly Father, we ask You to bestow Your  
16 blessings upon all the members of the New York  
17 State Senate.

18 They should have a lot of success  
19 in all their endeavors, in all their communal  
20 endeavors and in all their personal endeavors,  
21 especially since they have just done a great  
22 deed, that they have passed a resolution  
23 proclaiming 111 Days of Education in honor of  
24 the 111th birthday of the Lubavitcher Rebbe,  
25 Rabbi Menachem M. Schneerson.

1                   In Psalm Number 112, 112, that we  
2     start saying on the Rebbe's 111th birthday,  
3     King David speaks about the righteous men and  
4     women. And he promises them that whoever is  
5     going to follow the path of righteousness, {in  
6     Hebrew}, which means that their children are  
7     going to have a lot of success, that they will  
8     never fear any fear and they will never fear any  
9     adversities, and that they will have eternal  
10    success for all of their lives, for themselves  
11    and for their children, when they follow the  
12    path of righteousness.

13                  You, the legislators in the  
14    New York State Senate, you are not only  
15    legislating laws that govern the State of  
16    New York but also, by extension, the United  
17    States of America. And by extension, the United  
18    States of America of America is a superpower,  
19    the whole world looks to us. And when we  
20    legislate laws that govern how people should  
21    behave, between man and man and man and God,  
22    then those laws have an effect all over the  
23    world.

24                  I should also tell you that every  
25    Sabbath, every Shabbos in our community, in our

1 shuls, in our synagogues, we say a special  
2 prayer for you for your success. We say the {in  
3 Hebrew}. All those who serve the public with  
4 faith, as you do, we ask Almighty God that  
5 Almighty God should grant you good health and  
6 long life and you should be able to continue to  
7 do the right thing and making this world a  
8 better place.

9                   Many years ago, when I opened the  
10 United States Senate in Washington, I went to  
11 see the Rebbe. And the Rebbe said to me that  
12 "You should take with you a tzedakah pushke," a  
13 charity box. "And while you are offering the  
14 prayer," the Rebbe told me, "you should also  
15 give charity, you should put in a dollar. And  
16 on the dollar it says 'In God We Trust.' And  
17 everybody should see what you are doing, and  
18 they should know what money should be used  
19 for."

20                   So that's what we are going to do,  
21 what the Rebbe said. We are going to put in a  
22 dollar in the tzedakah. And we are going to ask  
23 you, whoever wants to join us later -- I don't  
24 think you to think that this is a fundraising  
25 campaign. Because if it would be, we would ask

1     you for much more than a dollar.

2                     (Laughter.)

3                     RABBI BUTMAN: This is a campaign to  
4     do more goodness and more kindness. You are  
5     welcome to join us later. Only one dollar per  
6     person. And then you are going to do another act  
7     of goodness and kindness.

8                     God bless you all. You should be  
9     able to pass the budget successfully, with God's  
10    help, and you should have a lot of success in  
11    your personal lives and in your communal  
12    endeavors. God bless you, every single one of  
13    you.

14                    Thank you.

15                    ACTING PRESIDENT GRIFFO: Thank  
16    you, Rabbi.

17                    The reading of the Journal.

18                    THE SECRETARY: In Senate, Sunday,  
19    March 10th, the Senate met pursuant to  
20    adjournment. The Journal of Saturday, March 9th,  
21    was read and approved. On motion, Senate  
22    adjourned.

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

25                    Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 7,  
4 Senator Seward moves to discharge, from the  
5 Committee on Insurance, Assembly Bill Number 1831  
6 and substitute it for the identical Senate Bill  
7 Number 2756, Third Reading Calendar 53.

8 ACTING PRESIDENT GRIFFO:  
9 Substitution so ordered.

10 THE SECRETARY: On page 7,  
11 Senator Seward moves to discharge, from the  
12 Committee on Insurance, Assembly Bill Number 1832  
13 and substitute it for the identical Senate Bill  
14 Number 2757, Third Reading Calendar 54.

15 ACTING PRESIDENT GRIFFO:  
16 Substitution so ordered.

17 THE SECRETARY: And on page 12,  
18 Senator Nozzolio moves to discharge, from the  
19 Committee on Codes, Assembly Bill Number 196 and  
20 substitute it for the identical Senate Bill  
21 Number 3034, Third Reading Calendar 131.

22 ACTING PRESIDENT GRIFFO:  
23 Substitution so ordered.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Fuschillo.

6 SENATOR FUSCHILLO: Mr. President,  
7 on behalf of Senator Hannon, on page number 7 I  
8 offer the following amendments to Calendar Number  
9 58, Senate Print Number 2069, and ask that said  
10 bill retain its place on Third Reading Calendar.

11 ACTING PRESIDENT GRIFFO: The  
12 amendments are received, and the bill will retain  
13 its place on third reading.

14 Senator Fuschillo, one second  
15 please.

16 May I have some order in the house,  
17 please.

18 Senator Fuschillo.

19 SENATOR FUSCHILLO: On behalf of  
20 Senator LaValle, on page number 14 I offer the  
21 following amendments to Calendar Number 166,  
22 Senate Print Number 2920, and ask that said bill  
23 retain its place on the order of Third Reading  
24 Calendar.

25 ACTING PRESIDENT GRIFFO: The

1 amendments are received, and the bill shall  
2 retain its place on third reading.

3 SENATOR FUSCHILLO: On behalf of  
4 Senator Marcellino, on page number 13 I offer the  
5 following amendments to Calendar Number 156,  
6 Senate Print Number 3046, and ask that said bill  
7 retain its place on Third Reading Calendar.

8 ACTING PRESIDENT GRIFFO: The  
9 amendments are received, and the bill shall  
10 retain its place on third reading.

11 Senator Fuschillo.

12 SENATOR FUSCHILLO: May we please  
13 have the reading of the noncontroversial  
14 calendar.

15 ACTING PRESIDENT GRIFFO: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number 53,  
18 substituted earlier by Member of the Assembly  
19 Morelle, Assembly Print 1831, an act to amend the  
20 Insurance Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect on the same date and in the  
25 same manner as Chapter 495 of the Laws of 2012.



1           ACTING PRESIDENT GRIFFO:   Call the  
2   roll.

3           (The Secretary called the roll.)

4           THE SECRETARY:   Ayes, 55.

5           ACTING PRESIDENT GRIFFO:   The bill  
6   is passed.

7           THE SECRETARY:   Calendar Number 54,  
8   substituted earlier by Member of the Assembly  
9   Morelle, Assembly Print 1832, an act to amend the  
10   Insurance Law.

11          ACTING PRESIDENT GRIFFO:   Read the  
12   last section.

13          THE SECRETARY:   Section 2.  This  
14   act shall take effect on the same date and in the  
15   same manner as Chapter 496 of the Laws of 2012.

16          ACTING PRESIDENT GRIFFO:   Call the  
17   roll.

18          (The Secretary called the roll.)

19          THE SECRETARY:   Ayes, 55.

20          ACTING PRESIDENT GRIFFO:   The bill  
21   is passed.

22          THE SECRETARY:   Calendar Number 65,  
23   by Senator Ranzenhofer, Senate Print 1434, an act  
24   to amend the Vehicle and Traffic Law.

25          ACTING PRESIDENT GRIFFO:   Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the first of November.

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: In relation to  
8 Calendar Number 65: Ayes, 53. Nays, 2.  
9 Senators Montgomery and Perkins recorded in the  
10 negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number 66,  
14 by Senator Marcellino, Senate Print 1480, an act  
15 to amend the Vehicle and Traffic Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 4. This  
19 act shall take effect on the first of November.

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 55.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   109, by Senator Zeldin, Senate Print 3414, an act  
3   to amend the General Business Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5   last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 55.

12                   ACTING PRESIDENT GRIFFO:   The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   131, substituted earlier by Member of the  
16   Assembly Weinstein, Assembly Print Number 196, an  
17   act to amend the Criminal Procedure Law.

18                   ACTING PRESIDENT GRIFFO:   Read the  
19   last section.

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

22                   ACTING PRESIDENT GRIFFO:   Call the  
23   roll.

24                   (The Secretary called the roll.)

25                   THE SECRETARY:    Ayes, 55.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   138, by Senator Griffo, Senate Print 1965, an act  
5   to amend the Highway Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7   last section.

8                   THE SECRETARY:    Section 4.   This  
9   act shall take effect on the 120th day.

10                  ACTING PRESIDENT GRIFFO:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 55.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15   is passed.

16                  THE SECRETARY:    Calendar Number  
17   140, by Senator Savino, Senate Print 2963, an act  
18   directing.

19                  ACTING PRESIDENT GRIFFO:    Read the  
20   last section.

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

23                  ACTING PRESIDENT GRIFFO:    Call the  
24   roll.

25                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 55.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 Senator Fuschillo, that completes  
5 the noncontroversial reading of the calendar.

6 SENATOR FUSCHILLO: Thank you,  
7 Mr. President.

8 I believe there's a privileged  
9 resolution at the desk by Senators Skelos and  
10 Klein. I ask that the title be read and move for  
11 its immediate adoption.

12 ACTING PRESIDENT GRIFFO: The  
13 resolution is accepted, in accordance with rules  
14 and regulations of the house, and the Secretary  
15 will read.

16 THE SECRETARY: Resolution Number  
17 818, by Senators Skelos and Klein, adopting  
18 proposed amendments to the 2013-2014 Executive  
19 Budget submission (Legislative Bills Senate  
20 2600C, 2603C, 2604C, 2605C, 2606C, 2607C, 2608C  
21 and Senate 2609C).

22 ACTING PRESIDENT GRIFFO: Again,  
23 some order in the house.

24 The resolution is before the house.  
25 Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:    Thank you  
2    very much.

3                   This is the resolution setting forth  
4    the Senate's version of the one-house budget that  
5    will be negotiated along with the Assembly and  
6    the Governor's office. I know there will be some  
7    questions, and so I just want to briefly outline  
8    what it does.

9                   What's most important to many  
10   people, at least that I've heard during the  
11   budget hearings, is state aid to education. And  
12   what bothers a lot of people throughout the state  
13   is the Gap Elimination Adjustment that has cost  
14   or resulted in a lot less dollars to many, many  
15   districts throughout the state.

16                  Well, we thought that some of the  
17   Governor's money that was programmed for other  
18   purposes should be used to eliminate or reduce  
19   the Gap Elimination Adjustment to drive more to  
20   districts. That, by far, has been their  
21   priority.

22                  And the monies that the Governor had  
23   proposed were \$321 million for Gap Elimination  
24   Adjustments, and we increase that amount to  
25   \$620 million, which will have a great effect on

1 all of our districts. In addition, the budget  
2 language that we're hoping for is to completely  
3 eliminate it in a matter of three years, and  
4 that's a goal that we think is attainable.

5 The Governor had proposed  
6 \$154 million for High Tax Aid. We increased that  
7 to \$221 million.

8 So we think those are the priorities  
9 for education money, and that's why we redirected  
10 funds and found other funds by other cuts to  
11 provide more money in that direction.

12 From a procedural matter, I think  
13 that we have done other things that are going to  
14 be making it easier to have our third on-time  
15 budget, a responsible budget that's not going to  
16 increase taxes and also not cause more  
17 difficulties by increasing taxes.

18 Now, incorporated in this bill as  
19 far as economic development, you've got to cut to  
20 make the state in a better shape, but you're not  
21 going to solve the entire problem by cutting.  
22 And the jobs program that we came up with last  
23 week is an integral component of this. I will  
24 not go through the details. If anyone has any  
25 questions, they can provide them, give them to

1 me, and I'll be more than happy to answer as best  
2 I can.

3 The Senate also is proposing to  
4 eliminate the 18A assessment to reduce energy  
5 costs for businesses and individuals. That helps  
6 farmers, that helps every business. That also  
7 individuals. We all have had our calls from our  
8 various constituents looking over their energy  
9 bill and asking, "What in God's name is this  
10 additional charge?"

11 Well, that additional charge was  
12 supposed to expire this year. According to the  
13 Governor's budget, he's requesting that it be  
14 renewed. We think that would be a very, very bad  
15 idea to do that.

16 We're also attempting to make the  
17 state more business-friendly by reducing the  
18 corporate franchise tax for manufacturers and  
19 eliminating it altogether over the next four  
20 years.

21 To help the middle class, we want to  
22 be in a position to increase the dependents  
23 exemption from \$1,000 to \$2,020 and provide a  
24 supplemental tax credit of an additional \$500 per  
25 family and restore the STAR tax rebates.



1           Once again, you can't just cut  
2 forever and expect a result. You have to grow  
3 the economy, and that's an integral part of this  
4 budget.

5           To help local governments, we're  
6 proposing to accelerate the takeover of the local  
7 growth of Medicaid, 1 percent cap in 2013 and a  
8 zero percent cap in 2014, saving counties  
9 millions of dollars.

10           We provide \$20 million more for  
11 enhanced aid and incentives for municipalities  
12 programs, to assist local governments. I was  
13 just in the hall with one of the mayors of the  
14 major cities who would love to see more  
15 assistance, because their troubles are extremely  
16 difficult to deal with.

17           In order to provide what hasn't been  
18 provided over the last seven years, we increased  
19 the CHIPS funding, which is extremely important  
20 to all districts throughout the state as far as  
21 facilitating road and bridge construction, but  
22 most importantly roads. And that's an additional  
23 hundred million dollars. And to provide another  
24 \$16 million for upstate transit systems.

25           The Senate also knows the importance

1 of higher education. We're increasing base aid  
2 to students attending community college by \$150  
3 per student if this becomes part of the ultimate  
4 budget.

5 And we unpotted -- this has nothing  
6 to do with the medical marijuana. There's a lot  
7 of pots in the Governor's budget lumping together  
8 a lot of nonprofit agencies on a broad spectrum  
9 of things, and reducing the overall cost so the  
10 groups would have to compete for the few  
11 dollars. Well, by the time they competed and by  
12 the time they get paid, they're in another year.

13 And secondly, it reduces -- all  
14 these pots substantially reduce legislative  
15 oversight. And I think that was important to do  
16 the unpotting.

17 The one big issue -- and many of us  
18 sat through many of these budget hearings -- was  
19 the 6 percent cut to individuals with  
20 developmental disabilities. We would like to  
21 restore, it's in our budget, \$120 million to the  
22 Office for People With Developmental Disabilities  
23 to ensure that our most vulnerable of all  
24 citizens are protected.

25 And there's a few more things here.

1 Casino gambling is not in it, and I'll wait for  
2 questions. That isn't ready. We don't know  
3 where the casinos are going or if the Senate even  
4 wants to go that direction, or the Assembly. So  
5 I think rather than hold up the budget, so we can  
6 get an early budget this year we proposed  
7 decoupling that from our one-house.

8 And with that said, I'll open it up  
9 for questions and try my darndest to give you  
10 intelligent and accurate answers.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Krueger.

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

15 Well, I appreciate the sponsor's  
16 explanations of the bill. And I would agree,  
17 there's something for everyone in this bill. In  
18 fact, there's lots of things in this one-house  
19 resolution that many of my colleagues no doubt  
20 will speak on because they agree.

21 But my questions for the sponsor  
22 involve the dollars and cents and how it adds up  
23 or it doesn't add up. So if the sponsor would  
24 please yield to some questions.

25 ACTING PRESIDENT GRIFFO: Senator

1 DeFrancisco, do you yield?

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT GRIFFO: Senator  
4 DeFrancisco yields.

5 Again, I'm going to ask, there are a  
6 lot of people in the chamber today. If you can  
7 take the business that you're discussing  
8 in-chamber out of the chamber so the members can  
9 engage in debate and dialogue.

10 Senator Krueger, you may continue.

11 SENATOR KRUEGER: Thank you.

12 Through you, Mr. President, if the  
13 sponsor can tell me what's the dollars that have  
14 been added through this resolution above and  
15 beyond the Governor's budget, the new adds.

16 SENATOR DeFRANCISCO: The question  
17 is how do we pay for the new adds?

18 SENATOR KRUEGER: No. How much  
19 money is in this resolution for line items that  
20 didn't exist in the Governor's proposed budget?  
21 So things that you added.

22 SENATOR DeFRANCISCO: Well, we pay  
23 for everything by either reprogramming the  
24 Governor's monies or project additional revenues  
25 from other sources. So it's difficult to say

1 exactly. When you talk about adds, it's not all  
2 necessarily adds that weren't funded by something  
3 that we're cutting. So it's not that we're just  
4 coming up with more programs and not paying for  
5 it.

6 SENATOR KRUEGER: Maybe I'll ask  
7 the sponsor again, through you, Mr. President.  
8 I'm going to ask him what are the total new  
9 appropriations and what are the decreased  
10 appropriations from the Governor's budget. And  
11 from those two numbers, we can help get to an  
12 answer to the bigger question.

13 So how much in new appropriations is  
14 in this resolution compared to the lines that  
15 were in the Governor's budget?

16 ACTING PRESIDENT GRIFFO: Senator  
17 DeFrancisco.

18 SENATOR DeFRANCISCO: That's  
19 \$930 million. And there are cuts in the amount  
20 of \$828 million. And the difference is really  
21 funded by programs that we believe can  
22 substantiate the balance of the funding.

23 And Senator Hannon mentioned to me,  
24 which was -- I really didn't realize it's an  
25 excellent point. That's why there may be

1 intelligent answers, because others are telling  
2 me what to say or suggesting a point.

3 This isn't really that much. In the  
4 30-day amendments, the Governor reprogrammed or  
5 moved around over a billion dollars in 30 days of  
6 his own proposal. So this is not an  
7 extraordinary amount of money in view of the  
8 overall amount of the budget.

9 SENATOR KRUEGER: And through you,  
10 Mr. President, if the sponsor would continue to  
11 yield.

12 SENATOR DeFRANCISCO: Yes.

13 ACTING PRESIDENT GRIFFO: The  
14 sponsor yields.

15 SENATOR KRUEGER: And then he  
16 mentioned additional revenue or less revenue.  
17 Can you tell me how much in new revenue there is  
18 in this budget resolution? And then the  
19 follow-up question is how much from the  
20 Governor's budget is being taken off as revenue.

21 SENATOR DeFRANCISCO: We are  
22 anticipating a deal with some of the tribes, the  
23 Indian tribes, for their compact with the state.  
24 We're projecting \$450 million right there alone.

25 By the way, some of these

1 projections, they total about four times of what  
2 we really need. So if we're off on some of them,  
3 we can stand corrected. We got plenty either  
4 way.

5 Medicaid reestimates, we propose --  
6 and this is huge. And hopefully everybody will  
7 agree with me. In New York State we see all of  
8 these the last few years: 2 percent across the  
9 board cut, 6 percent across the board cut. To  
10 me, that is not the way to go, because good  
11 programs get cut along with programs that maybe  
12 are spending too much. And that's not a way to  
13 run anything, let alone government, where people  
14 have the needs that they have in New York State.

15 We would like to eliminate, either  
16 through waste reduction, by cutting parts of  
17 programs, or cutting into the optional services  
18 provided by Medicaid to the tune of about  
19 \$200 million. And what do I mean by that? We  
20 provide -- out of the 33 optional services that  
21 the federal government doesn't require us but  
22 will allow us to give, to provide, we provide 31  
23 of them. Now it's pretty obvious why we spend  
24 more in Medicaid than the next two states  
25 combined.

1                   We want more education aid? The  
2 line for Medicaid has gone well past the  
3 education line, and it's over \$60 billion a  
4 year. So it's got to come under control some  
5 way. I'll give you one example and then I'll  
6 stop, because there's a lot of them.

7                   When a group of individuals with  
8 severe handicaps in wheelchairs came in to see  
9 me -- actually, it was two years ago because I've  
10 been on this horse for a long time, this soapbox  
11 a long time. I said, "If you don't like the  
12 2 percent cuts, give me some ideas."

13                  A person in a wheelchair said to  
14 me: "Well, look, I have a car that's retrofitted  
15 to allow my wheelchair to be put in it. I have  
16 an aide, and that aide charges a few dollars an  
17 hour to the state. But despite that, I have to  
18 get to my normal regular medical and dental  
19 appointments by some transportation vehicle from  
20 a service that costs three times as much as it  
21 would otherwise."

22                  Now, that's from people that we've  
23 really got to help, some of the most vulnerable  
24 people. I'm sure there's a ton of those in the  
25 developmentally disabled area as well.



1                   So my point is I don't mean cut out  
2                   transportation because it's an optional service.  
3                   I believe that the way to go is to really plan on  
4                   this in this budget and make sure we get it done  
5                   by making these changes that are attainable.  
6                   That's two examples.

7                   ACTING PRESIDENT GRIFFO:     Senator  
8                   Krueger.

9                   SENATOR KRUEGER:     Through you,  
10                  Mr. President, if the sponsor would continue to  
11                  yield.

12                  SENATOR DeFRANCISCO:     Yes.

13                  ACTING PRESIDENT GRIFFO:     The  
14                  sponsor yields.

15                  SENATOR KRUEGER:     Although one of  
16                  the questions I was going to ask him was about  
17                  the cut to optional services in Medicaid, and he  
18                  in fact jumped in there with his example.

19                  So I'm going to go on to other  
20                  things, but just to highlight that \$208 million  
21                  cut, he used the one example of transportation.  
22                  But of course if we were to cut those optional  
23                  services, it would also mean we were cutting out  
24                  dental services, occupational and physical  
25                  therapy, hospice care, clinical services,

1 prosthetic and orthotic devices, hearing aids,  
2 and a long list of about 31 different items. So  
3 we might agree or disagree about the severity of  
4 the impact on people if we were to cut that  
5 program in Medicaid.

6 But I wanted to ask a sponsor about  
7 a few items that they did put in their one-house  
8 resolution. One of the answers to my question  
9 before was that there was \$600 million, of which  
10 \$450 million is being booked for unpaid taxes  
11 from tribal nations. And my understanding is  
12 that we've all known about this for years and  
13 years and years; we never really could get that  
14 money. So do we think we can get that money this  
15 year?

16 ACTING PRESIDENT GRIFFO: Senator  
17 DeFrancisco.

18 SENATOR DeFRANCISCO: They're  
19 presently in binding arbitration. And we believe  
20 it's reasonable to assume that it's going to be  
21 done this year.

22 If it isn't, as I mentioned, the  
23 list I have is extensive and it's four times what  
24 we would really need to actually have happen in  
25 order to fill the balance of the gap of the

1 budget for some of the things we're adding.

2 In addition, I'm glad I jumped in on  
3 optional services. Because that comment about  
4 cutting occupational services, cutting everything  
5 imaginable, people are going to be cut and let  
6 alone without services, that's exactly why it  
7 never happens. Because the scare tactics that  
8 are used that would say that optional services  
9 are sacrosanct and there's no savings we can make  
10 about it by making it a more efficient system, I  
11 think is exactly why it doesn't happen.

12 And I hope, Senator Krueger, after  
13 we've gotten to be such good buddies sitting  
14 through six weeks of budget hearings next to each  
15 other, and during that lovefest, hopefully you'll  
16 look at some of these areas and reasonably cut  
17 back on the \$4.1 billion in optional services.

18 Thank you.

19 SENATOR KRUEGER: Thank you.

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

22 SENATOR DeFRANCISCO: Yes.

23 ACTING PRESIDENT GRIFFO: The  
24 sponsor yields.

25 SENATOR KRUEGER: So when you added

1 up the amount that you are increasing the debt in  
2 the budget by adding costs, you came to about  
3 \$930 million. But do you also not have a  
4 \$1.3 billion STAR rebate program?

5 SENATOR DeFRANCISCO: Yes. But by  
6 the way, we didn't increase the debt. Because  
7 according to our budget, there will be a  
8 \$1.9 billion, with a B, reduction in All Funds  
9 spending and a 1.5 percent decrease in spending  
10 for state funds for the state-only funds. So it  
11 doesn't increase spending.

12 SENATOR KRUEGER: Through you,  
13 Mr. President, if the sponsor would continue to  
14 yield.

15 SENATOR DeFRANCISCO: Yes.

16 ACTING PRESIDENT GRIFFO: The  
17 sponsor yields.

18 SENATOR KRUEGER: Well, excuse me,  
19 the sponsor very kindly continued to yield, but  
20 I'm going to just ask one more question and then  
21 speak a little bit, because my time is up.

22 Can you tell me how much in new  
23 costs will be projected for the state from the  
24 brownfields Article 7 language which allows  
25 brownfields credits to be moved from \$45 million

1 to \$150 million per project and allows Superfund  
2 programs into the brownfields program? What's  
3 your projected cost to the state for that?

4 SENATOR DeFRANCISCO: I don't know  
5 the answer to that. I'll have to consult with a  
6 member of staff.

7 The answer is zero. And you may ask  
8 why.

9 SENATOR KRUEGER: I might ask why,  
10 thank you. Through you, Mr. President.

11 SENATOR DeFRANCISCO: Because the  
12 eligibility standards are much tighter, which  
13 will allow less people to get these credits.

14 SENATOR KRUEGER: Through you,  
15 Mr. President, on the bill briefly.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Krueger on the bill.

18 SENATOR KRUEGER: Actually, on the  
19 resolution.

20 ACTING PRESIDENT GRIFFO: On the  
21 resolution, Senator Krueger.

22 SENATOR KRUEGER: Thank you.

23 So here's one of the big dilemmas  
24 for me. There's lots of good things I like in  
25 this that we've added back. But when I do the

1 math -- and I don't have time to go through it  
2 all here -- it really doesn't add up. And in  
3 fact, if you look at full annualized costs being  
4 proposed by my colleagues in their resolution,  
5 you're leaving us with an aggregate gap of about  
6 \$3.5 billion.

7                   And yes, it's true you can say if  
8 you take a list of items that are cut out of the  
9 state budget, it appears to give us more money.  
10 But so much of that is capital funding or dry  
11 appropriations that we can't turn into cash that,  
12 when I look at this resolution, I go, it's a wish  
13 list that will leave us in the hole aggregate  
14 going forward in years almost \$3.5 billion. And  
15 I can't justify supporting a resolution that  
16 would in fact leave the taxpayers \$3.5 billion  
17 further in the hole, because of course it would  
18 mean that we have to cut more important items  
19 actually in the budget.

20                   And just as an example, I believe  
21 that the brownfields tax credit money would add  
22 up as the old brownfields tax credit. We have  
23 about half a billion on the books yet to be paid  
24 out.

25                   And I am concerned that creating a

1     \$1.3 billion payout through STAR, another  
2     \$800 million in tax cuts for families -- even  
3     though who doesn't like tax cuts for families --  
4     a package of jobs proposals that the Senate  
5     Republicans made on Friday allowing for capping  
6     the tax -- eliminating, excuse me, corporate  
7     taxes on 200,000 businesses, a 10 percent PIT  
8     exemption, eliminating corporate tax on  
9     manufacturers -- it all sounds great, but that's  
10    another billion dollars.

11                 It actually creates in the bill a  
12    section that would require a supermajority to  
13    approve any new taxes. So that means we would  
14    require 42 of 63 Senators to vote for any new tax  
15    ever, heading into future, which almost ties our  
16    hands to ever, ever create new revenue, even  
17    though this proposal would actually leave us  
18    probably \$3.5 billion in the hole in the  
19    outyears.

20                 It also has a number of Article 7  
21    sections that I believe my colleagues will speak  
22    about that can do great harm to important policy  
23    efforts that we have moved forward with in the  
24    years.

25                 So I'm shocked at how little time

1     there is to discuss this today. And of course we  
2     don't have bills in front of us, we just have one  
3     resolution, which is an outline. So a lot of the  
4     details are actually in the bills that we are not  
5     voting on and not discussing today.

6                     Thank you, Mr. President.

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

9                     Senator Rivera.

10                    SENATOR RIVERA:     Thank you,  
11     Mr. President. On the resolution.

12                    ACTING PRESIDENT GRIFFO:     Senator  
13     Rivera on the resolution.

14                    SENATOR RIVERA:     So I will -- as  
15     has been mentioned before, our time will be brief  
16     here, so I will get right to the point on a few  
17     things that I'd like to bring attention to that  
18     are in the health section of this resolution and  
19     what the resolution refers to as far as one of  
20     the bills that we will eventually see.

21                    First of all, although I do not call  
22     them pots, I've been calling them buckets, I do  
23     agree wholeheartedly with my colleague and with  
24     my Senate colleagues that what the Department of  
25     Health or the Governor proposed in taking all of



1 these programs, putting them into all these  
2 different pots or buckets makes it much more  
3 difficult for many of the programs to even  
4 exist.

5           They will be competing against each  
6 other in times when it doesn't really make sense  
7 for them to compete against each other. It makes  
8 it more difficult for these programs to operate.

9           I wholeheartedly agree that this is  
10 something that we should resist. And I'm very  
11 happy to see that this is what happened in this  
12 resolution. Hopefully it's what happens in the  
13 final budget and we don't have that problem with  
14 public health programs.

15           So I will laud them for that. But  
16 there are a few other things that I want to point  
17 out which unfortunately are not in there.

18           Number one, even though they have  
19 also rejected, our colleagues in the Senate here  
20 have rejected the \$40 million cut to these public  
21 health programs, they have ignored a proposal  
22 that I put forward that would potentially create  
23 between \$35 million and \$40 million of revenue  
24 specifically as it relates to taxing tobacco  
25 products at a higher rate, certainly smokeless

1 tobacco and other products like cigars.

2 In this case, this resolution  
3 actually has language to cap the tax on cigars at  
4 50 cents when these things are much more  
5 expensive, sometimes.

6 But that is one way that we could  
7 generate the revenue that this \$40 million cut  
8 would hit the public health programs with. So I  
9 am dismayed that it was not included in this  
10 resolution. I would suggest that we include it  
11 in the final version of the budget, \$35 million  
12 to \$40 million of revenue that would go directly  
13 to these kinds of programs.

14 One part that I am only going to  
15 mention briefly because I know that my colleagues  
16 in Brooklyn, Senator Parker and others, will  
17 definitely speak about it, is a pilot program.  
18 The pilot program that was suggested here, that  
19 the Governor suggested to inject private money  
20 into different hospitals across the state  
21 specifically as it relates to SUNY Downstate, but  
22 other.

23 The original proposal was two pilot  
24 programs. This is something that is incredibly  
25 concerning to many of us because it would allow

1 money to come into public health institutions.  
2 Unfortunately, the proposal from my Republican  
3 colleagues actually expands it immensely. It  
4 goes from two pilot programs to ten pilot  
5 programs. This is a very serious issue.

6 We believe that allowing this -- it  
7 would allow a slot of private money to come into  
8 public healthcare institutions in the state. It  
9 was incredibly concerning to us when it was two  
10 pilot programs, and now that it is 10, it is even  
11 more concerning to us. I would encourage my  
12 colleagues to reconsider this.

13 And I certainly would -- I'm very  
14 concerned about what this would do in the long  
15 term to the tradition of nonprofit healthcare in  
16 the State of New York.

17 And just one more thing that I'd  
18 want to point out is currently Executive Budget  
19 includes a proposal to eliminate the Family  
20 Health program, and the Senate Republicans agree  
21 with this proposal. What it would do is it would  
22 create a part of the coverage for people that are  
23 poor in the State of New York. We think that  
24 about 77,000 people are potentially going to be  
25 left out in the cold when you're transitioning

1 from the elimination of Family Health Plus and  
2 the spinning up, if you will, of the Affordable  
3 Care Act money.

4           There is a serious consideration  
5 about the folks that are between 139 percent of  
6 poverty and 149 percent of poverty. There is a  
7 discussion, a serious discussion to be had here  
8 because, again, it is potentially leaving 77,000  
9 people out in the cold. Or it would at least  
10 open them up to going into the healthcare  
11 exchange and paying \$600 and some odd dollars for  
12 healthcare coverage. This is a problem because  
13 these folks are likely going not to be able to  
14 afford it since they are about \$12,000 a year in  
15 income.

16           So last but not least I'll say that  
17 there are many things in this budget resolution  
18 which I think we should laud. Certainly the fact  
19 that you have the elimination of the proposal by  
20 the Governor to take the public healthcare  
21 dollars and split them up into all these  
22 different buckets or pots I think is a good  
23 thing.

24           But the inclusion of the pilot  
25 program and the elimination of Family Health Plus

1 and not dealing with the 77,000 folks that might  
2 be left out in the cold is a big problem.

3 So I know that my colleagues will be  
4 speaking on other parts of it. But for those  
5 reasons and many others that my colleagues will  
6 outline, I will be voting in the negative on this  
7 resolution.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Diaz.

11 SENATOR DIAZ: Thank you,  
12 Mr. President.

13 Mr. President, as you know, I'm  
14 always happy to see you there. And you should  
15 know that we have senior citizens over there  
16 listening to us. And you should also know,  
17 Mr. President, that all my life I have been  
18 working on behalf of senior citizens.

19 Right now I am the ranking member in  
20 the Senate Aging Committee. And when I was a  
21 City Council member in New York City in 2001, I  
22 became the chairman of the Aging Committee. Over  
23 there we had a struggle to protect and defend and  
24 keep senior citizen programs and services. Then  
25 when I came to the Senate, when we became the

1 majority, I became also the chairman of the  
2 committee.

3 And we have been fighting. And  
4 every single year, Mr. Chairman, you should know,  
5 ladies and gentlemen, that every single year I  
6 had to fight because seniors have been cut.  
7 Every single year. My struggle, my fight. And  
8 my questions are, why are you hitting senior  
9 citizens after they have given us their life,  
10 their sweat? We should be protecting them.

11 Let me tell you and you should know,  
12 Mr. President, that in the Bronx I created Casa  
13 Boricua Senior Center, I created Betances Senior  
14 Center, I created the South Bronx Senior  
15 Transportation Network, I created Millbrook  
16 Senior Center. So I have been working with  
17 senior citizens.

18 And every year, as I said before,  
19 ladies and gentlemen, I have to stand here and  
20 stand in the City of New York and everywhere  
21 fighting and asking why seniors have been cut.

22 But this year, Mr. President, this  
23 year I praise the Lord. I thank my savior, Jesus  
24 Christ. Because this year you should know,  
25 ladies and gentlemen, is the first time that

1 seniors have not been touched. And for the first  
2 time the Majority, Senator Skelos and the  
3 Majority are asking to increase the budget by  
4 \$2.7 million.

5                   So I'm here not to criticize this  
6 time, I'm here to praise. And I'm here to  
7 express my appreciation to the Senate Majority  
8 for taking care of the senior citizens and  
9 increasing -- not too much, not too much, only  
10 \$2.7 million. But at least you are not cutting  
11 and the Governor is not cutting. The Governor  
12 wants something, the Senate Majority wants to  
13 increase it, and I applaud and I am here to  
14 support, to thank the Senate Majority for  
15 increasing, for taking care of senior citizens.

16                   And, ladies and gentlemen, my fellow  
17 Senators, praise the Lord. Thank you very much.  
18 And I am Senator Ruben Diaz, and this is what you  
19 should know.

20                   (Laughter.)

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

23                   Senator Fuschillo.

24                   SENATOR FUSCHILLO:   Mr. President,  
25 with unanimous consent, I'd like to recognize

1 Senator Flanagan for the purposes of an  
2 introduction.

3 ACTING PRESIDENT GRIFFO: Without  
4 objection, Senator Flanagan.

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

7 I have the pleasure -- and I really  
8 appreciate the indulgence of my colleagues. And  
9 yes, my last name is Flanagan and yes, to some  
10 extent I think this is the holy day of obligation  
11 or something like that, because the Ancient Order  
12 of Hibernians are having their function tonight  
13 here, right in Albany, and we are joined today by  
14 this evening's honoree. He had an opportunity to  
15 be over in the Assembly earlier today, and that  
16 is Al Smith, Al Smith IV, who is joined by his  
17 lovely wife Nan, and they are visiting here  
18 today. He is being honored tonight.

19 But I just want to give you a quick  
20 snapshot of his background. He's done a lot of  
21 different things in terms of employment. But I  
22 think you would remember two things in  
23 particular. He's done an extraordinary amount of  
24 work in raising money for the prevention and  
25 treatment of cancer, and he put together this



1 group called I think it's Hacksters for Hope  
2 that's been going around for a number of years,  
3 and they've raised over \$12 million for that  
4 research and treatment. So he's done a lot of  
5 terrific philanthropic work.

6 For anyone who has had an  
7 opportunity to go to the Al Smith dinner, I have  
8 to tell you -- this year was my first  
9 opportunity, and it was fascinating. Obviously  
10 you had the President and Mr. Romney there, and  
11 they were both so good that they were almost as  
12 good as the MC, who was Mr. Smith. He was  
13 engaging, he had great stories, he had a  
14 phenomenal sense of humor.

15 And I just would ask the indulgence  
16 of this body to recognize him and congratulate  
17 him for being the honoree for tonight's  
18 festivities. Mr. Smith, nice to see you here.

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

21 (Extended applause.)

22 ACTING PRESIDENT GRIFFO: Thank  
23 you, Mr. Smith. It's always a pleasure and honor  
24 to have you. We extend the courtesies of the  
25 house to have the great descendant of the late,

1 great Governor Al Smith. Thank you so much.

2 Senator Tkaczyk.

3 SENATOR TKACZYK: Mr. President,  
4 I'll be speaking on the resolution.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Tkaczyk on the resolution.

7 SENATOR TKACZYK: As the ranking  
8 member of the Mental Health and Developmental  
9 Disabilities Committee, I'd like to make a couple  
10 of comments on the budget that's before us.

11 Under the Office for People With  
12 Developmental Disabilities, the Senate's budget  
13 proposal fully restores the \$120 million cut from  
14 the 6 percent across-the-board reduction proposed  
15 in the Governor's 30-day budget amendment. These  
16 are funds that are going to non-state-operated  
17 residential and non-residential developmental  
18 disability providers.

19 I fully support that restoration.  
20 However, I hope that the \$120 million restoration  
21 does not result in a cost shift that will lead to  
22 reductions in other areas of the mental hygiene  
23 budget.

24 Under the mental health portion of  
25 the budget, I want to speak briefly about the

1 Community Mental Health Reinvestment Act. The  
2 entire mental hygiene system is moving towards an  
3 integrated system of care that is community-based  
4 and will be coordinating management care along  
5 with the provision of health and mental hygiene  
6 services.

7           One of the ways we fund local  
8 community-based mental health services is by the  
9 savings incurred when we close and downsize state  
10 psychiatric facilities. This is the sole purpose  
11 of New York's landmark Community Mental Health  
12 Reinvestment Act, which celebrates its 20th  
13 anniversary this year.

14           The anticipated savings from closing  
15 and downsizing the state psychiatric centers in  
16 this year's proposed budget is \$25 million. The  
17 Governor and Assembly proposed taking \$5 million  
18 of that amount and putting that into reinvestment  
19 in the community. The budget proposal before us  
20 sweeps even that small fund into General Fund  
21 purposes.

22           The money comes from a real closure,  
23 the Mohawk Valley Psychiatric Center in Utica.  
24 Closing this facility results in real needs for  
25 the community.

1           Simply put, community-based  
2 organizations are being asked to provide more  
3 services to more people with increasing  
4 challenging needs in a system that is not keeping  
5 up with the commitment to the providers who are  
6 expected to meet those needs. We've been asking  
7 them to do more with less; now we're asking them  
8 to do more with nothing. I sincerely hope the  
9 final budget includes restoration of that  
10 funding.

11           I'd like to speak also a little bit  
12 on education. I am very pleased that the Senate  
13 budget resolution includes many of the funding  
14 increases I've been fighting for, including an  
15 overall increase in general support for public  
16 schools and additional funding to restore the Gap  
17 Elimination Adjustment.

18           However, since we don't have  
19 adequate information regarding the amount of aid  
20 that each district will be receiving, I certainly  
21 hope that we will not continue past practices of  
22 shortchanging districts that need it most,  
23 particularly lower-income rural and small-city  
24 school districts in counties like Montgomery,  
25 Greene and other upstate areas. Upstate rural

1 school districts and those in our small cities  
2 have been denied their fair share of education  
3 aid for too long and cannot afford to increase  
4 property taxes to compensate.

5 The goal to eliminate the Gap  
6 Elimination Adjustment for all of our schools in  
7 three years is laudable, and one I fully  
8 support.

9 I don't like everything in this  
10 budget, but I like most of it. I'll be voting  
11 aye. Thank you.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Espaillat.

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

16 I rise to speak to the portion of  
17 the budget that addresses housing in the State of  
18 New York.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Espaillat on the resolution.

21 SENATOR ESPAILLAT: Yes,  
22 Mr. President.

23 As you may remember, a couple of  
24 years ago we extended the rent stabilization laws  
25 for the State of New York. During that very long

1 and often contentious debate, we spoke very  
2 clearly about the needs of tenants throughout the  
3 State of New York. And while we extended the law  
4 and in so doing provided protection for millions  
5 of tenants across the State of New York, and  
6 whereas we also slightly strengthened tenant  
7 protection during that debate, it was also very  
8 prominent during that debate the call for a  
9 Tenant Protection Unit within the agency, the  
10 state's agency that governs housing; that is,  
11 HCR.

12 And the Governor was also an  
13 outspoken member of this government, the state  
14 government, in calling for the establishment of a  
15 Tenant Protection Unit that would protect the  
16 rights of rent-regulated tenants and provide  
17 information to both owners and tenants. It would  
18 also help increase compliance and enforce rent  
19 regulation. It would also look to detect  
20 landlords that did not comply with the law or  
21 were fraudulent in their practices.

22 This is very important,  
23 Mr. President, for thousands of families across  
24 the State of New York that rent their apartments,  
25 that find often that they are victims of

1 landlords that are sometimes unscrupulous.

2 And I am very distressed to see that  
3 in this budget the \$5.8 million -- which is a  
4 drop in the bucket. When you consider that we  
5 may have a \$137 billion budget, that we don't  
6 have the \$5.8 million that both the Governor  
7 called for and the Assembly called for in their  
8 resolution is highly distressing.

9 And so, you know, we are concerned  
10 that this unit, which proposes not only to  
11 provide legal services to tenants that find  
12 themselves in court perhaps facing an eviction,  
13 sometimes an illegal eviction from their  
14 landlords -- not only does this unit proposes to  
15 that, but it also proposes to create a database  
16 so when you rent an apartment, those young  
17 families that start out, maybe a police officer  
18 and a teacher that rent their first apartment  
19 before they start their family, they will be able  
20 to know the full rent history of that apartment,  
21 perhaps even if the apartment has any violations,  
22 if the building has any violations, any issues.

23 So this cannot happen unless we have  
24 some funding behind this unit. And the  
25 resolution presented by the Majority today does

1 not include this funding. This is not a  
2 back-breaking effort. And we ask that that  
3 funding be included.

4 For that reason, Mr. President, I  
5 will be compelled to vote against this  
6 resolution.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Gipson.

9 SENATOR GIPSON: On the bill.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Gipson on the bill.

12 SENATOR GIPSON: Thank you,  
13 Mr. President.

14 As the constituents of my district  
15 in the great Hudson River Valley know, I spent  
16 the last two years campaigning on a platform of  
17 creating new jobs in the Hudson Valley and making  
18 sure that we keep the ones that we have and  
19 trying to reduce the cost of living and also  
20 putting a lot of focus on improving our education  
21 system.

22 And I'm very happy to say that this  
23 resolution today goes a long way in achieving  
24 those goals, and that the work that we have been  
25 doing here towards those goals has really begun



1 to pay off. And I'm hopeful that we can make  
2 much more progress on these issues.

3 This particular bill proposes that  
4 we keep the Beacon women's facility open, which  
5 is in the southern part of my district, which  
6 currently employs over 120 people in the local  
7 community and provides urgently needed services  
8 to a group of women that are looking for a second  
9 changes in their life. And I am happy to see  
10 that we are going to hang onto those jobs.

11 I am encouraging that the Governor  
12 stand by this proposal and work with us to make  
13 sure that we help keep the economy in Beacon  
14 thriving by keeping these local jobs there and  
15 continuing to provide the services that these  
16 women depend upon.

17 Also in my district there is a  
18 juvenile facility in the Town of Red Hook that  
19 provides, again, urgently needed services to a  
20 group of people that would have no other place to  
21 go, including some there who rely on services  
22 that are geared towards the LGBT community.

23 Again, this resolution restores the  
24 funding to that facility, keeps it open, keeps  
25 the jobs local. And again, I would encourage the

1 Governor to sign onto this and work with us in  
2 growing the economy locally in the Hudson River  
3 Valley.

4 My district also has an enormous  
5 amount of schools that fall into the category of  
6 853, which provide very important services to  
7 those with developmental disabilities. We have  
8 increased the aid to these schools in this  
9 proposal.

10 This is critically important, in  
11 that these people that go to these facilities  
12 would have no other place to go, they would have  
13 no other place to turn for that funding. And I  
14 am encouraged to see that we are working in a  
15 bipartisan manner to make sure that these schools  
16 have the funding they need to provide these  
17 valuable services.

18 With the increased aid to the 853  
19 schools in my district, we will be saving  
20 approximately 750 jobs in the Hudson River  
21 Valley. That is obviously very important to  
22 growing our economy. And again, I urge the  
23 Governor to sign onto this resolution in respect  
24 to that particular issue.

25 My district in the Hudson River

1 Valley also has an enormous amount of  
2 agriculture. And one of the great things that  
3 I've seen in this particular resolution is that  
4 there is a proposal to remove the 18-a utility  
5 assessment charge. The farms across New York  
6 State, including those in my district, are some  
7 of the biggest users of utilities in this state.  
8 They will benefit greatly by removing this tax,  
9 which is making it more expensive for them to do  
10 the farming that they need and making it more  
11 expensive for them to hire local.

12 So I am reaching way across the  
13 aisle -- I want it to be noted that I am reaching  
14 way across the aisle in working with my  
15 Republican counterparts and hopefully asking that  
16 the Governor remove this unnecessary tax in the  
17 state budget.

18 And I am also very encouraged that  
19 we are making steps towards offering some mandate  
20 relief to our local governments in this  
21 resolution. As a person who comes from local  
22 government, I can attest to the fact that mandate  
23 relief is something that our local governments  
24 desperately, desperately need.

25 I would consider this to be very

1 much on the light side of mandate relief, but at  
2 least we are offering up \$20 million that the  
3 Governor did not have in his budget. That is a  
4 step in the right direction. We are going to  
5 need to do to a lot better than that moving  
6 forward, and I would encourage us all to find a  
7 way to do that in the future.

8 I just want to touch briefly on  
9 school aid. We are increasing, in this  
10 resolution, school aid, and we are adding in  
11 greatly needed aid to all of our local schools.  
12 But I would say to point out this, that the way  
13 that we're funding schools right now is a bit of  
14 a shell game. And even though I'm happy to see  
15 that we are greatly increasing school aid in this  
16 budget, the way in which we're doing it, the  
17 formulas which we are doing it by are somehow  
18 confusing, somewhat outdated, in great need of  
19 revision.

20 And I just want to point out that I  
21 am the sponsor of something called the Equity in  
22 Education Act that would totally change and  
23 reform the way that we fund education so that we  
24 can make sure that all of our schools are getting  
25 the funding that they need in this urgent time to

1 make sure that we are competing globally and that  
2 the schools in the poor part of our districts are  
3 getting the same type of funding as the schools  
4 in the wealthy part of our districts. And that  
5 bill would do that, and it would take it even  
6 further than we have gone with this particular  
7 resolution.

8 I am going to be voting yes on this  
9 resolution, and I appreciate you giving me time  
10 to speak on it.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Peralta.

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

15 When I look at this one-house  
16 budget, I see a few good things, like a rejection  
17 of the Beacon closure and a restored funding for  
18 local workforce training. I also see some bad  
19 things, like concurrence with the Governor's  
20 unemployment insurance reforms, which would raise  
21 the qualifying threshold and have a devastating  
22 effect on low-wage workers across this state.

23 But mostly I see missed  
24 opportunities. This chamber had the chance to  
25 lead on the critical issues of our time and

1     instead decided to play it safe.

2                 Instead of fighting for an increased  
3     minimum wage indexed to inflation, which would  
4     help bring New York's working poor out of poverty  
5     and keep the issue from remaining a political  
6     football going forward, you decided to punt.

7                 Instead of giving hope and  
8     opportunity to thousands of young New Yorkers by  
9     pushing for the DREAM Act, you stood silent.

10                Both of these measures are about  
11    more than just helping the disenfranchised. They  
12    are about providing for the future of our state  
13    as a whole.

14                Increasing the minimum wage is not a  
15    job killer, as opponents deride. In fact, the  
16    various proposals on the table can be expected to  
17    generate between 7,000 and 15,000 new jobs.  
18    Passing the DREAM Act might cost a little bit  
19    more right now, but it will pay clear and  
20    tangible dividends in the near future.

21                Let's not lose the opportunity to  
22    make a real investment for the future of this  
23    great state. College graduates pay an extra  
24    \$3900 in annual state taxes, meaning that TAP  
25    funding for the undocumented could more than pay

1 for itself within six years, on average.

2 Being a leader means taking a stand  
3 instead of the path of least resistance. These  
4 are the issues on which we must lead, and here is  
5 where we must take our stand. That's why we need  
6 a real minimum wage attached with an index and a  
7 DREAM Act that paves a path to future  
8 prosperity.

9 Mr. President, I have to vote nay.  
10 Thank you.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Hassell-Thompson.

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

15 While I concur with most of the  
16 public protection portion of the budget  
17 resolution, I am concerned and disappointed that  
18 the transfer of Fulton Correctional Facility has  
19 been capriciously rejected. I strongly urge the  
20 Coalition to reconsider its position regarding  
21 the Executive's adaptive reuse plan to transfer  
22 the Fulton Correctional Facility to the Thomas  
23 Mott Osborne Society.

24 Osborne is an institute of unmatched  
25 experience in the implementation of reform and

1 rehabilitation programs. It provides  
2 opportunities for individuals in conflict with  
3 the law through rehabilitation programs. The  
4 Fulton plan proposes to restore to the community  
5 priceless opportunities preventing and reducing  
6 the damage caused by crime and incarceration.

7 I also have a concern about the  
8 proposed elimination of the New York City  
9 presentence investigation and submission of  
10 written report when an individual is sentenced to  
11 a term of imprisonment up to one year or less.

12 The information that is contained in  
13 a presentence report has vital information not  
14 only about the offense which resulted in  
15 imprisonment, but also about the individual.  
16 Individuals who will be incarcerated up to a year  
17 will be away from their families, their doctors,  
18 their jobs and their communities. For  
19 individuals that may suffer from health  
20 conditions requiring medication or medical  
21 history requiring certain prohibitions from  
22 physical activity, mental health, substance and  
23 alcohol abuse issues, this information would not  
24 be available.

25 This report also functions as an



1 important tool and resource for the facility to  
2 more effectively assess the needs of the offender  
3 who they are charged with the responsibility of  
4 housing. And it's an additional tool for the  
5 judge to use when sentencing an individual,  
6 notwithstanding a negotiated sentence.

7           Lastly, this portion of the public  
8 protection portion speaks to the closure of  
9 prisons. I am appreciative of the Senate's  
10 recommendation to reject the Governor's proposal  
11 to close the Beacon Correctional Facility in  
12 Dutchess -- and I want to congratulate my  
13 colleague Senator Terry Gipson for the leadership  
14 that he has provided -- but also to the Senate  
15 for recognizing that Beacon is the last remaining  
16 women's minimum-security facility in New York  
17 State and, if this prison closes, the inmates  
18 will potentially have to be moved to  
19 medium-security or maximum-security facilities  
20 over 376 miles away from Dutchess County,  
21 creating hardships for families and especially  
22 for children in their visitation to parents.

23           Finally, I want to echo my  
24 colleague's sentiment that even if, against our  
25 recommendation, the Executive does in fact close

1 Beacon or Bayview, it is critical that proper  
2 notice under the current law be adhered to.

3           Currently, New York correction law  
4 requires the commissioner of the Department of  
5 Correctional Services to provide at least  
6 12 months' notice of this prison closure. And in  
7 doing so, it will give an opportunity for the  
8 kind of activities that the Bronx has  
9 participated in in trying to present a program  
10 for reuse of the Fulton facility, and will give  
11 economic empowerment back to communities as well  
12 as respond to the needs of people coming out of  
13 prison to reduce recidivism.

14           The last comment, I'd like to just  
15 make a quick point in congratulating also the  
16 Senate for denying the Executive's proposal to  
17 appropriate \$3 million for the state's operation  
18 for the Department of Economic Development for  
19 the 2016 MWBE disparity study.

20           As many of you know, this study was  
21 done as a preliminary to the development of  
22 legislation passed by this body and by the  
23 Assembly to ensure that there's full  
24 participation of minorities and women in this  
25 state.

1           This disparity study sunsets in  
2     February of 2016. In order to ensure that we can  
3     evaluate whether or not MWBEs have had a fair  
4     opportunity to participate in the state's  
5     contracting opportunities, this disparity study  
6     must in fact be done. So I thank this body for  
7     ensuring that the \$3 million necessary for this  
8     study is appropriated in this resolution.

9           Thank you, Mr. President.

10          ACTING PRESIDENT GRIFFO:    Senator  
11     Savino.

12          SENATOR SAVINO:    Thank you,  
13     Mr. President.

14          You know, I've heard it said here  
15     several times now that this is a very good  
16     one-house budget resolution that has a lot of  
17     very good things that are in it.

18          This is the ninth time I've  
19     participated in this annual budget dance. And  
20     there are a lot of very good things in this  
21     one-house budget resolution, and let's kind of  
22     recap some of them, particularly for issues that  
23     are important to me and to many of the people in  
24     this room.

25          Senator Diaz mentioned that for the

1 first time, senior programs are not on the  
2 chopping block. We don't have them worried about  
3 whether there's going to be funding there for  
4 them. Not only have we kept it, we've actually  
5 increased it, for the first time in the nine  
6 years I've been in the New York State Senate.

7 Nurse-Family Partnership, a  
8 critically important program that many of the  
9 members of the Senate fought to create a few  
10 years ago, is not only still in the budget, it's  
11 not only accepted the Governor's recommendation,  
12 we added \$2 million. Because that's how much we  
13 think the Nurse-Family Partnership matters and  
14 how important it is to women and particularly  
15 women with small children.

16 We all stood up and said we weren't  
17 going to accept the Governor's recommendations of  
18 cutting an additional 6 percent from  
19 developmental disabilities, and we put our money  
20 where our mouth is and we put that money back in  
21 the budget and we said no to that. That's a good  
22 thing.

23 We've also found ways to deal with  
24 something that was a terrible injustice that was  
25 perpetuated on a group of employees a few years

1     ago when this house could not get together enough  
2     votes to make sure that OTB continued beyond  
3     their deadline. When 800 employees lost their  
4     jobs and hundreds of retirees lost their health  
5     insurance, we said then we were going to fix it.  
6     Last year we tried, we didn't put the money in  
7     the budget, and the Governor vetoed it.

8                 Well, this year we're putting the  
9     money in the budget. Again, living up to a  
10    commitment we made to people who gave their lives  
11    to public service so that they don't die in  
12    poverty because they can't afford to pay their  
13    medical bills. That's a good thing.

14                Unemployment insurance reform. I've  
15    been talking about it, it's been an issue of  
16    discussion ever since I got involved in the labor  
17    movement in this state. And I don't want to tell  
18    you how long ago that has been, because I'm  
19    getting older every year.

20                But every year there was discussion  
21    about UI reform: How do we drag a system that  
22    was built in the industrial manufacturing economy  
23    into the modern times, how do we stabilize the  
24    system, how do we shore up the funds, and how do  
25    we finally do something about increasing the

1 average worker's weekly wage replacement? We're  
2 doing all of that.

3 And with respect to the concern  
4 about earning a certain amount of money to be  
5 eligible for the minimum, when we do something  
6 else in this budget, we're going to solve that  
7 problem. When we raise the minimum wage, we will  
8 close that gap so those low-wage workers will not  
9 be shut out.

10 In this budget resolution it states  
11 clearly that it is the intention of the Senate to  
12 modify the Governor's proposal and to do a  
13 minimum-wage increase just like this Legislature  
14 did in 2004. Some of you were here. I was not;  
15 I was still an activist in the labor movement.  
16 And an issue that we worked on for several years  
17 to get the minimum wage raised in New York State  
18 was finally accomplished on July 21st of 2004,  
19 when this house passed the minimum wage increase  
20 setting three increases on a date certain:  
21 July 1st of 2005, July 1st of 2006, and July 1st  
22 of 2007.

23 When we are done negotiating this  
24 budget, we will do the same thing. We are going  
25 to raise the minimum wage for low-wage workers in

1     this state because it's the right thing to do.

2                 So there's a lot of good stuff in  
3     this budget resolution. I am very proud to have  
4     participated in it. And I'm very proud to go  
5     into the next round of negotiations where the  
6     Senate fights like hell to hold onto the things  
7     that we know are important, and we are going to  
8     do that together. And we are going to have a  
9     budget that each one of us can be proud of.

10                Thank you, Mr. President.

11                ACTING PRESIDENT GRIFFO:     Senator  
12     Stavisky.

13                SENATOR STAVISKY:     On the  
14     resolution. On the higher education parts of the  
15     resolution.

16                ACTING PRESIDENT GRIFFO:     Senator  
17     Stavisky on the resolution.

18                SENATOR STAVISKY:     Obviously the  
19     restoration of base aid to the -- or increasing  
20     the base aid to the community colleges, both SUNY  
21     and CUNY, by \$150 per full-time equivalent, is a  
22     good thing. And there are many other good parts  
23     to this budget. But there are three areas that I  
24     think need improvement.

25                Number one, we've got to support

1 SUNY's request and the request of the president  
2 of Upstate Medical School for the \$150 million  
3 restructuring of Downstate, the short-term aid  
4 that they require, and the Medicaid adjustment.  
5 Because if SUNY Downstate goes, so will the other  
6 SUNY medical schools and their hospitals that are  
7 associated with them.

8               Secondly, I think the resolution  
9 should have rejected the Article 7 language  
10 calling for the pilot project for Kings County  
11 and one other county upstate in terms of  
12 providing a for-profit mechanism, a for-profit  
13 model for the medical schools and the hospitals.  
14 This I think is a very dangerous precedent, and I  
15 think that Article 7 language should have been  
16 rejected.

17               And the third area is the DREAM  
18 Act. The Assembly, I believe, in their budget  
19 resolution is going to call for a \$25 million  
20 allocation for the DREAM Act. These are kids who  
21 came to the United States as young people. They  
22 are undocumented, not their fault. And providing  
23 them with TAP and opportunity programs to me is  
24 the fair and the right thing to do.

25               The community will benefit, there



1 will be a stimulus to the economy in terms of  
2 they're going to be buying locally. They're not  
3 going to be buying the airplanes with the reduced  
4 sales tax. Those are not the -- that's not going  
5 to be in their budget plans. They're going to be  
6 working people who are going to receive a salary,  
7 they're going to be paying taxes, they are going  
8 to be buying locally. And to me it's an economic  
9 stimulus that I think we ought to take advantage  
10 of.

11 So I urge the Senate during the  
12 budget conference committees to restore the DREAM  
13 Act and to provide for the hospitals and the  
14 medical schools.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Hoylman.

18 SENATOR HOYLMAN: Mr. President, on  
19 the resolution.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Hoylman on the resolution.

22 SENATOR HOYLMAN: Mr. President, I  
23 oppose this budget resolution because of the  
24 unfair and inequitable way it treats New York  
25 City schoolchildren.

1 I think most of us realize that  
2 New York City in this resolution stands to lose  
3 \$240 million a year because city officials could  
4 not come to an agreement with teachers over an  
5 evaluation system. But, Mr. President, this is  
6 not the first time New York City's 1.3 million  
7 public school kids have lost out at the hands of  
8 government.

9 New York City's public school kids  
10 are already losing an additional \$260 million a  
11 year in Race to the Top funds, and this chamber  
12 eliminated and made permanent over \$300 million  
13 annually in aid and incentives for  
14 municipalities, completely zeroed out. And now,  
15 Mr. President, this \$240 million cut.

16 And these are cuts that will keep on  
17 cutting. Remember, they're annual, impacting  
18 every borough of Manhattan, and will escalate to  
19 over a billion dollars in fewer than five years.

20 It's been said that we are punishing  
21 the 1.3 million schoolchildren in New York City  
22 because the adults couldn't come to an  
23 agreement. Mr. President, I could not agree  
24 more. It's the adults, not the kids, who should  
25 be put into detention for not being able to work

1 out a solution. It's the adults, not the kids,  
2 who, barring alternatives, need to find a way to  
3 fully fund New York City's education system as  
4 mandated by the court order in the Campaign for  
5 Fiscal Equity lawsuit.

6                   And it's the adults, Mr. President,  
7 not the children, who have the responsibility to  
8 make certain that we have a literate, educated  
9 and functioning workforce and democracy in our  
10 state. No less than Thomas Jefferson said that  
11 "An enlightened citizenry is indispensable for  
12 the proper functioning of a republic."  
13 Self-government is not possible unless the  
14 citizens are educated sufficiently to enable them  
15 to exercise oversight. Therefore, Mr. President,  
16 it is imperative that our nation see to it and  
17 our state sees to it that a suitable education is  
18 provided to all its citizens.

19                   Mr. President, I cannot support this  
20 resolution, because not only does it shortchange  
21 New York City's 1.3 million public  
22 schoolchildren, but it also undermines the future  
23 of our state. A court has recently intervened  
24 and ordered this \$240 million cut to be held in  
25 escrow. And our colleagues in the Assembly

1 restored the funding to New York City's public  
2 school system in their budget resolution.

3 Mr. President, I strongly believe that we should  
4 do the same.

5 And for these reasons, I will be  
6 voting nay on the resolution.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Kennedy on the resolution.

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

11 I rise today to express support for  
12 major components of the proposed budget  
13 resolution; however to also bring attention to  
14 several issues I believe require more work and  
15 inclusion in the final budget.

16 With this budget resolution, our  
17 chamber is making a statement that we believe our  
18 state must do more to support at-risk children  
19 and young people. By reinstating funds for  
20 Operation SNUG and for the Court-Appointed  
21 Special Advocates program, otherwise known as  
22 CASA, we are poised to make a real difference in  
23 the lives of young people in communities across  
24 our state.

25 With homicides up by nearly

1     40 percent in the City of Buffalo, action is  
2     urgently needed to stop the violence. By  
3     relaunching Operation SNUG, we will help cut down  
4     on gang activity and make Buffalo and cities  
5     across the state safer. When SNUG received  
6     adequate funding previously, it helped curb gang  
7     activity in Buffalo and several other cities and  
8     towns.

9                 CASA provides volunteer advocates  
10    for abused and neglected children in foster care  
11    and the Family Court system. Essentially the  
12    program ensures that young people gain access to  
13    the support and services they need to avoid  
14    destructive decisions. Children need the helping  
15    hand and supportive voice that the CASA program  
16    provides.

17                Both programs carry very minimal  
18    price tags compared to the tremendous positive  
19    impact they've already made in communities all  
20    across New York State.

21                The Senate has also stepped up to  
22    protect people with developmental disabilities.  
23    After a potential 6 percent cut to OPWDD was  
24    announced, we raised our voices. We raised our  
25    voices and sent a message across the state that

1 these cuts are not acceptable. These cuts pose a  
2 major threat to our state's most vulnerable  
3 citizens.

4 This fight is not yet over. We must  
5 ensure that this critical funding remains a part  
6 of the final budget plan as negotiations  
7 continue.

8 Rebuilding and strengthening our  
9 infrastructure remains an urgent priority across  
10 the state as well. In years past, Western  
11 New York hasn't received its fair share of  
12 resources for our roads and bridges. More  
13 recently, things have started to change. It  
14 has become a priority to correct past funding  
15 shortfalls and ensure a fair allocation of  
16 funds are sent to Western New York for road and  
17 bridge reconstruction.

18 As the budget negotiations continue,  
19 I urge the state to boost resources for  
20 infrastructure improvements, especially in  
21 Western New York. Let's continue to take steps  
22 to fill the funding gap left behind by  
23 disparities suffered in past years.

24 We must also ensure the  
25 accountability and efficiency of our state's

1 transportation agencies. State investments in  
2 our roads and transit systems need to be spent  
3 transparently, wisely and promptly.

4 I'm pleased to support the call for  
5 a new five-year SUNY capital plan. It's critical  
6 to protecting the academic infrastructure of our  
7 SUNY system.

8 The state must also ensure that  
9 economic development and job creation remain a  
10 top priority. To that end, our state must  
11 support those programs that have proven effective  
12 in building local industries and growing regional  
13 economies.

14 In Buffalo, we've been building  
15 burgeoning life science industries with the help  
16 of the UB Center of Excellence in  
17 Bioinformatics. The Centers of Excellence  
18 program deserves additional support, and the  
19 state must now help Buffalo and its Center of  
20 Excellence in Materials Informatics get up and  
21 running.

22 We in the Legislature granted the  
23 University at Buffalo a designation to create  
24 this new center, and we made an initial  
25 allocation of funding. But now they need our

1 support to begin their work to create jobs in  
2 these cutting-edge technologies. We must  
3 adequately fund this and other centers like it  
4 across the state.

5           As technology advances and  
6 industries change, so do the skills required to  
7 fill the jobs gap and fill jobs in the regional  
8 economies across the state. It's given rise to  
9 what's become known as the skills gap, or the  
10 disparity between skills potential employers  
11 require and the skills that exist in the  
12 population seeking employment.

13           In Western New York the skills gap  
14 is largely to blame for approximately 1,000 local  
15 manufacturing jobs that go unfilled each month.

16           Governor Cuomo outlined an  
17 initiative to address this persistent trend,  
18 called the Next Generation Jobs Linkage Program.  
19 It's a program that deserves our support. This  
20 jobs training program is similar to a proposal we  
21 drew up called the Centers for Workforce  
22 Achievement. These programs are designed to  
23 partner community colleges with local employers  
24 to develop a skilled workforce for growth  
25 industries in our regional economy. It will help



1 bridge this gap, this skills gap, this jobs gap.  
2 It will help lead to high-wage jobs in programs  
3 for graduates, and a highly trained workforce,  
4 and help support local businesses. I urge  
5 support for this critical program to get New  
6 Yorkers back to work.

7                   And last but certainly not least, I  
8 reiterate my call for an increase in the minimum  
9 wage. As the Governor stated in his State of the  
10 State remarks at the beginning of the year, and I  
11 quote: "It is the right thing to do. It is the  
12 fair thing to do. It is long overdue."

13                   Let's pass an increase in the  
14 minimum wage that reflects our respect for the  
15 value of hard work, so that hardworking  
16 New Yorkers can hold their heads high after a 40,  
17 50, or 60-hour work week and can return home to  
18 their loved ones with not just a paycheck but  
19 with the dignity that they deserve as well.

20                   Thank you, Mr. President.

21                   ACTING PRESIDENT GRIFFO:   Senator  
22 Parker.

23                   SENATOR PARKER:   Mr. President, on  
24 the resolution.

25                   ACTING PRESIDENT GRIFFO:   Senator

1 Parker on the resolution.

2 SENATOR PARKER: We've gotten to  
3 the point in the process when everything has been  
4 said, everybody just hasn't said it yet. And so  
5 let me add my voice to the chorus of those who  
6 have some mixed emotions about what we see here  
7 in this resolution.

8 There's certainly some things that I  
9 think were done right, and I applaud folks who  
10 worked on this in terms of working hard to kind  
11 of right some wrongs. But there's still some  
12 things that we have yet to really resolve in any  
13 kind of significant way.

14 I'm going to make six quick points,  
15 one about Downstate Medical Center's financial  
16 crisis and the privatization language; around  
17 education, around restoring full funding for  
18 schools and particularly around the Campaign for  
19 Fiscal Equity lawsuit; the minimum wage; 18-a;  
20 lack of support for the developmentally disabled;  
21 and MWBEs.

22 Let me just start with the minimum  
23 wage. And Senator Peralta and then Senator  
24 Kennedy just touched on it. We have to do a  
25 minimum wage. And I was actually disappointed

1     that this Senate resolution does not contain a  
2     specific proposal around the minimum wage with  
3     indexing.

4                     I have a bill that actually is based  
5     on the Fiscal Policy Institute's analysis that  
6     said had we been indexing the minimum wage since  
7     1970, we would now be at \$11.15. So I have a  
8     bill that would make the minimum wage in the  
9     state \$11.15, with indexing. I know you might  
10    have been waiting for that proposal. So if you  
11    want to add that, you know, to the final version,  
12    I'm happy to be taking cosponsors on that bill.

13                    And then as it relates to Downstate  
14    Medical center in Brooklyn -- and this is really  
15    right now a crisis. We have a significant  
16    medical crisis in Brooklyn, the fourth largest  
17    city in the country, the largest county in the  
18    universe. As we call -- me and Simcha Felder  
19    called it, "the People's Republic of Brooklyn."

20                    But we've been shortchanged as  
21    relates to healthcare. And this is a problem not  
22    just for Downstate but also for Long Island  
23    College Hospital, LICH, as we lovingly called it,  
24    which is scheduled to be closed. And I've been  
25    working with Senator Daniel Squadron and others

1 around both saving that hospital, which is  
2 important not just for the community that it sits  
3 in, but for the surrounding communities in places  
4 like Red Hook that were hit particularly hard by  
5 Superstorm Sandy.

6           Let me be clear that Downstate  
7 treats nearly 400,000 patients on an annual  
8 basis, and about 85 percent of them are  
9 African-American. Many of the communities suffer  
10 from high rates of chronic illness, including  
11 obesity, hypertension, diabetes, and require  
12 ready access to quality healthcare services.

13           For many, Downstate is the first  
14 choice and the last resort for their healthcare  
15 needs in our communities. It trains the largest  
16 number of black and Latino healthcare  
17 professionals in the entire country. If  
18 Downstate were closed, it would devastate  
19 Brooklyn and deepen Brooklyn's healthcare  
20 crisis.

21           And so, you know, my message around  
22 Downstate is that it is too big to fail and we  
23 need to address it.

24           The budget contains also some  
25 privatization language. You heard Senator Rivera

1 talk about it; you heard Senator Stavisky, our  
2 ranker on Higher Education, also talk about this  
3 privatization language that now went from like  
4 two hospitals to now 10 hospitals. It's  
5 amorphous language. It doesn't really tell us  
6 what the privatization proposal is.

7           And I want to suggesting that both  
8 the Senate majority, the IDC and the Governor  
9 eliminate that language until we can clarify it  
10 and have more conversation about it.

11           As it relates to education, we're  
12 not really doing nearly enough as relates to  
13 education. First, it's unconscionable that this  
14 budget does not restore the \$260 million cut from  
15 New York City public schools. You know, we are  
16 now punishing children because adults can't get  
17 along. And I don't know anywhere where that  
18 actually makes sense.

19           Put that money back. Let's figure  
20 out a way to get teacher evaluations. We all  
21 voted for it, we believe it's the right thing to  
22 do. But we can't punish children because adults  
23 can't get along.

24           In addition, we have yet to live up  
25 to our fulfillment of the Campaign for Fiscal

1 Equity lawsuit. In 2006, I stood up in this body  
2 and I took 13 no votes on the budget because of  
3 CFE. I'm prepared to do the same thing this time  
4 as well if in fact we don't make sure that we  
5 take care of the high-needs school districts  
6 around the State of New York.

7 As relates to 18-a -- and Senator  
8 Gipson eloquently talked about how important this  
9 was. You know, let me just congratulate the  
10 drafters of this resolution for eliminating the  
11 18-a surcharge. This is a surcharge that really  
12 ought to be used for its intended purpose, which  
13 is to make sure that the rate cases are being  
14 heard by the PSC.

15 When you take that money -- when you  
16 increase the fee and then take the money and put  
17 it into the budget and then make it, you know,  
18 forever, you get rid of both legislative  
19 oversight but then you also pass on a tax.  
20 Mr. Governor, I thought you said no new taxes.  
21 18-a is a tax that is passed down directly to  
22 ratepayers. It has to go. And I'm glad that  
23 this Senate resolution does not contain it.

24 As relates to the issues around the  
25 developmentally disabled community, there's a

1 whole clawback issue with the federal  
2 government. You know, and we just haven't  
3 addressed this the right way. That money that  
4 was overpaid was overpaid because of state  
5 hospitals. But then we're making the entire  
6 system repay the money. That's not the right way  
7 to go.

8                   And I am supportive of the  
9 \$120 million additional funding that was added  
10 into the budget on this issue, but we're still  
11 not doing enough to help people and families who  
12 deal with autism and autism spectrum disorders  
13 but also other kind of developmentally disabled  
14 persons in our community. And I urge us to do a  
15 lot more.

16                   As I conclude, I'm going to  
17 reiterate what Senator Ruth Hassell-Thompson  
18 spoke about as it relates to starting to put  
19 funds in now for the next disparity study  
20 regarding women and minority business  
21 development.

22                   If we want to look at how we in fact  
23 deal with this jobs issue, particularly as it  
24 relates in black and Latino communities, it is  
25 about creating businesses. Because it's really

1 small businesses in those communities and access  
2 to contracting with the state and local  
3 governments that in fact provide economic  
4 opportunities that will help lift us out of this  
5 jobs crisis that we've been in for a number of  
6 years.

7                   We not only need to have another  
8 disparity study, we still also need to implement  
9 all of the recommendations from the last  
10 disparity study. And so while I want to applaud  
11 the Governor for having a 20 percent goal, what  
12 he has not done is put in enough money into the  
13 infrastructure of state government that allows  
14 the recommendations to be implemented. And so  
15 you have policies, but no people in the agencies  
16 to in fact actually manifest the work that you  
17 want done.

18                   And so this budget is short on  
19 that. I ask the Governor and I ask this body to  
20 be more responsive and to add this year about  
21 \$4 million in for MWBE work around the different  
22 agencies in the state.

23                   Thank you very much, Mr. President.

24                   ACTING PRESIDENT GRIFFO: Senator  
25 Montgomery.



1                   SENATOR MONTGOMERY:    Yes, thank  
2   you, Mr. President.  I would just like to speak  
3   on the resolution.

4                   ACTING PRESIDENT GRIFFO:   Senator  
5   Montgomery on the resolution.

6                   SENATOR MONTGOMERY:    Thank you.

7                   There are just several areas that I  
8   would like to comment on.

9                   First, I want to say how pleased I  
10   am that this resolution reflects certainly what I  
11   and many of my colleagues on this side consider  
12   to be extremely important, and that is programs  
13   for youth in our state.

14                   The Executive's proposal has  
15   suggested that we should combine the YDDP and the  
16   SDPP programs into one and consider that to be  
17   the Youth Development Program, period.  This  
18   proposal rejects that, because we understand that  
19   those two programs serve, in very different ways,  
20   different parts of our state.  The YDD program  
21   primarily has funded county-wide, county-based  
22   youth development programs, while the Special  
23   Delinquency Prevention Program has funded  
24   specific communities within the state and within  
25   counties.

1           This resolution honors that and  
2 further clarifies some of the language as it  
3 relates to how these funds will be allocated. I  
4 am happy about that, because we did not want to  
5 see those programs disrupted. And we also are  
6 happy to see that this resolution has increased  
7 the funding for those programs.

8           Also, I'm not happy to see that we  
9 have rejected, essentially -- this resolution,  
10 anyway, has rejected the proposal to expand the  
11 Close To home initiative. And I do hope that  
12 that is one of those things that we can continue  
13 to negotiate about, because we would like to see  
14 what are the positive aspects of this program,  
15 which relates to how we treat young people who  
16 are in trouble in our state. It relates to how  
17 we view them as rehabilitative as opposed to just  
18 building baby prisons for them.

19           So the Close To Home is as important  
20 for children upstate as it is for New York City.  
21 And as you know, we have already begun to  
22 implement successfully, to a large extent,  
23 Close To Home in New York City. We would like to  
24 see that continue statewide.

25           I also am extremely pleased to see

1     that this resolution has continued our tradition  
2     of funding the Neighborhood Preservation Programs  
3     in our state as well as the rural programs, Rural  
4     Preservation Programs. And in addition, this  
5     resolution has added \$3 million for the  
6     Main Street Program, which is another one that  
7     certainly serves organizations in my own district  
8     and in districts in the city engaged in community  
9     preservation, both residential and commercial and  
10    economic.

11               I am also happy to see that we have  
12    rejected the attempt to dismantle these programs  
13    and eliminate them as stand-alone programs in our  
14    budget, which in my estimation in the long run  
15    would threaten the possibility of us continuing  
16    their work.

17               I do want to say, however, that  
18    there is one glaring omission in this budget, and  
19    that is what happens to the State of New York's  
20    health institution, the institution of higher  
21    education in our borough in particular, and that  
22    is Kings County.

23               As you know, we're the largest  
24    county. We have the largest population, yet we  
25    are experiencing an attack on our healthcare

1     system. And so this budget does not speak to the  
2     need that we have in the Borough of Brooklyn in  
3     the County of Kings to make sure that SUNY  
4     Downstate medical hospital and school are able to  
5     survive the current crisis and build into the  
6     future.

7                     We need \$150 million to make sure  
8     that SUNY Downstate survives, as well as our  
9     other health hospitals and medical schools in the  
10    state also survive. I see that we've restored  
11    the \$28 million for the three institutions, but  
12    we need \$100 million for SUNY now. It would be  
13    irresponsible to support a budget resolution  
14    which does not support our need, our urgent need  
15    to secure that facility and those schools across  
16    our state.

17                    So, Mr. President, while I, as  
18    noted, have a lot of reasons to be very, very  
19    happy with the proposals represented in this  
20    resolution, I am loath to support a resolution  
21    which does not consider a very, very major issue  
22    for the County of Kings, and that is the SUNY  
23    Downstate institution and its success from this  
24    point going forward.

25                    So thank you for allowing me to

1 speak on this, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator  
3 O'Brien.

4 SENATOR O'BRIEN: Thank you,  
5 Mr. President. On the resolution.

6 ACTING PRESIDENT GRIFFO: Senator  
7 O'Brien on the resolution.

8 SENATOR O'BRIEN: The Governor is  
9 to be commended for presenting us some time ago a  
10 budget that didn't raise taxes. And I know that  
11 everyone connected to any of the several  
12 conferences that we have in the Senate now has  
13 been working diligently towards getting towards  
14 an on-time budget, both of which are extremely  
15 important to our stability as a state and  
16 preparing for our future.

17 But there's still great weakness in  
18 our economy. And we have to prioritize, in my  
19 view, those things that will help us move our  
20 economy forward. And I believe this resolution  
21 puts us on the right path by providing tax relief  
22 to families and helping job creators revitalize  
23 our state's economy.

24 I hear frequently from families  
25 struggling with high taxes, and I believe that

1 many of the changes we're proposing today are  
2 going to be of significant assistance to them.  
3 The Family Tax Relief Act will provide more than  
4 \$800 million in tax relief for middle-class  
5 families in the form of a number of tax credits  
6 and tax breaks.

7                   We're also adding funding to help  
8 new businesses get off the ground by providing  
9 incubator services. These will include things  
10 like marketing assistance, help finding  
11 investors, presenting business plans, and  
12 providing expert advice on accounting and  
13 regulatory compliance.

14                   Providing help to new small  
15 businesses and to families is one of the most  
16 certain paths to growing our state's economy.  
17 Small businesses are the engines of job growth.  
18 They're challenged now to find new ways to  
19 compete and prosper in a changing global economy,  
20 and we need to assist them.

21                   At the same time, this bill makes it  
22 possible for families to stay in New York and  
23 spend more money here driving our consumer  
24 economy to new heights.

25                   I support this resolution because

1 its measures encourage job creators to locate and  
2 launch new businesses here and helps make sure  
3 that hardworking families have a bearable tax  
4 burden. We are growing a business-friendly  
5 climate in New York State and looking out for  
6 families through tax relief.

7 The provisions in this resolution,  
8 in my estimation, will significantly help our  
9 progress towards these goals, and for those  
10 reasons I support the resolution.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Sanders.

14 SENATOR SANDERS: Thank you,  
15 Mr. President. On the resolution.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Sanders on the resolution.

18 SENATOR SANDERS: Today I stand to  
19 encourage my colleagues on two issues, MWBE and  
20 TANF.

21 The Minority and Women-Owned  
22 Business Enterprise is the state's attempt to  
23 ensure an even playing field for all companies  
24 that are trying to use the state's purchasing.  
25 The Senate Majority is eliminating the \$3 million

1 that have been set aside to study the state's  
2 disparity. This is important because the 2010  
3 study, which cost 1.\$7 million and took 2.5 years  
4 to complete, studied only 39 state entities and  
5 focused on MWBE business activity.

6 The 2016 study which is needed is a  
7 much more comprehensive study, requiring a review  
8 of over a hundred state entities and must also  
9 include an analysis of workforce diversity with  
10 respect to state contracts, and will cost  
11 \$3 million.

12 Another worthy issue is TANF,  
13 Temporary Assistance for Needy Families. This is  
14 the initiative that they put in what's called the  
15 welfare -- which is now called TANF -- is put in  
16 there to help people get off of welfare. It's a  
17 hand up, it's not a handout. And we are in the  
18 process of eliminating many of these  
19 initiatives.

20 This is the very thing that we want  
21 people to do -- we want them to leave the system,  
22 become taxpayers, become people who are able to  
23 take care of their families, and perhaps even  
24 become state senators one day.

25 We are eliminating some of these



1 things, and that is not a wise move.

2 On my final thing that I wish to  
3 say, I want to reflect on how the children of  
4 New York City are being shortchanged by this  
5 budget. And yes, as it has been said earlier, it  
6 seems to be an argument of adults which is has  
7 far-reaching effect on the children. It seems to  
8 me that when the adults, instead of them going to  
9 the cool-out room or whatever we want to call it,  
10 we're sending the children over there.

11 So because of the shortchanging that  
12 we are doing for the children of New York City, I  
13 cannot support this resolution.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Thank  
16 you, Senator Sanders.

17 Senator Marcellino.

18 SENATOR MARCELLINO: Thank you,  
19 Mr. President. On the resolution.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Marcellino on the resolution.

22 SENATOR MARCELLINO: Mr. President,  
23 working with the Governor and the Assembly, we  
24 are on track to pass the earliest state budget in  
25 more than 30 years, truly a worthy endeavor. The

1 Senate budget is a responsible plan that controls  
2 spending, rejects new taxes, makes job creation a  
3 priority, invests in education, healthcare and  
4 New York's infrastructure.

5 Of the three budget proposals -- and  
6 this one I'm particularly proud of -- advanced  
7 this year, the Senate's budget proposal is the  
8 only one put together with input from both sides  
9 of the aisle.

10 The Senate budget includes elements  
11 of our Senate Republican Blueprint for Jobs,  
12 including tax relief to small businesses,  
13 manufacturers, lower energy costs for every  
14 New Yorker and every business, and sweeping  
15 reforms to cut red tape. The Senate's proposal  
16 eliminates the 18-a assessment to reduce energy  
17 costs for businesses and consumers. We reduce  
18 the corporate franchise tax for manufacturers and  
19 eliminate it altogether over the next four years  
20 so that they can use the resulting savings to  
21 increase new jobs and grow.

22 To help middle-class families meet  
23 the rising cost of living, we increase the  
24 dependent exemption from \$1,000 to \$2,020 per  
25 dependent. We provide a new supplemental child

1 tax credit of \$500 per family and restore the  
2 STAR exemption rebate for seniors this year.

3 Our plan imposes a permanent tax  
4 spending cap, a measure that the  
5 Republican-controlled Senate has repeatedly  
6 passed but the Assembly has refused to take up.

7 Over the past two years, the state  
8 has saved \$18.6 billion -- let me repeat that.  
9 Over the last two years, the state has saved  
10 \$18.6 billion by adhering to a self-imposed  
11 2 percent spending cap. By making the cap  
12 permanent, New York will save \$11.2 billion over  
13 the next four years.

14 Mr. President, there's a lot more in  
15 this budget that's worthy and should be  
16 mentioned, but I'm not going to do it now in  
17 reference to time. But I urge everyone,  
18 everyone -- it's not a perfect budget by any  
19 means, but I urge everyone to vote for this  
20 budget because it gives us a good start in our  
21 negotiations with the other house and with the  
22 Governor. I look forward to passing this budget  
23 on time and early, first time in 30 years.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1       you, Senator Marcellino.

2                       Senator Carlucci on the resolution.

3                       SENATOR CARLUCCI:  Mr. President, on  
4       the resolution.

5                       I want to thank my colleagues for  
6       putting forth this important resolution, this  
7       important budget resolution.

8                       Over the past session I've had the  
9       distinct privilege of serving as chairman of the  
10      Mental Health and Developmental Disabilities  
11      Committee, and this budget shows our commitment,  
12      government's commitment to say that we have to  
13      fulfill our responsibility to take care of our  
14      most vulnerable populations.  And we believe we  
15      have to balance the budget, and we will balance  
16      the budget, but we're not going to do it on the  
17      backs of people with developmental disabilities.

18                      So I commend my colleagues for  
19      working diligently to reinstate \$120 million so  
20      we don't have that across-the-board cut where  
21      families and people with developmental  
22      disabilities will suffer.

23                      I also commend my colleagues for  
24      fully restoring "prescriber prevails."  We have  
25      to make sure that medical professionals, that

1 doctors, psychiatrists have the end say, that  
2 they're the ones with the experience, with the  
3 degrees, saying which medications patients should  
4 get. Particularly when we talk about mental  
5 health, and we talk about the importance of  
6 mental health, we have to make sure that  
7 psychiatrists and doctors can prescribe atypical  
8 antipsychotic medications that they believe are  
9 appropriate.

10 I also want to thank my colleagues  
11 for standing up for veterans. Believe it or not,  
12 right now our young men and women coming back  
13 from Afghanistan suffer from an unemployment rate  
14 that's double that of their civilian  
15 counterparts. That's outrageous. But our Senate  
16 is standing up and doing something about it.

17 With Jobs for Heroes, we're  
18 providing tax credits, tax credits for smart  
19 employers that want to employ veterans coming  
20 back from Afghanistan, and rewarding employers  
21 for high-paying jobs. So we're not just giving a  
22 blanket tax credit, but we're rewarding employers  
23 for high-paying jobs. Up to 15 percent of that  
24 salary will go to a tax credit for hiring an  
25 unemployed veteran.

1                   Also, we're fulfilling our  
2                   commitment and saying that we must raise the  
3                   minimum wage. It's time we raised the minimum  
4                   wage, and we have to have a solid foundation if  
5                   we're going to allow people working to get out of  
6                   poverty and get into the ranks of the middle  
7                   class.

8                   And of particular importance when we  
9                   talk about the middle class, we're really  
10                  fulfilling our commitment to make sure that we  
11                  recognize that the middle class is the economic  
12                  driver of this state and this nation. And by  
13                  reinstating the STAR rebate check, we're going to  
14                  allow people to stay in the middle class. We're  
15                  going to allow families to stay in their homes in  
16                  the suburbs and throughout New York State. And  
17                  this STAR rebate check could mean the difference  
18                  between a family staying in their home or having  
19                  to go into foreclosure.

20                  So over the coming weeks I look  
21                  forward to working with my colleagues to continue  
22                  fighting and making sure that these provisions  
23                  stay in the budget and that we make sure we  
24                  continue to move New York forward.

25                  Thank you, Mr. President.

1                   ACTING PRESIDENT GRIFFO:    Thank  
2   you, Senator Carlucci.

3                   Senator Krueger.

4                   SENATOR KRUEGER:    Thank you,  
5   Mr. President.  I think I have the honor of  
6   closing tonight, but perhaps others have  
7   something to say.

8                   So, you know, I do want to apologize  
9   to my colleague and friend John DeFrancisco.  I  
10   learned after our earlier discussion that  
11   Syracuse had a really bad basketball game  
12   recently.  So that apparently condolences to the  
13   Syracuse fans here, and I guess hooray for the  
14   Georgetown fans, whoever they are.

15                  But to get back on message tonight,  
16   so we've just been debating and talking on a  
17   one-house budget resolution.  Again, it's not a  
18   bill.  It doesn't have any standing in law.  It's  
19   a resolution.  It's a resolution that, when we  
20   add it up, it appears would put us in the hole  
21   about \$4.5 billion into the future in financial  
22   plans, with no way to actually pay for it, if you  
23   were to accept the full resolution, because it's  
24   putting a supermajority requirement on any future  
25   tax increases or even continuations of revenue

1     that might be sunseting.

2                 So it's a \$4.5 billion year after  
3     year budget gap we'd be creating with no ability  
4     to really pay for it. That seems like a  
5     problem.

6                 It is true it has some individual  
7     items that people like. Senator Carlucci just  
8     talked about a veterans tax credit for hiring  
9     veterans; I like that program. That's about a  
10    \$15 million expense for the state. I think it's  
11    worthwhile. But I don't really know why we would  
12    be giving the wealthiest New Yorkers \$70 million  
13    in new itemized deductions, royalty income,  
14    vending machines not having to pay taxes.

15                So this resolution gives \$20 million  
16    in new aid to local governments through  
17    \$20 million in AIM, but then it's going to cut  
18    the taxes for vending machines by \$20 million.  
19    Which, by the way, is simply saying if you're a  
20    small business who sells candy and salty snacks  
21    and soda, you have to collect and pay the tax,  
22    but if you're a vending machine company you're  
23    competing with, they don't have to collect or pay  
24    the tax. So I'd say that's really an  
25    inequitable tax change.



1                   And of course we want to give a  
2                   cigar tax cap for the expensive cigars and a  
3                   private-aircraft tax exemption for people with  
4                   their private airplanes.

5                   But there are a couple of nice  
6                   things in there, like the \$15 million for vets.  
7                   But what did we take out? We took out all the  
8                   funding to operationalize the SAFE Act to protect  
9                   citizens from the types of guns that shouldn't be  
10                  on our streets. We passed that law, but now  
11                  apparently in this resolution we're not going to  
12                  fund the money the State Police need to  
13                  operationalize it. That should concern us.

14                  As Senator Espaillat pointed out,  
15                  we're going to cut the funding for the Tenant  
16                  Protection Unit, affecting hundreds of thousands  
17                  of residents in apartments in New York State.

18                  We're going to redirect the housing  
19                  capital money from the Mortgage Insurance Fund  
20                  that was supposed to go, at about \$100 million a  
21                  year, towards preservation and expansion of  
22                  affordable housing. We're going to take that and  
23                  we're going to stuff that into the General Fund  
24                  to help pay for something because we're cutting  
25                  all these taxes.

1                   There's no Foundation Aid for  
2                   education, so I'm delighted that we're putting  
3                   money into education. But I have to question how  
4                   this resolution is doing it, because I hear that  
5                   school districts are desperate for Foundation Aid  
6                   and that there's court precedent for how we  
7                   should distribute our money. But that's not how  
8                   this budget does it.

9                   Actually, we don't really know how  
10                  this budget resolution does it because I still  
11                  haven't gotten an explanation of how the  
12                  education dollars would be distributed in runs,  
13                  because there's no runs attached to this  
14                  education money being put back in.

15                 As were highlighted by several of my  
16                 colleagues, there's no funds for the DREAM Act,  
17                 which would help ensure that children raised in  
18                 this state, living in this state, dreaming of  
19                 being taxpayers and someday citizens of this  
20                 state still won't have an ability or a fair shot  
21                 to go to our colleges, which harms us all.

22                 There was a nice section of the  
23                 Governor's bill that would strengthen the Public  
24                 Service Commission's ability to hold utilities  
25                 accountable for their failure to do right by

1 people during times of crisis, like after Sandy  
2 with LIPA. I have no idea why that section got  
3 removed from the Governor's budget. Because I'm  
4 a big believer in strengthening oversight and  
5 accountability for the utilities.

6           There's a lot of confusion about  
7 that minimum-wage proposal. Somebody just said  
8 they're proud there's minimum-wage language in  
9 this resolution. Well, I've read the  
10 minimum-wage resolution language. I don't even  
11 understand what it is. Something happens over  
12 three years, if people study it and decide they  
13 want to do that. But when I'm reading my  
14 smartphone while sitting here on the floor,  
15 Senator Skelos says he doesn't even agree with  
16 the language that went into the resolution.

17           So I don't think anybody is actually  
18 supporting a minimum-wage increase in this  
19 resolution. But I know I am, and I'm waiting to  
20 see a real one.

21           One of my colleagues said "Finally,  
22 something for unemployment benefits" and that  
23 she's proud that that's in there. Well, you  
24 know, when you read the proposal that the  
25 Governor made and how it's placed here in the

1 resolution, it actually risks lowering  
2 unemployment benefits or doing away with them for  
3 some of the lowest-wage workers and part-time  
4 workers. It takes to 2026 to see any significant  
5 increase in the incredibly low unemployment  
6 benefit payout for workers, \$5 a year -- \$5  
7 increase in the maximum per year.

8 Let's talk about our own pay. Let's  
9 talk about inflation. Let's talk about why we  
10 need a minimum-wage increase. I'm not sure you  
11 can really with a straight face say "great  
12 victory" when we lowered benefits for some people  
13 to guarantee an increase of \$5 per maximum  
14 benefit for others. That's not what I think is  
15 employment benefit reform.

16 There is no solution for the SUNY  
17 medical schools and particularly the SUNY  
18 Downstate Hospital in Brooklyn that so many of my  
19 colleagues talked about.

20 So we took gambling out. And I'm  
21 not saying I'm not happy that we took gambling  
22 out. But the one thing we left in about gambling  
23 is we're going to allow those under age 21 to  
24 play Quick Draw? I object. I really don't think  
25 we should be expanding gambling to those under

1 the age of 21. And since we took everything else  
2 about gaming out of the Governor's budget in this  
3 one-house resolution, I think we should have  
4 taken out the underage gambling as well.

5           There's some strange Article 7  
6 language. And I confess we didn't have that many  
7 hours to look at all this. And actually a couple  
8 of the bills we only saw about two hours before  
9 we came to the floor here today. But there's a  
10 strange Article 7 section, again, about the  
11 brownfields proposals. And I have to say I don't  
12 necessarily agree with my colleague's staff that  
13 this won't cost anything. I suspect that's  
14 exactly why this is in here, to give some  
15 significant new tax credits to perhaps some of  
16 the worst polluters of land in the state, and I  
17 worry about that.

18           I worry that there's complex  
19 Article 7 language about using the RGGI funds  
20 intended for clean energy, the tax credits that  
21 you trade back for not polluting that's supposed  
22 to go into clean energy. And there's some  
23 interesting and complex language there that  
24 appears to expand some good things but then allow  
25 it to be shifted into property tax reductions for

1 coal plants. I think everybody ought to take a  
2 serious look at that one before they vote yes.

3           There's also something about farm  
4 assessments. Now, I agree that there's a real  
5 problem with property taxes for farms. But if  
6 you cap the assessment at 2 percent instead of  
7 10 percent -- and that's how I read that  
8 Article 7 language -- you're basically saying to  
9 the localities with lots of farms: We're  
10 reducing your property tax revenue.

11           And I don't know about you, but I  
12 keep hearing that everybody is in a panic about  
13 reduced property tax revenue. We already capped  
14 at 2 percent the residential property tax. And  
15 if we go ahead and lower their tax revenue from  
16 farms and there are a lot of farms in their  
17 district -- I know, Mr. President, you have a lot  
18 of farms in your district. I would really want  
19 to look very carefully at the impact on my  
20 localities from that specific Article 7  
21 language.

22           Now, I don't actually have any farms  
23 in my district, so I probably won't get a lot of  
24 angry people about that one. But other people  
25 here might get some calls when the localities

1 learn they're getting even reduced property tax  
2 through that move.

3 Again, we delay the diesel emissions  
4 requirement. Well, I've been here since 2002.  
5 We passed a requirement to apply higher standards  
6 for diesel vehicle emissions soon after I got  
7 here. And what have we been doing ever since?  
8 We just keep delaying it.

9 So when you pass a good  
10 environmental law but then you just delay out  
11 forever ever implementing the law, don't pretend  
12 you really passed a good environmental law. So  
13 we do that again today.

14 There are so many reasons not to  
15 vote for this budget resolution. Not because  
16 there aren't some good things there. But it's  
17 one house. It has a life today that ends  
18 tomorrow. And for me, I'll sleep better at night  
19 knowing that I told my constituents why I had to  
20 vote no on this even though it's true and many of  
21 my colleagues stood up and talk about the good  
22 things that were in here.

23 We all want to do the good things.  
24 We also have a responsibility to do a balanced  
25 budget. And we also have a responsibility to not

1 do resolutions in dark of night and no time for  
2 the public or half the colleagues on this floor  
3 to really delve into it. And I suspect a bunch  
4 of my colleagues on the other side of the aisle  
5 didn't look through all that Article 7 language  
6 all that carefully either.

7 So I'm urging a no vote on this  
8 bill, Mr. President. Thank you.

9 ACTING PRESIDENT GRIFFO: Senator  
10 DeFrancisco.

11 SENATOR DeFRANCISCO: I'm just  
12 going to be very brief as everyone will give a  
13 sigh of relief. I'm not going to respond to  
14 every point. But I just want to say one thing.

15 Any bill from any house is going to  
16 have things in it that people don't agree with.  
17 I don't agree with everything in the bill. There  
18 were several things I wanted in that weren't in  
19 there.

20 However, this has been done in a  
21 bipartisan way. Many of the same questions and  
22 concerns at the budget hearings that I raised and  
23 other Republicans raised were raised by Democrats  
24 in the budget hearings as well. The same  
25 concerns that we had on the major issues were



1 mentioned during the budget hearings.

2           The point of the matter and the fact  
3 of the matter is the major issues, as were  
4 commented on by many of the speakers on both  
5 sides of the aisle, many good things are in this  
6 budget. I would just urge everybody, even though  
7 you don't like everything in the budget or  
8 something is omitted that you really wanted  
9 there, I think it gives us a better bargaining  
10 position, the final negotiations from here to the  
11 final budget, if we've got a bipartisan and a  
12 strong bipartisan "yes" vote on this resolution.

13           And I would urge everyone that they  
14 reconsider some of the drawbacks in the bill and  
15 try to look at the good things to give us more  
16 ability to get those in the final budget.

17           Thank you, Mr. President.

18           ACTING PRESIDENT GRIFFO: Thank  
19 you, Senator DeFrancisco.

20           Senator Klein.

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

23           I want to thank my colleague  
24 Co-President Dean Skelos for his cooperation  
25 during this very short time frame.

1                   Today, for the first time in modern  
2 history in the New York State Senate, we're  
3 voting on a budget resolution crafted by a  
4 bipartisan coalition of Democrats and  
5 Republicans.

6                   And I think of course this is our  
7 first round, now that we enter budget  
8 negotiations with the Governor and the Assembly.  
9 But I think what we're putting forth today is a  
10 smart, responsible and fair proposal.

11                  I just want to touch on some of the  
12 issues that are included in here that I think are  
13 extremely important. And I want to thank Senator  
14 Malcolm Smith and Senator Andrew Lanza, the two  
15 cochairs of the bipartisan Task Force on Sandy  
16 Recovery, and all the members that were involved,  
17 because I think we took a very important bold  
18 step in moving forward, in making sure that  
19 relief comes to those who were harmed during  
20 Superstorm Sandy. And I think we really have a  
21 roadmap in place to make sure we can protect the  
22 residents of the State of New York from future  
23 disasters.

24                  For the first time in memory in the  
25 Senate, we're creating an independent office of

1 risk management, something that could potentially  
2 save the taxpayers of the State of New York close  
3 to \$100 million a year by preparing for  
4 emergencies, by making sure we put in stopgap  
5 measures so the state doesn't constantly get  
6 sued, like they did last year to the tune of  
7 \$200 million. So I think that's going to be  
8 money well spent and certainly will pay for  
9 itself.

10 I also want to thank my borough  
11 president in the Bronx, Reuben Diaz, Jr., who put  
12 forth something that was very, very important, a  
13 gun crime database, something that will now post  
14 as part of the pistol database that will come  
15 into effect. So what we're doing here today is  
16 amending the Governor's proposal and expanding  
17 the database that was proposed in the SAFE Act to  
18 also include anyone who commits dangerous crimes  
19 using a gun. That's something that the borough  
20 president supported in his State of the Borough,  
21 it's something that I support, and I'm hopeful  
22 that we can actually include that in our final  
23 budget.

24 I also want to thank my colleague  
25 Senator David Carlucci for really being a leader

1 in restoring the \$100 million to the Office for  
2 People With Developmental Disabilities. This is  
3 something that is very important to I know all of  
4 us, both Democrat and Republican. Because I  
5 think we're sending a very simple message that we  
6 can't balance this budget on the backs of the  
7 mentally disabled.

8 We also have in this one-house  
9 budget resolution for the first time a teen  
10 health education program where we're going to  
11 address specific needs of teenagers around the  
12 State of New York like obesity, ovarian cancer.  
13 We're looking at things as far as diabetes that  
14 certainly hit inner-city kids. And I think the  
15 result will be healthier teens around the State  
16 of New York.

17 As Senator Carlucci mentioned,  
18 something that's very important and I think is  
19 quite historic is a veterans tax credit. We're  
20 going to provide a tax credit to every business  
21 who hires a returning veteran.

22 Presently the unemployment rate is  
23 high. But if you look at the numbers among  
24 veterans in New York State, unemployment among  
25 returning veterans from post-9/11 conflicts and

1 wars is close to 12 percent. We can do better.  
2 I think we should be sending a message to those  
3 men and women who are returning from overseas  
4 after defending their country that we should have  
5 a job waiting for them when they come back.

6 And I think by providing that  
7 incentive to businesses with a tax credit, we'll  
8 not only reduce unemployment but I think we'll  
9 make sure that our returning veterans have their  
10 rightful place in our society with a job.

11 Also as was said by my colleague  
12 Diane Savino, the chair of the Labor Committee,  
13 in this one-house resolution we make a commitment  
14 to look at increasing the minimum wage. That's  
15 something that I think is an issue of fairness.  
16 I also believe it's good business. Because when  
17 you give a minimum-wage worker a boost in their  
18 salary, they're going to spend it. And where are  
19 they going to spend it? They're going to spend  
20 it at local businesses. So we're going to boost  
21 our local economy.

22 So that's something that, moving  
23 forward, I hope we can achieve in our final  
24 budget plan.

25 I also want to say a special thank

1     you to the staff. They have worked very, very  
2     hard, both the IDC staff, the Democratic staff,  
3     as well as the Republican staff, in a very short  
4     time frame. I want to thank my chief of staff,  
5     John Emrick, and I know I also want to thank  
6     Robert Mujica, the Republicans' Finance director,  
7     and everyone involved, because I know there's too  
8     many to thank. But they did such a tremendous  
9     job under a very small time frame in making sure  
10    that we had this one-house resolution ready for  
11    today.

12                 So again, I want to thank my  
13    colleagues. And of course, Mr. President, I vote  
14    yes on this historic one-house budget resolution.

15                 ACTING PRESIDENT GRIFFO: Thank  
16    you, Senator Klein.

17                 To close debate tonight, the chair  
18    recognizes Senator Skelos.

19                 SENATOR SKELOS: Thank you very  
20    much, Mr. President.

21                 And I want too want to thank  
22    Senator Klein, co-leader, Senate Finance Chair  
23    John DeFrancisco, and all the staff that have  
24    worked diligently on bringing this budget  
25    resolution before us for a vote today.

1           Our budget is a responsible plan  
2     that controls spending, rejects new taxes, and  
3     makes job creation a priority. It eliminates the  
4     horrendous 18-a assessment, a job-killing  
5     surcharge that increases the cost of energy for  
6     businesses and consumers and holds New York back.

7           The budget includes elements of our  
8     Senate Republican Blueprint for Jobs to  
9     revitalize and rebuild our economy. We reduce  
10    the corporate franchise tax for manufacturers and  
11    eliminate it altogether over four years. To help  
12    middle-class families meet rising costs, we  
13    increase the dependent exemption from \$1,000 to  
14    \$2,020 per dependent; provide a new supplemental  
15    child tax credit of \$500 per family; and restore  
16    the STAR rebate checks for fixed-income seniors.

17          Our plan imposes a permanent state  
18    spending cap passed repeatedly in this house.  
19    Over the past two years, the state has saved over  
20    \$18.6 billion by sticking to a self-imposed  
21    2 percent cap. By making the cap permanent,  
22    New York will save \$11.2 billion over the next  
23    four years.

24          To help local governments, we  
25    accelerate the takeover of local Medicaid, saving

1 counties millions of dollars. That's real  
2 mandate relief. Our budget reaffirms the  
3 Senate's commitment to education by increasing  
4 state aid. We restore millions of dollars to  
5 critical women's health and wellness programs,  
6 including funding for rape crisis centers, the  
7 Adelphi University Breast Cancer Program, WIC and  
8 others. And we restore the cuts to the Office  
9 for People With Developmental Disabilities to  
10 ensure the state continues to protect the most  
11 vulnerable New Yorkers.

12 In the Senate we have taken a good  
13 budget and made it better. Working with the  
14 Governor and the Assembly, New York is on track  
15 to have its earliest budget in 30 years. Let's  
16 finish the job.

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

19 The question is on the resolution.  
20 All in favor signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (Response of "Nay.")

24 ACTING PRESIDENT GRIFFO: The  
25 resolution is adopted.



1                   SENATOR GIANARIS:    Show of hands,  
2   Mr. President.

3                   ACTING PRESIDENT GRIFFO:    A show of  
4   hands --

5                   SENATOR LIBOUS:    Excuse me,  
6   Mr. President.

7                   ACTING PRESIDENT GRIFFO:    Senator  
8   Libous.

9                   SENATOR LIBOUS:    We respect your  
10   enthusiasm. But this resolution is a little  
11   different, because it has fiscal implication. It  
12   is a roll call just like a fast roll call.

13                   So if members wish to vote no, all  
14   they need to do is raise their hand. So if we  
15   could --

16                   ACTING PRESIDENT GRIFFO:    Senator  
17   Libous, I was about to instruct, at the request  
18   of the call for a show of hands, that we so  
19   order. All those in the negative please raise  
20   your hand.

21                   (Members raised their hands.)

22                   ACTING PRESIDENT GRIFFO:    The  
23   Secretary will re-call the roll.

24                   (The Secretary called the roll.)

25                   ACTING PRESIDENT GRIFFO:    The

1 Secretary will announce the results.

2 THE SECRETARY: Those recorded in  
3 the negative are Senators Adams, Breslin, Dilan,  
4 Espaillat, Gianaris, Hassell-Thompson, Hoylman,  
5 Krueger, Montgomery, Parker, Peralta, Perkins,  
6 Rivera, Sampson, Sanders, Serrano, Squadron, and  
7 Stewart-Cousins.

8 Ayes, 45. Nays, 18.

9 ACTING PRESIDENT GRIFFO: The  
10 resolution is adopted.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President, has  
13 the desk received an announcement from the  
14 Assembly?

15 ACTING PRESIDENT GRIFFO: We have,  
16 and it is filed in the Journal Clerk's office.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, is  
19 there any further business at the desk?

20 ACTING PRESIDENT GRIFFO: There is  
21 no further business before the desk.

22 SENATOR LIBOUS: Mr. President, I  
23 do have a very important announcement. I know  
24 sometimes I say that and then we adjourn --

25 ACTING PRESIDENT GRIFFO: Could we

1 have some order, please.

2 SENATOR LIBOUS: -- but I do have  
3 an important announcement.

4 We expect that sometime hopefully  
5 within the hour that the General Conference  
6 Committee will convene this evening. I can't  
7 give you a time, but we expect that the General  
8 Conference Committee will convene hopefully  
9 within the hour. So that's a bit of  
10 information. Do with it as you please.

11 And there being no further business  
12 before the Senate this evening, I move that we  
13 adjourn until Tuesday, March 12th, at 3:00 p.m.

14 ACTING PRESIDENT GRIFFO: On  
15 motion, the Senate stands adjourned until  
16 Tuesday, March 12th, at 3:00 p.m.

17 (Whereupon, at 5:24 p.m., the Senate  
18 adjourned.)  
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